

REFERENCE TITLE: marriage license fees; domestic violence

State of Arizona
Senate
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2007

SB 1469

Introduced by
Senators Aboud: McCune Davis, Pesquiera; Representatives Ableser,
Kirkpatrick, Meza

AN ACT

AMENDING SECTIONS 12-284, 12-284.03 AND 36-3002, ARIZONA REVISED STATUTES;
RELATING TO COURT FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
 2 Section 1. Section 12-284, Arizona Revised Statutes, is amended to
 3 read:

4 12-284. Fees

5 A. Except as otherwise provided by law, the clerk of the superior
 6 court shall receive fees classified as follows:

7 Class	Description	Fee
8 A	Initial case filing fee	
9	Tax case	\$115.00
10	Filing complaint or petition	115.00
11	Filing intervenor	115.00
12	Additional plaintiffs	115.00
13	Filing foreign judgment	115.00
14	Ownership of real property becomes an issue plaintiff	115.00
15	Appellant	
16	(except under sections 12-1809 and 13-3602)	115.00
17	Change of venue to this county	115.00
18	Petition for change of name	115.00
19	Filing a process server application	115.00
20 B	Subsequent case filing fee	
21	Filing answer or initial appearance	\$ 61.00
22	Additional defendants	61.00
23	Notice of appeal to appellate courts	
24	(except under section 12-2107)	61.00
25	Cross-appeal by appellee (except under section 12-2107)	61.00
26	Ownership of real property becomes an issue defendant	61.00
27	Jurisdiction exceeded appellee	
28	(within 20 days of filing)	61.00
29	Response to show cause that does one or more	
30	of the following:	
31	1. Requests affirmative relief or	
32	counterrelief	
33	2. Attacks the sufficiency of process or the	
34	proceedings	
35	3. Takes other affirmative action	61.00
36 C	Initial case filing fee	
37	Filing petition for annulment	\$ 91.00
38	Filing for dissolution/legal separation petition	91.00
39	Petition in formal testacy or appointment	
40	proceeding	91.00
41	Application for informal probate or informal	
42	appointment	91.00
43	Petition for supervised administration petition	
44	to appoint guardian	91.00

1	Petition to appoint conservator or make other	
2	protective order	91.00
3	Opposing petition in testacy or appointment	
4	proceedings or appointment of guardian or	
5	conservator	91.00
6	Single estate application or petition under	
7	title 14, chapter 3, section 14-3938	91.00
8	Domestic relations case for which a fee is not	
9	specifically prescribed	91.00
10	D Subsequent case filing fee	
11	Filing answer to annulment	\$ 46.00
12	Filing for dissolution/legal separation answer	46.00
13	Any person opposing contested petition if no	
14	prior payment made	46.00
15	Postadjudication petitions in	
16	domestic relations cases	46.00
17	Postjudgment activities in probate cases	46.00
18	E Minimum clerk fee	
19	Filing power of attorney	\$ 18.00
20	Change of venue to another county transmittal	
21	fee	18.00
22	Change of venue to another county pursuant to	
23	section 12-404 transmittal fee	18.00
24	Filing transcript and docketing judgment from	
25	any courts	18.00
26	Issuance of writs of: attachment, execution,	
27	possession, restitution, prohibition and	
28	enforcement of order of judgment-garnishment	18.00
29	Certified copy or abstract of marriage	
30	application or license	18.00
31	Filing oath and bond of notary public	18.00
32	Certificate of correctness of copy of record	18.00
33	Justice of peace certificate	18.00
34	Notary public certificate	18.00
35	Each certificate of clerk to any matter in	
36	clerk's record not specifically provided	18.00
37	Filing any paper or performing any act for which	
38	a fee is not specifically prescribed	18.00
39	Subpoena - (civil)	18.00
40	Research in locating a document (per year or	
41	source researched)	18.00
42	Exemplification (per certification)	18.00
43	Authentication (per certification)	18.00
44	Seal a court file	18.00
45	Reopen a sealed court file	18.00

1	Retrieve bank records	18.00
2	Reel of film alpha index per year (plus per page	
3	fee below)	18.00
4	Payment history report	18.00
5	Certification under one document certification	18.00
6	Civil traffic appeal	18.00
7	F Per page fee	
8	Making copies (on appeal and on request)	
9	per page	\$.50
10	Making extra copies per page	.50
11	Making photographic or photostatic copies	
12	per page	.50
13	Comparison fee of papers furnished by applicant	
14	per page	.50
15	Alpha index per page	.50
16	G Special fees	
17	Small claim tax case	\$ 15.00
18	Marriage license and return of a	
19	marriage license	50.00
20	Postage and handling	5.00
21	Notary services	5.00
22	Stop payment on check	10.00

23 B. The clerk of the superior court shall receive the fees prescribed
 24 in subsection A of this section for the following services:

25 1. Making copies of papers and records required to be made by the
 26 clerk on appeal, and copies of papers and records in the clerk's office made
 27 on request in other cases, for each legal size page of original.

28 2. Making extra copies of the papers and records mentioned in
 29 paragraph 1 of this subsection, required or requested for each page of copy
 30 of such papers and records.

31 3. In a clerk's office, in which a photographic or photostatic method
 32 of recording is used or is available for use in cooperation with other public
 33 offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection
 34 for each page of copy or fraction of a page of copy. Portions of several
 35 pages of records may be combined in one page of copy. The clerk may prepare
 36 an abstract of marriage in lieu of a reproduction of the recorded marriage
 37 license. The ~~fee~~ CLERK'S FEES shall apply to matters whether recorded in
 38 such office by longhand, typing, electronic, photographic or photostatic
 39 methods. The fees for copies are exclusive of the fees for certification or
 40 authentication.

41 4. Issuing a certificate as to official capacity of a notary public or
 42 justice of the peace and affixing a seal to the certificate.

1 5. Each subpoena issued in a civil proceeding or filing any paper or
2 performing any act for which a fee is not specifically prescribed by law, but
3 the clerk shall not charge for the clerk's services in administering the oath
4 in connection with any affidavit, petition, letters or other pleading or
5 document which, after administration of the oath therefor, is promptly filed
6 by the clerk and becomes a part of a case or matter of record in the office
7 of the clerk.

8 C. In addition to the fees required by subsection A of this section,
9 the clerk shall charge and collect a surcharge of fifteen dollars for each
10 filing of a postadjudication petition in a domestic relations case for which
11 a fee presently is charged under class D in subsection A of this
12 section. The surcharge shall be used exclusively to fund domestic relations
13 education and mediation programs established pursuant to section
14 25-413. Each month the clerk shall transmit the monies the clerk collects
15 pursuant to this subsection to the county treasurer for deposit in the
16 domestic relations education and mediation fund established by section
17 25-413.

18 D. Excluding the monies that are collected pursuant to subsection C of
19 this section, each month the clerk shall transmit seventy-five per cent of
20 the monies collected for subsequent case filing fees for postadjudication
21 petitions in domestic relations cases under class D in subsection A of this
22 section to the county treasurer for deposit in the expedited child support
23 and parenting time fund established pursuant to section 25-412. The
24 remaining twenty-five per cent of the monies collected pursuant to this
25 subsection shall be distributed pursuant to section 12-284.03.

26 E. At the commencement of each action for annulment, dissolution of
27 marriage, legal separation, maternity or paternity, the petitioner shall pay
28 to the clerk of the court the initial case filing fee for the action provided
29 in subsection A of this section. At the time of filing a response, the
30 respondent shall pay to the clerk of the court the subsequent case filing fee
31 for the action provided in subsection A of this section. In each county
32 where the superior court has established a conciliation court, the petitioner
33 and respondent shall each pay to the clerk a sixty-five dollar fee. The
34 monies from the additional fee shall be used to carry out the purposes of the
35 conciliation court pursuant to title 25, chapter 3, article 7.

36 F. In garnishment matters:

37 1. A fee shall not be charged for filing an affidavit seeking only the
38 release of exempt wages.

39 2. A fee shall not be charged for filing a garnishee's answer, for
40 filing a judgment against the garnishee or for the issuance or return of
41 process incident to such a judgment.

42 3. For any contest relating to or any controversion of a garnishment
43 matter, unless the contesting party has paid an appearance fee in that cause,
44 the required appearance fee shall be paid, except that the garnishee shall
45 not pay a clerk's fee.

1 G. A person who is cited to appear and defend an order to show cause
2 shall not be charged an appearance fee. The person may stipulate to or
3 consent to the entry of an order without the payment of an appearance
4 fee. An appearance fee shall be paid if the person is present in person or
5 by an attorney and does one or more of the following:

- 6 1. Requests affirmative relief or counterrelief.
- 7 2. Attacks the sufficiency of process or the proceedings.
- 8 3. Takes other affirmative action.

9 H. A petitioner shall not be charged a fee for requesting an order of
10 protection pursuant to section 13-3602 or an injunction against harassment
11 pursuant to section 12-1809. A defendant shall not be charged an answer fee
12 in an order of protection action if the defendant requests a hearing pursuant
13 to section 13-3602, subsection I or in an injunction against harassment
14 action if the defendant requests a hearing pursuant to section 12-1809,
15 subsection H.

16 I. A person who files a registrar's order pursuant to section
17 32-1166.06 shall not be charged a fee.

18 J. The clerk of the court shall charge and collect a forty-six dollar
19 filing fee for a petition for emancipation of a minor filed pursuant to
20 chapter 15 of this title. Each month the clerk shall transmit the monies the
21 clerk collects pursuant to this subsection to the county treasurer for
22 deposit in the emancipation administrative costs fund established by section
23 12-2456.

24 K. IN ADDITION TO THE FEES REQUIRED BY SUBSECTION A OF THIS SECTION,
25 THE CLERK SHALL CHARGE AND COLLECT A SURCHARGE OF _____ DOLLARS FOR EACH
26 FILING OF A CERTIFIED COPY OR ABSTRACT OF MARRIAGE APPLICATION OR LICENSE FOR
27 WHICH THE FEE PRESENTLY IS CHARGED UNDER CLASS E IN SUBSECTION A OF THIS
28 SECTION. THE SURCHARGE SHALL BE USED TO PROVIDE FUNDING FOR DOMESTIC
29 VIOLENCE SHELTERS PURSUANT TO SECTION 36-3002. EACH MONTH THE CLERK SHALL
30 TRANSMIT THE MONIES THE CLERK COLLECTS PURSUANT TO THIS SUBSECTION TO THE
31 STATE TREASURER FOR DEPOSIT IN THE DOMESTIC VIOLENCE SHELTER FUND ESTABLISHED
32 BY SECTION 36-3002.

33 ~~K~~. L. Except for monies that are collected pursuant to subsections C,
34 D, E, ~~and~~ J AND K of this section, the clerk of the superior court shall
35 transmit monthly to the county treasurer all monies collected pursuant to
36 this section for distribution or deposit pursuant to section 12-284.03.

37 Sec. 2. Section 12-284.03, Arizona Revised Statutes, is amended to
38 read:

39 12-284.03. Distribution of fees

40 A. Excluding the monies that are kept by the court pursuant to
41 subsection B of this section, the county treasurer shall transmit, distribute
42 or deposit all monies received from the clerk of the superior court pursuant
43 to section 12-284, subsection ~~K~~ L as follows:

1 1. 1.31 per cent to the state treasurer for deposit in the drug and
2 gang enforcement account established by section 41-2402 for the purposes of
3 section 41-2402, subsection H.

4 2. 8.87 per cent to the state treasurer for deposit in the domestic
5 violence shelter fund established by section 36-3002.

6 3. 1.93 per cent to the state treasurer for deposit in the child abuse
7 prevention fund established by section 8-550.01.

8 4. In the county law library fund established by section 12-305,
9 either:

10 (a) 7.62 per cent if the county treasurer is serving in a county with
11 a population of more than five hundred thousand persons according to the most
12 recent United States decennial census.

13 (b) 15.30 per cent if the county treasurer is serving in a county with
14 a population of five hundred thousand persons or less according to the most
15 recent United States decennial census.

16 5. 0.35 per cent to the state treasurer for deposit in the alternative
17 dispute resolution fund established by section 12-135.

18 6. To the elected officials' retirement plan fund established by
19 section 38-802, either of the following percentages, which shall be
20 distributed to the fund pursuant to section 38-810:

21 (a) 23.79 per cent if the county treasurer is serving in a county with
22 a population of more than five hundred thousand persons according to the most
23 recent United States decennial census.

24 (b) 15.30 per cent if the county treasurer is serving in a county with
25 a population of five hundred thousand persons or less according to the most
26 recent United States decennial census.

27 7. 17.07 per cent to the state treasurer for deposit in the judicial
28 collection enhancement fund established by section 12-113.

29 8. 0.26 per cent to the state treasurer for deposit in the
30 confidential intermediary and fiduciary fund established by section 8-135.

31 9. In the county general fund, the following percentages:

32 (a) 31.29 per cent if the county treasurer is serving in a county with
33 a population of more than five hundred thousand persons according to the most
34 recent United States decennial census.

35 (b) 32.10 per cent if the county treasurer is serving in a county with
36 a population of five hundred thousand persons or less according to the most
37 recent United States decennial census.

38 B. 7.51 per cent of the monies transmitted, distributed or deposited
39 pursuant to subsection A of this section shall be kept and used by the court
40 collecting the fees in the same manner as the seven dollars of the time
41 payment fee prescribed by section 12-116, subsection B.

42 Sec. 3. Section 36-3002, Arizona Revised Statutes, is amended to read:
43 36-3002. Domestic violence shelter fund; purpose

44 A. The domestic violence shelter fund is established consisting of
45 monies received pursuant to section 12-284, SUBSECTION K AND SECTION

1 12-284.03, **SUBSECTION A**, paragraph 2. The program administrator shall
2 administer the fund for the purposes prescribed in this section.

3 B. The department of economic security, after full consultation with a
4 statewide coalition against domestic violence, shall establish program
5 priorities for the fund. Subject to legislative appropriation, the
6 department shall expend monies in the fund to provide financial assistance to
7 shelters for victims of domestic violence through contracts for shelter
8 services.

9 C. Monies in the fund do not revert to the state general fund.