

## Checklist for Fee Waiver

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- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self Help Center. See <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
  - Attach a copy of any document referred to in the form.
    - Keep a copy of all documents for your records.
      - Attend all court hearings.
    - Some forms may not apply in your case.
  - Check with your court about local requirements.

### (1) Motion to Waive Fees

- Print your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Paragraph (1): Check the correct boxes for the fees that you want the court to waive.
- Paragraph (2): Paragraph (2) is required. Make sure that it is true before signing the motion.
- Paragraph (3): You must attach the financial affidavit with this motion.
- Date and sign the form.
- Attach the financial affidavit and proposed order to the motion.
- You do not need to serve the motion and attachments on the other parties.
- File the motion and attachments with the judicial services representative.

### (2) Financial Affidavit Supporting Motion to Waive Fees

- Print your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Complete the entire form, describing your assets, obligations, income, expenses and credit in detail.

- Paragraph (1): If you are unemployed, check the box and explain why. If you are employed, complete the information about your employer. If you have more than one employer, complete the information for each.
- Paragraph (2) Print the required information about your dependents.
- Paragraph (3): If you do not have any income, explain why. Otherwise, print the gross monthly amount you receive from each source of income that applies to you. Gross income means the amount you are paid before any deductions are taken from your pay. For income amounts that change from month to month, calculate the annual total and divide by 12 months to list a monthly amount. Leave blank any items that do not apply to you. Use the "other" line to disclose sources of income that are not listed and describe briefly that type of income. Add the amounts and print your total gross monthly income.
- Paragraph (4): Print the amount of your monthly tax deductions according to the type of deduction. These are deductions required by law and which you do not make voluntarily. There may be other funds withheld automatically from your paycheck that you will report in Paragraph (6), Monthly Expenses. Add the amounts and print your total monthly deductions.
- Paragraph (5): Print the total gross monthly income amount listed in Paragraph (3) and the total monthly tax deductions amount listed in Paragraph (4). Then subtract the amount in Paragraph (4) from the amount in Paragraph (3) Print the answer under "Disposable Monthly Income."
- Paragraph (6): Print the amount for monthly expenses that you have and leave blank any expenses that you do not have. If the expense varies from month to month, calculate the annual total and divide by 12 months and print the monthly amount. Add the items listed and print the a total monthly amount.
- Paragraph (7): Complete this paragraph if you own any financial assets like a bank account or stocks, bonds or a money market account.
  - Print the name and address of the institution holding the asset, like the name and address of the bank where your money is. Print the names on the account if you own it with someone else. Print the current value of the account.
  - If money is owed to you, print the amount owed.
  - If you have cash, print the amount you have.
  - Report and describe any other money asset you might own.
- Paragraph (8): Complete this paragraph if you own real property (for example, a house or land). Print the address of the house you own, whose name(s) are on the title, the amount you paid for the house, and the current value of the house. If there are mortgages, you must list them, the amount owed to the mortgagor, and the amount of monthly payments you make on the mortgage.
- Paragraph (9): Complete this paragraph if you own personal property like motor vehicles including cars, trucks, motorcycles, boats, trailers, or major equipment like a tractor. If there are loans secured by the property or liens on the property,

list them. If there are no loans or liens on the property item, then leave the “Lien Holder” section blank. Print whose name(s) are on the title. Print the current value, any amount you owe on a loan, and the monthly payments on the loan.

- Paragraph (10): Complete this paragraph if you own any credit cards. Print the type of card, such as Visa, Mastercard, Discover or American Express, the name of the bank that issued the card, the credit limit on the card, and the amount of credit that remains available.
- Paragraph (11): Report any debts you owe to others. Include amounts you owe on credit cards and on any loans that you did not list in paragraphs (8) and (9). Identify the creditor (the person or company you owe the money to), the purpose of the debt (for example, emergency medical expenses for your child), who is responsible for the debt, the amount owed, and the amount of monthly payments you make. If you make payment amounts that change from month to month, calculate the annual total and divide by 12 months to list a monthly amount.
- Paragraph (12): If there is any other information about your ability to pay the fees that you want the judge to consider, include it here.
- Date and sign the form in front of a notary public or judicial services representative.
- Attach the affidavit to the motion.

### **(3) Proposed Order on Motion to Waive Fees**

- Complete the heading exactly as it appears in the Complaint/Petition.
- Do not complete the rest of the form. The judge will do this.
- Attach the proposed order to the motion.
- Serve the order on the other parties after the judge has ruled on the motion.

### **(4) Memorandum Demonstrating Inability to Pay Fees**

- Do not file this form unless there has been a change of circumstances after the judge has ordered you to pay the fees.
- Print your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Check the boxes that show why you cannot pay the fees ordered by the court.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and attachments on the other party.
- File the form and attachments with the judicial services representative.

**(5) Duty to report changes**

- If the judge orders that fees be waived, you must inform the court of changes in your financial circumstances that might affect the order.