

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

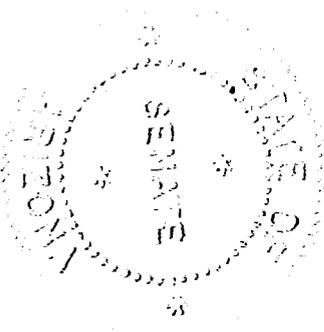
CHAPTER 309

HOUSE BILL 2329

AN ACT

AMENDING SECTIONS 8-127, 12-284, 22-281 AND 22-404, 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 8-127, Arizona Revised Statutes, is amended to
3 read:

4 8-127. Services of county attorney; exception

5 A. The county attorney of the county in which the prospective adoptive
6 parent resides, or, if applicable, the county where the child is a ward of
7 the court, on application of the person or persons seeking adoption, shall
8 prepare the adoption petition and act as attorney without expense to the
9 prospective adoptive parent. If an adoption is made through an adoption
10 agency licensed pursuant to this title, the agency shall prepare the petition
11 for adoption and shall submit it to the county attorney. If the petition is
12 contested the county attorney, with the consent of the court, may withdraw
13 from further representation of any party to the proceeding and the
14 prospective adoptive parent shall employ counsel. ~~A filing fee established~~
15 ~~pursuant to section 12-284 shall be paid to the clerk of the court in~~
16 ~~adoption proceedings. Any person contesting any adoption proceeding shall~~
17 ~~pay a fee established pursuant to section 12-284 to the clerk of the court.~~

18 B. Notwithstanding the provisions of subsection A of this section, the
19 county attorney:

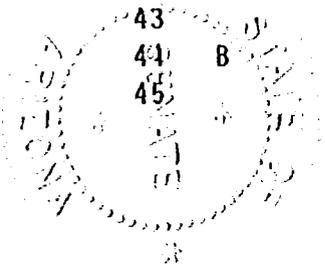
20 1. Shall not prepare a petition or act as the attorney for a
21 prospective adoptive parent seeking adoption pursuant to title 14, chapter
22 8.

23 2. Is not required to act as an attorney for the prospective adoptive
24 parent concerning the enforcement or modification of an agreement entered
25 into pursuant to section 8-116.01.

26 Sec. 2. Section 12-284, Arizona Revised Statutes, is amended to read:
27 12-284. Fees

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

30 Class	Description	Fee
31 A	Initial case filing fee	
32	Tax case	\$115.00
33	Filing complaint or petition	115.00
34	Filing intervenor	115.00
35	Additional plaintiffs	115.00
36	Filing foreign judgment	115.00
37	Ownership of real property becomes an issue	
38	Plaintiff	115.00
39	Appellant (except under section 12-2107 SECTIONS	
40	12-1809 AND 13-3602)	115.00
41	Change of venue to this county	115.00
42	Petition for change of name	115.00
43	Filing a process server application	115.00
44 B	Subsequent case filing fee	
45	Filing answer or initial appearance	\$ 61.00



1	Additional defendants	61.00
2	Notice of appeal to appellate courts (EXCEPT UNDER	
3	SECTION 12-2107)	61.00
4	Cross-appeal by appellee (except under section 12-2107)	61.00
5	Ownership of real property becomes an issue	
6	Defendant	61.00
7	Jurisdiction exceeded appellee	
8	(within 20 days of filing)	61.00
9	Response to show cause which does one or more of	
10	the following:	
11	1. Request affirmative or counterrelief	
12	2. Attacks process of proceedings	
13	3. Takes other affirmative action	61.00
14	C Initial case filing fee	
15	Filing petition for annulment	\$ 91.00
16	Filing for dissolution/legal separation petition	91.00
17	Petition in formal testacy or appointment	
18	proceeding	91.00
19	Application for informal probate or informal	
20	appointment	91.00
21	Petition for supervised administration petition	
22	to appoint guardian	91.00
23	Petition to appoint conservator or make other	
24	protective order	91.00
25	Opposing petition in testacy or appointment	
26	proceedings or appointment of guardian or	
27	conservator	91.00
28	Single estate application or petition under	
29	title 14, chapter 3, section 14-3938	91.00
30	Domestic relations case for which a fee is not	
31	specifically prescribed	91.00
32	D Subsequent case filing fee	
33	Filing answer to annulment	\$ 46.00
34	Filing for dissolution/legal separation answer	46.00
35	Any person opposing contested petition if no	
36	prior payment made	46.00
37	Post-adjudication POSTADJUDICATION petitions in domestic	
38	relations cases	46.00
39	Post-judgment POSTJUDGMENT activities in probate cases	46.00
40	E Minimum clerk fee	
41	Filing power of attorney	\$ 18.00
42	Change of venue to another county transmittal	
43	fee	18.00
44	Change of venue to another county on section	
45	12-104, transmittal fee	18.00

1	Filing transcript and docketing judgment from	
2	any courts	18.00
3	Issuance of writs of: attachment, execution,	
4	possession, restitution, prohibition and	
5	enforcement of order of judgment-garnishment	18.00
6	Certified copy or abstract of marriage	
7	application or license	18.00
8	Filing oath and bond of notary public	18.00
9	Certificate of correctness of copy of record	18.00
10	Justice of peace certificate	18.00
11	Notary public certificate	18.00
12	Each certificate of clerk to any matter in	
13	clerk's record not specifically provided	18.00
14	Filing any paper or performing any act for which	
15	a fee is not specifically prescribed	18.00
16	Subpoena - (civil)	18.00
17	Research in locating a document (per year or	
18	source researched)	18.00
19	Exemplification (per certification)	18.00
20	Authentication (per certification)	18.00
21	Seal a court file	18.00
22	Reopen a sealed court file	18.00
23	Retrieve bank records	18.00
24	Reel of film alpha index per year (plus per page	
25	fee below)	18.00
26	Payment history report	18.00
27	Certification under one document certification	18.00
28	Civil traffic appeal	18.00
29	F Per page fee	
30	Making copies (on appeal and on request)	
31	per page	\$.50
32	Making extra copies per page	.50
33	Making photographic or photostatic copies	
34	per page	.50
35	Comparison fee of papers furnished by applicant	
36	per page	.50
37	Alpha index per page	.50
38	G Special fees	
39	Filing adoption case	\$ 30.00
40	Contested adoption	15.00
41	Small claim tax case	\$ 15.00
42	Marriage license and return hereof	50.00
43	Postage and handling	5.00
44	Notary services	5.00
45	Stop payment on check	10.00

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

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

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

9 3. In a clerk's office, in which a photographic or photostatic method
10 of recording is used or is available for use in cooperation with other public
11 offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection
12 for each page of copy or fraction of a page of copy. Portions of several
13 pages of records may be combined in one page of copy. The clerk may prepare
14 an abstract of marriage in lieu of a reproduction of the recorded marriage
15 license. The fee shall apply to matters whether recorded in such office by
16 longhand, typing, electronic, photographic or photostatic methods. The fees
17 for copies are exclusive of the fees for certification or authentication.

18 4. Issuing a certificate as to official capacity of a notary public
19 or justice of the peace and affixing a seal thereto.

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

27 C. In addition to the fees required by subsection A of this section,
28 the clerk shall charge and collect a surcharge of fifteen dollars for each
29 filing of a ~~post-adjudication~~ POSTADJUDICATION petition in a domestic
30 relations case for which a fee presently is charged under class D in
31 subsection A of this section. The surcharge shall be used exclusively to
32 fund domestic relations education and mediation programs established pursuant
33 to section 25-413. Each month the clerk shall transmit the monies the clerk
34 collects pursuant to this subsection to the county treasurer for deposit in
35 the domestic relations education and mediation fund established by section
36 25-413.

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

1 E. At the commencement of each action for annulment, for dissolution
2 of marriage or for legal separation, the petitioner shall pay to the clerk
3 of the court the initial case filing fee for the action provided in
4 subsection A of this section. At the time of filing a response, the
5 respondent shall pay to the clerk of the court the subsequent case filing fee
6 for the action provided in subsection A of this section. In each county
7 where the superior court has established a conciliation court, the petitioner
8 and respondent shall each pay to the clerk a sixty-five dollar fee. The
9 monies from the additional fee shall be used to carry out the purposes of the
10 conciliation court pursuant to title 25, chapter 3, article 7.

11 F. In garnishment matters:

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

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

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

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

26 1. Requests affirmative relief or counterrelief.

27 2. Attacks the sufficiency of process or the proceedings.

28 3. Takes other affirmative action.

29 H. A petitioner shall not be charged a fee for requesting an order of
30 protection pursuant to section 13-3602 or an injunction against harassment
31 pursuant to section 12-1809. A defendant shall not be charged an answer fee
32 in an order of protection action if the defendant requests a hearing pursuant
33 to section 13-3602, subsection I or in an injunction against harassment
34 action if the defendant requests a hearing pursuant to section 12-1809,
35 subsection H.

36 I. A person who files a registrar's order pursuant to section
37 32-1166.06 shall not be charged a fee.

38 J. Except for monies that are collected pursuant to subsections C, D
39 and E of this section, the clerk of the superior court shall transmit monthly
40 to the county treasurer all monies collected pursuant to this section for
41 distribution or deposit pursuant to section 12-284.03.

42 Sec. 3. Section 22-281, Arizona Revised Statutes, is amended to read:

43 22-281. Fees and deposits

44 A. Justices of the peace shall receive fees established and classified
45 as follows in civil actions:

1	Class	Description	Fee
2	A	Initial case filing fee	
3		Civil filing fees	\$ 45.00
4	B	Subsequent case filing fee	
5		Civil filing fees - defendant	\$ 24.00
6	C	Initial case filing fee	
7		Forcible entry and detainer filings	\$ 21.00
8		Small claims filing	16.00
9	D	Subsequent case filing fee	
10		Small claims answer	\$ 9.00
11		Forcible entry and detainer filings - defendant	11.00
12	E	Minimum clerk fee	
13		Document and transcript transfer on appeal	\$ 17.00
14		Certification of any documents	17.00
15		Issuance of writs	17.00
16		Filing any paper or performing any act for	
17		which a fee is not specifically prescribed	17.00
18		filing power of attorney	17.00
19		Certificate of correctness of copy of record	17.00
20		Each certificate of clerk to any matter	17.00
21		Subpoena (civil)	17.00
22		Research in locating a document	17.00
23		Exemplification	17.00
24		Seal a court file	17.00
25		Reopen a sealed court file	17.00
26		Retrieve bank records	17.00
27		Payment history report	17.00
28		Audiotape copy RECORD DUPLICATION	17.00
29	F	Per page fee	
30		Copies of any documents per page	\$ 0.50
31	G	Special fees	
32		Notary services	\$ 4.00
33		Small claims service by mail	3.00

34 B. This section does not deprive the parties to the action of the
 35 privilege of depositing amounts with the justice, in addition to those set
 36 forth in this section, for use in connection with THE payment of constable's
 37 and sheriff's fees for service of process, levying of writs, and other
 38 services for which fees are otherwise provided by law.

39 C. Excluding the monies that are kept by the court pursuant to
 40 subsection D of this section, justices of the peace shall transmit monthly
 41 to the county treasurer all monies collected pursuant to subsection A of this
 42 section. The county treasurer shall distribute or deposit all of the monies
 43 received pursuant to this subsection as follows:

44 1. 18.39 per cent to the state treasurer for deposit in the judicial
 45 collection, enhancement fund established by section 12-113.

1 2. 2.42 per cent to the state treasurer for deposit in the alternative
2 dispute resolution fund established by section 12-135.

3 3. 71.15 per cent to the county general fund.

4 D. 8.04 per cent of the monies transmitted pursuant to subsection C
5 of this section shall be kept and used by the court collecting the fees in
6 the same manner as the seven dollars of the time payment fee prescribed by
7 section 12-116, subsection B.

8 Sec. 4. Section 22-404, Arizona Revised Statutes, is amended to read:
9 22-404. Disposition of fines and forfeitures

10 A. All fines and forfeitures THAT ARE collected in a municipal court
11 maintained by a city or town which THAT pays the salaries of the municipal
12 court officers shall be paid to the treasurer of the city or town in which
13 the court is located.

14 B. Except as otherwise provided by law, fees for the municipal court
15 shall be established and classified as follows:

16 Class	Description	Fee
17 E	Minimum clerk fee	\$ 17.00
18	Research in locating a document	17.00
19	Each certificate of clerk to any matter	17.00
20	Audio and video Record duplication	17.00
21	Payment history report	17.00
22 F	Per page fee	
23	Copies of any documents per page	\$ 0.50
24 G	Special fees	
25	Notary services	\$ 4.00

26 C. Excluding the monies that are kept by the court pursuant to
27 subsection D of this section, the municipal court shall monthly transmit all
28 monies that are collected pursuant to subsection B of this section to the
29 city or town treasurer. The city or town treasurer shall distribute or
30 deposit all of the monies received pursuant to this subsection as follows:

31 1. 19.18 per cent to the state treasurer for deposit in the judicial
32 collection enhancement fund established by section 12-113.

33 2. 72.51 per cent to the city or town general fund.

34 D. 8.31 per cent of the monies transmitted pursuant to subsection C
35 of this section shall be kept and used by the court collecting the fees in
36 the same manner as the seven dollars of the time payment fee prescribed by
37 section 12-116, subsection B.

38 E. A city or town may establish and assess fees for court programs and
39 services.

APPROVED BY THE GOVERNOR MAY 28, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 29, 2002.

Passed the House March 26, 2002,

Passed the Senate May 8, 2002,

by the following vote: 57 Ayes,

by the following vote: 28 Ayes,

1 Nays, 2 Not Voting

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____,
_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2329

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 20, 2002,

by the following vote: 39 Ayes,

12 Nays, 9 Not Voting

Jake Dilake
Speaker of the House
pro tempore
Spencer L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21 day of May, 2002,

at 8:13 o'clock A M.

Sandra Hays
Secretary to the Governor

Approved this 28th day of

May, 2002,

at 10:40 o'clock A M.

Janice K. Hull
Governor of Arizona

H.B. 2329

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of May, 2002

at 11:19 o'clock A M.

Robert Taylor
Secretary of State