FEE DEFERRALS and FEE WAIVERS in CIVIL CASES

Oregon law requires that you pay fees to use the court system. You must pay a fee to file most lawsuits. You must also pay a fee to notify the court that you disagree with a lawsuit filed by someone else. Lawsuits include: civil, small claims, evictions, name changes, family law matters and other case types.

What is the difference between a Fee Deferral and a Fee Waiver?

A **Fee Deferral** is issued when the court decides:

- you can afford to pay *some* of the court fees or
- you can use the court system *temporarily* without paying fees. Decisions about repayment will be made later in the case or included in the final court paperwork.

Sometimes people issued Fee Deferrals must pay a portion of the fees when filing a case or responding to a lawsuit.

A **Fee Waiver** is issued when the court decides you do not have enough money to afford any court fees. People with fee waivers can use the court system without paying any fees. The final court papers do not include any order for payment. Only a few people qualify for fee waivers.

How Can I Apply for a Fee Deferral/Fee Waiver?

- Print out the Application & Declaration for Deferral or Wavier of Fees form;
- Read the Instructions for Fee Deferral or Waiver Application & Declaration and complete the form;
- In order for the clerk to make a decision regarding your application, you **must** show proof of income AND monthly bills for the **past two months.** Proof of income would include a paystub or printout of a monthly retirement or investment payment you received. Proof of monthly bills would include your rent payment (e.g., a copy of a check clearly showing rent payment) and a copy of your utility bills.
- If you receive public assistance, you **must** show proof of the amount you received from all programs for the **past two months**. Proof of public assistance would include a statement showing the monthly amount you have received for: food stamps (SNAP), supplemental security income (SSI), temporary assistance to needy families (TANF) or the Oregon Health Plan (OHP).
- Along with your two months proof, bring the completed Application & Declaration for Deferral or Waiver of Fees form to the court location where you will be filing your paperwork;

Who Decides if I can get a Fee Deferral/Fee Waiver?

Court staff make the first decision about this. Using your proof(s) of income and your monthly bills **OR** your proof of public assistance AND financial guidelines set by the Oregon Chief Justice. These guidelines are similar to those used by government public assistance programs. If you disagree with the decision made by court staff, you can have a Judge review your situation. This step will require a personal appearance before the Judge, usually at either 8:30 a.m. or 1:30 p.m.

Will the income of people I live with affect my getting a Fee Waiver or Deferral?

It depends. When filling out the request for a fee waiver or deferral, you must provide information about yourself and all other persons in your household. This means you should include income from people you live with and who depend on you (or whom you depend on). Income from people who live in the same place, but aren't responsible for you (or you for them) should not affect your request. Usually, people in your "household" for food stamps rules will be considered part of your household for court cost decisions.

If I already have a Fee Waiver or Fee Deferral in one court case, can I use that same order if I have a second court case?

No. You will need to make a new application (request) in the second case. It doesn't matter if the first case is still open or has closed.

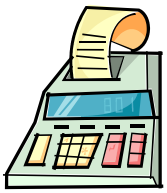
The Judge ordered me to make payments while my case proceeds. How do I do that?

You can make payments at the courthouse in Room 103 or at the cashier's window in Room 210. The Court accepts cash, checks, money orders, and credit cards. Have your case number handy when you come in. If you want to mail a check or money order, make the check payable to "State of Oregon" and include your case number on the check so it can be posted correctly. Do not send cash through the mail. Address the envelope to: Multnomah County Circuit Court
1021 SW 4th Avenue, Room 210
Portland, Oregon 97204.

Credit card payments can be made in person or by phone. Call 503/988-4997 or 503/988-6279 option #4. Again, have your case number handy.

What happens about fees at the end of my case?

The decision about fees may be looked at again because new or more complete information is available. **An order *waiving* fees granted at the beginning of the case could be changed at the end of the case to an order imposing fees. An order *deferring* fees at the beginning of the case could be changed to an order waiving fees or imposing fees.** You can request that the Judge take a "second-look" at the fee order at the end of the case by filling out court paperwork that provides recent information. ***If you do not request a "second-look at the end of the case, an order that defers fees will very likely result in a judgment (a legal debt) to pay the State the deferred fees.***



- If the Judge *waives* all the remaining fees at the time your case is over, you will owe nothing at that point.
- If the Judge decides that you must *pay some or all of the deferred (postponed) fees*, the final court papers will include a "judgment" (a legal debt) in that amount set by the Judge. You will owe the money to the State of Oregon. If you do not pay this judgment within 30 days of the order being entered in the court's records, the law imposes an extra fee:
  - If the amount owed is less than or equal to $149.99, the extra fee is $50
  - If the amount owed is at least $150 but not more than $399.99, the extra fee is $125
  - If the amount owed is at least $400, the extra fee is $200.

Making payments by the 30 day deadline to get the fees owed within the $149.99 cap or within the $399.99 cap can save you money by reducing the extra charge. People who do not pay their court fees may have their state income tax refunds seized or reduced, or face other collection remedies. Additional fees can be imposed at this stage, including an additional 28% of the balance owed.

Will I be ordered to pay the other side's fees?

It depends. In some situations, the Court has the power to order this and may find it appropriate. In other cases, it may not be allowed or it may not be appropriate. If the person filing the lawsuit (the plaintiff) is asking that the other party (the defendant) pay the plaintiff's court fees, then the initial filing in the case will probably include this request.

Does getting a fee waiver or fee deferral in this county mean that the Sheriff won't charge to serve my court papers on the other side?

All Oregon sheriffs will honor fee waiver and fee deferral orders from an Oregon judge, with just a few case-types excepted. You may have to provide the Sheriff with a copy of your waiver or deferral. Sheriffs in other states, however, may not honor Oregon fee waiver and deferral orders. You may have to pay a service fee to a sheriff in another state who is serving a party outside of Oregon.