

LASSEN SUPERIOR COURT, HALL OF JUSTICE,
ACCESS TO JUSTICE CENTER

2610 Riverside Drive, Susanville, CA 96130 ~ (530)251-8205

***CLEARING YOUR
ADULT CRIMINAL RECORD
IN CALIFORNIA***

A STEP-BY-STEP GUIDE

INCLUDING:

- Determining if you are eligible
- Obtaining your criminal record
- Filling out and filing your expungement petition
- Serving the prosecuting attorney
- What you can do if not eligible for expungement – Certificates of Rehabilitation and Pardons
- Sample forms and petitions

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STEP 1

Determine whether you are ELIGIBLE to expunge.

GENERAL INFORMATION ON PENAL CODE 1203.4

Who is Eligible?

A probationer (the person who has been granted probation) may petition for relief pursuant to Penal Code section 1203.4 if he or she has fulfilled all of the conditions of probation, or has been discharged before the termination of probation, or in any case in which the court, in its discretion, determines that the probationer should be granted this type of relief.

Who is Not Eligible?

A person is not eligible for relief if any of the following conditions exist:

1. The person is serving a sentence for any offense, is still on formal probation or a conditional sentence for any offense, or is charged with the commission of any offense.
2. The person was arrested and convicted of a crime within one year of the date sentence was pronounced.
3. Probation for the current application was revoked and not later reinstated.
4. There is an outstanding warrant for the arrest of the person.
5. The person has failed to appear or failed to pay fines to the Department of Motor Vehicles.
6. The conviction is for an infraction or for a violation of Vehicle Code section 2800, 2801, or 2803.
7. The conviction resulted in prison and parole.

What Will be the Effect of Having the Petition Granted?

The most common reason for obtaining relief pursuant to Penal Code section 1203.4 is to allow the person convicted to state on non-governmental employment applications that they have not been convicted of a felony.

However, the record of conviction continues to exist and continues to have certain effects.

1. Information relating to the case may be made available to others where the release of such information is authorized by law.
2. A dismissal pursuant to Penal Code section 1203.4 does not relieve a person of the obligation to disclose the conviction in response to direct questions contained in any questionnaire or application for public office, or for licensure by any state or local agency, or for contracting with the California State Lottery.
3. A dismissal pursuant to Penal Code section 1203.4 will not keep the conviction from being used against a person as a prior conviction in any future criminal proceedings, such as for enhancing a prison sentence.

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4. A dismissal pursuant to Penal Code section 1203.4 will not avoid suspension of one's driving privilege as set forth in Vehicle Code section 13555.
5. A dismissal pursuant to Penal Code section 1203.4 will not permit the person convicted to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Penal Code section 12021.

STEP 2

Now that you have determined that you are eligible, you are ready to obtain your criminal record and prepare your expungement petition.

You need the following information for your expungement petition:

- Court where you were convicted
- Name you were convicted under
- Case number
- Section number and code of violation
- Conviction date
- Where you got probation
- If you got probation, whether you picked up any other offense during the period of probation – *regardless of whether you formally violated probation*

You can get this information from:

1. Your court file.
 - Call or go to the court where you were convicted and request a case history.
- OR**
2. Your Department of Justice "rap sheet".
 - If you know where you were convicted or have multiple convictions across the state, it is safer to get your rap sheet.
 - Attached is information regarding obtaining your criminal record and a form to complete and submit to the Department of Justice in Sacramento.

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STEP 3

Fill out and file your expungement petition(s).

1. Fill out the petition (attached are sample forms and instructions).
2. Pay the fee or apply for a fee waiver (see fee waiver information sheet and instructions attached).
3. Serve the district attorney with a copy of the petition.
4. The court will decide on your petition within 2 – 3 months.
 - If denied, you have 60 days to file an appeal.
 - You also have the option to simply re-file your petition.
5. The court will order your record to be updated.
6. What if you violated probation?
 - You should file a declaration in addition to your expungement petition.

STEP 4

Serve the prosecuting attorney.

One copy of your expungement petition is for the district attorney. One copy is for your files.

1. The law requires that the prosecuting agency get notice (also known as "service") of the filing of the petition at least 15 days before the judge hears your petition for an expungement. Service can be done in person or by mail, by delivering a copy of the petition to the office of the prosecuting attorney.
2. "Serving" the petition merely means that you hand-deliver or mail a copy of the petition to the district attorney's office.
3. You, as the defendant who is filing the expungement petition, cannot be the one to serve the district attorney. You must have an adult who is 18 years of age or older serve the prosecuting attorney.
4. Once the district attorney has been served, you need to complete a Proof of Service form. A Proof of Service form is attached to this packet. The person who completed the service should fill out the Proof of Service form and file it with the court. The form tells the judge that the prosecuting attorney has been served as required by law. Without it, the judge cannot hear your petition for expungement.

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STEP 5

If you are not eligible for expungement, you may be able to apply for a Certificate of Rehabilitation and Pardon.

Eligibility for a Certificate of Rehabilitation

If you were sentenced to state prison or sentenced under the authority of the California Department of Corrections and Rehabilitation, you are not eligible for expungement under Penal Code section 1203.4 or 1203.4a. You may, however, be eligible for a Certificate of Rehabilitation.

Individuals will be eligible to apply for a Certificate of Rehabilitation if the following requirements are met. (Penal Code section 4852.03.) The individual must have:

1. been convicted of a felony,
2. been sentenced to state prison,
3. been discharged from custody or released on parole, and
4. completed the required period of rehabilitation.

The required period of rehabilitation is five years residence in California immediately prior to filing the petition, PLUS residence in California for an additional period of time between 2 and 5 years depending on the crime. (Penal Code section 4852.03(a).)

Persons serving mandatory life parole, persons committed under death sentences, and persons convicted of sex offenses against persons under the age of 14 are not eligible for a Certificate of Rehabilitation. (Penal Code section 4852.01(d).)

Effect of Certificate of Rehabilitation or Pardon

In California, a Certificate of Rehabilitation or a Governor's pardon restores to the applicant some rights of citizenship that were forfeited as a result of a felony conviction. However, a Certificate of Rehabilitation or pardon does not prevent the pardoned offense from being considered as a prior conviction if the individual is later convicted of a new offense. Also, a Certificate of Rehabilitation or pardon does not seal or expunge the record of the conviction, but your criminal record will indicate whether you have obtained a certificate of rehabilitation, pardon, or both. (Penal Code section 4852.17.) A pardon also does not automatically restore any licenses, permits, or certifications that were taken away as a result of conviction.

Applying for a Certificate of Rehabilitation and Pardon

In Lassen County, Certificates of Rehabilitation and instructions on how to complete the petition can be obtained from the Lassen Superior Court clerk's office located at the Hall of Justice, 2610 Riverside Drive, Susanville, California. The Petition for Certificate of Rehabilitation must be filed in the Superior Court of the applicant's current county of residence.

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At least 30 days prior to the date set for hearing, the petitioner must "serve" the Petition for Certificate of Rehabilitation along with the date and time of the hearing on: (1) the district attorney of the county in which the petition is filed, (2) the district attorney of each

county in which the petitioner was convicted of a felony or crime that was dismissed by expungement pursuant to Penal Code section 1203.4, and (3) the Office of the Governor. (Penal Code section 4852.07.) The notice must identify all crimes for which the petitioner is requesting a Certificate of Rehabilitation.

If a Petition for a Certificate of Rehabilitation is granted, it is automatically forwarded to the Governor by the court and constitutes the application for a pardon. A pardon is not granted to every person who applies. While receipt of a Certificate of Rehabilitation is a factor considered in evaluating a pardon application, it does not guarantee that a pardon will be granted. Absent extraordinary and compelling circumstances, an application for a pardon will not be considered unless the applicant has been discharged from probation or parole for at least 10 years without further criminal activity during that period.

Getting Assistance

Persons applying for a Certificate of Rehabilitation are entitled to assistance in processing their petitions from all rehabilitative agencies, including the county probation officer and all state parole officers, or for persons under the age of 30, the California Youth Authority. (Penal Code section 4852.04.) During the proceeding for a Petition for a Certificate of Rehabilitation, the petitioner may be represented by the probation department or the court may assign counsel. (Penal Code section 4852.08.) The Lassen County Probation Department, located at 107 S. Roop St., Susanville, California, can help individuals begin the process of petitioning for a Certificate of Rehabilitation and provide letters of support to qualified petitioners.

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



**BUREAU OF CRIMINAL IDENTIFICATION
AND INFORMATION**
P.O. BOX 903417
SACRAMENTO, CA 94203-4170

APPLICATION TO OBTAIN COPY OF STATE SUMMARY CRIMINAL HISTORY RECORD

California Penal Code Sections 11120 through 11127 (see reverse side) afford persons an opportunity to obtain a copy of their record, if any, contained in the files of the California Bureau of Criminal Identification and Information and refute any erroneous or inaccurate information contained therein.

This application is not to be used to obtain a copy of your record to furnish to another person or agency for immigration, visa, employment, licensing, or certification purposes (refer to Penal Code Section 11125 on the reverse). Please show the reason for your request in the space provided below.

A standard 10-print fingerprint card with the applicant's fingerprints imprinted thereon, containing the name, descriptive data and mailing address of the applicant **and a fee of twenty-five dollars(\$25)** in the form of a personal check drawn on a California bank, US money order, certified check, or cashier's check made payable to the California Department of Justice **must accompany this application.**

A fee waiver may be obtained if a claim, signed under penalty of perjury, and proof of indigence is submitted pursuant to Penal Code Section 11123.

The undersigned hereby applies to obtain a copy of his/her State Criminal History Record: TYPE OR PRINT

Name _____
LAST NAME FIRST NAME MIDDLE NAME

Mailing Address _____
NUMBER STREET

_____ CITY STATE ZIP CODE

Date of Birth ____/____/____ Telephone Number
(DAY TIME) _____

Reason for application _____

If you wish this record mailed to an address different than the one listed above, an assistance agency, or to your legal representative, complete the following:

Name _____ Title _____

Address _____
NUMBER STREET

_____ CITY STATE ZIP CODE

SIGNATURE OF APPLICANT

DATE

MAIL TO: California Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.
BCII 8705 (Rev. 12/02)

PRINT FORM

RESET FORM

CALIFORNIA PENAL CODE
Article 5. Examination of Records

11120. As used in this Article, "record" with respect to any person means the state summary criminal history information as defined in subdivision (a) of Section 11105, maintained under such person's name by the Department of Justice.

11121. It is the function and intent of this article to afford persons concerning whom a record is maintained in the files of the bureau an opportunity to obtain a copy of the record compiled from such files, and to refute any erroneous or inaccurate information contained therein.

11122. Any person desiring a copy of the record relating to himself shall obtain an application form furnished by the department which shall require his fingerprints in addition to such other information as the department shall specify. Applications may be obtained from police departments, sheriff departments, or the Department of Justice. The fingerprinting agency may fix a reasonable fee for affixing the applicant's fingerprints to the form, and shall retain such fee.

11123. The applicant shall submit the completed application directly to the department. The application shall be accompanied by a fee not to exceed twenty-five dollars (\$25) that the department determines equals the cost of processing the application and providing a copy of the record to the applicant. All fees received by the department under this section are hereby appropriated without regard to fiscal years for the support of the Department of Justice in addition to such other funds as may be appropriated therefor by the Legislature. Any request for waiver of fee shall accompany the original request for the record and shall include a claim and proof of indigency.

11124. When an application is received by the department, the department shall determine whether a record pertaining to the applicant is maintained. If such record is maintained, the department shall furnish a copy of the record to the applicant or to an individual designated by the applicant. If no such record is maintained, the department shall so notify the applicant or an individual designated by the applicant. Delivery of the copy of the record, or notice of no record, may be by mail or other appropriate means agreed to by the applicant and the department.

11125. No person or agency shall require or request another person to furnish a copy of a record or notification that a record exists or does not exist, as provided in Section 11124. A violation of this section is a misdemeanor.

11126. (a) If the applicant desires to question the accuracy or completeness of any material matter contained in the record, he or she may submit a written request to the department in a form established by it. The request shall include a statement of the alleged inaccuracy or incompleteness in the record, and its materiality, and shall specify any proof or corroboration available. Upon receipt of the request, the department shall review the record to determine if the information correctly reflects the source documents, and if it does not, the department shall make the necessary corrections and shall provide the applicant with a corrected copy of the record. If the accuracy of the source documents is questioned, the department shall forward it to the person or agency which furnished the questioned information. This person or agency shall, within 30 days of receipt of the written request for clarification, review its information and forward to the department the results of the review.

(b) If the agency concurs in the allegations of inaccuracy or incompleteness in the record, and finds that the error is material, it shall correct its record and shall so inform the department, which shall correct the record accordingly. The department shall inform the applicant of its correction of the record under this subdivision within 30 days. The department and the agency shall notify all persons and agencies to which they have disseminated the incorrect record in the past 90 days of the correction of the record, and the applicant shall be informed that the notification has been given. The department and the agency shall also notify those persons or agencies to which the incorrect record has been disseminated which have been specifically requested by the applicant to receive notification of the correction of the record, and the applicant shall be informed that the notification has been given.

(c) If the department or the agency denies the allegations of inaccuracy or incompleteness in the record, the matter shall be referred for administrative adjudication in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code for a determination of whether inaccuracy or incompleteness exists in the record. The department shall be the respondent in the hearing. If a material inaccuracy or incompleteness is found in any record, the department and the agency in charge of that record shall be directed to correct it accordingly. The department and the agency shall notify all persons and agencies to which they have disseminated the incorrect record in the past 90 days of the correction of the record, and the applicant shall be informed that notification has been given. The department and the agency shall also notify those persons or agencies to which the incorrect record has been disseminated which have been specifically requested by the applicant to receive notification of the correction of the record, and the applicant shall be informed that the notification has been given. Judicial review of the decision shall be governed by Section 11523 of the Government Code. The applicant shall be informed of the decision within 30 days of its issuance in accordance with Section 11518 of the Government Code.

11127. The department shall adopt all regulations necessary to carry out the provisions of this article.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
PETITION FOR DISMISSAL (Pen. Code, §§ 17, 1203.4, 1203.4a)	CASE NUMBER:
DEFENDANT'S INFORMATION CIT: _____ DRIVER'S LIC #: _____ SSN # (LAST FOUR DIGITS ONLY): _____ DATE OF BIRTH: _____	

1. On (date): _____ the defendant in the above-entitled criminal action was convicted of a violation of section(s) (specify): _____ of the (specify): _____ Code.
2. The offense was a misdemeanor felony.
 Felony offense (Pen. Code, § 17):
 The offense listed above is a felony that may be reduced to a misdemeanor under Penal Code section 17.
3. Offense with probation granted (Pen. Code, § 1203.4):
 Probation was granted on the terms and conditions set forth in the docket of the above-entitled court; the defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the defendant (check one):
 - a. has fulfilled the conditions of probation for the entire period thereof;
 - b. has been discharged from probation prior to the termination of the period thereof; or
 - c. should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice by completing and attaching the optional Attached Declaration (form MC-031).)
4. Offense with sentence other than probation (Pen. Code, § 1203.4a):
 Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The defendant has complied with the sentence of the court and is not serving a sentence for any offense nor under charge of commission of any crime, and since said pronouncement of judgment has lived an honest and upright life and conformed to and obeyed the laws of the land.

Petitioner requests that defendant be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section 1203.4 or 1203.4a of the Penal Code.

Petitioner requests that the felony charge be reduced to a misdemeanor under Penal Code section 17.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: _____
(DATE)

▶ _____
(SIGNATURE OF PETITIONER OR ATTORNEY)

(ADDRESS, DEFENDANT)

(CITY)

(STATE)

(ZIP CODE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
ORDER FOR DISMISSAL (Pen. Code, §§ 17, 1203.4, 1203.4a)	CASE NUMBER:
DEFENDANT'S INFORMATION	
CII: DRIVER'S LIC #: SSN # (LAST FOUR DIGITS ONLY): DATE OF BIRTH:	

1. The court denies the petition.
2. The court grants the petition. The court finds from the records on file in this case, and from the foregoing petition, that the defendant is eligible for the relief requested.
3. a. The court reduces the felony offense to a misdemeanor.
 b. The court denies the request to reduce the felony offense to a misdemeanor.
4. It is ordered that the plea, verdict, or finding of guilt in the above-entitled action be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed.
5. If this order is granted under the provisions of Penal Code section 1203.4:
 - a. The defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency or for contracting with the California State Lottery.
 - b. Dismissal of the conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
 - c. The defendant may also be eligible to obtain a certificate of rehabilitation and pardon under the procedure set forth in Penal Code section 4852.01 et seq.
6. If the order is granted under the provisions of either Penal Code section 1203.4 or 1203.4a, the defendant is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 12021 and 12021.1 and Vehicle Code section 13555. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 12021 or 12021.1.
7. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17, 1203.4, or 1203.4a does *not* release defendant from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if defendant was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

Date: _____

(JUDICIAL OFFICER)

FOR COURT USE ONLY

PROOF OF SERVICE BY MAIL

CASE NUMBER: _____

1. I am at least 18 years of age, not a party to this action and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is: _____

3. I served a copy of the following documents:

By enclosing them in a an envelope AND

- a. _____ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. _____ placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. The envelope was addressed and mailed as follows:
 - a. The name of the person served:
 - b. Address:
 - c. Dated Mailed:
 - d. Place of mailing (city and state):
 5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Type or Print Name

Signature of Person Completing Form

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Clerk stamps date here when form is filed.

Fill in court name and street address:

[Empty box for court name and street address]

Fill in case number and name:

Case Number:
Case Name:

1 Your Information (person asking the court to waive the fees):

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____

Employer's address: _____

3 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): _____

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees and Costs* (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. I receive (check all that apply): Medi-Cal Food Stamps SSI SSP County Relief/General Assistance IHSS (In-Home Supportive Services) CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) CAPI (Cash Assistance Program for Aged, Blind and Disabled)

- b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b you must fill out 7, 8 and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$389.59 for each extra person.
1	\$1,128.13	3	\$1,907.30	5	\$2,686.46	
2	\$1,517.71	4	\$2,296.88	6	\$3,076.05	

- c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to (check one): waive all court fees waive some of the court fees let me make payments over time (Explain): _____ (If you check 5c, you must fill out page 2.)

6 Check here if you asked the court to waive your court fees for this case in the last six months.

(If your previous request is reasonably available, please attach it to this form and check here:)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here _____

Sign here _____

Case Number: _____

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

- a. Gross monthly income (before deductions): \$
List each payroll deduction and amount below:
(1) \$
(2) \$
(3) \$
(4) \$
b. Total deductions (add 8a (1)-(4) above): \$
c. Total monthly take-home pay (8a minus 8b): \$
d. List the source and amount of any other income you get each month, including: spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
(1) \$
(2) \$
(3) \$
(4) \$
e. Your total monthly income is (8c plus 8d): \$

9 Household Income

- a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.
Table with columns: Name, Age, Relationship, Gross Monthly Income
(1)
(2)
(3)
(4)
b. Total monthly income of persons above: \$

Total monthly income and household income (8e plus 9b): \$

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page.

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$
b. All financial accounts (List bank name and amount):
(1) \$
(2) \$
(3) \$
(4) \$
c. Cars, boats, and other vehicles
Table with columns: Make / Year, Fair Market Value, How Much You Still Owe
(1)
(2)
(3)
d. Real estate
Table with columns: Address, Fair Market Value, How Much You Still Owe
(1)
(2)
(3)
e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
Table with columns: Describe, Fair Market Value, How Much You Still Owe
(1)
(2)
(3)

11 Your Monthly Expenses

(Do not include payroll deductions you already listed in 8b.)

- a. Rent or house payment & maintenance \$
b. Food and household supplies \$
c. Utilities and telephone \$
d. Clothing \$
e. Laundry and cleaning \$
f. Medical and dental expenses \$
g. Insurance (life, health, accident, etc.) \$
h. School, child care \$
i. Child, spousal support (another marriage) \$
j. Transportation, gas, auto repair and insurance \$
k. Installment payments (list each below):
Paid to:
(1) \$
(2) \$
(3) \$
l. Wages/earnings withheld by court order \$
m. Any other monthly expenses (list each below):
Paid to:
(1) \$
(2) \$
(3) \$
How Much?

Total monthly expenses (add 11a - 11m above): \$

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, or if you are filing or have received a family law petition, and if you cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may ask the court to waive all or part of your court fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001). If you qualify, the court will waive all or part of its fees for the following:
 - Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
 - Making and certifying copies
 - Sheriff's fee to give notice
 - Court fees for telephone hearings
 - Reporter's daily fee (*for up to 60 days after the grant of the fee waiver, at the court-approved daily rate*)
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal.
 - Giving notice and certificates
 - Sending papers to another court department
 - Having a court-appointed interpreter in small claims court
2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002). The court will consider waiving fees for items such as the following, or other court services you need for your case:
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Reporter's daily fees (*beyond the 60-day period after the grant of the fee waiver, at the court-approved daily rate*)
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness
 - Other necessary court fees
3. If you want the Appellate Division of Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees, Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Please answer truthfully, accurately, and completely.**
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court within five days if your finances improve or if you become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) with the court.) You may be ordered to repay any amounts that were waived after your eligibility came to an end.
- **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases. (Government Code, section 68637(d), (e).)
- **If you settle your civil case for \$10,000 or more:** Any trial court waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- **The court can collect fees and costs due to the court.** If waived fees and costs are ordered paid to the trial court, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you are not eligible for a fee waiver.
- **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time.

FW-003**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

① **Person who asked the court to waive court fees:**
 Name: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____

② **Lawyer, if person in ① has one (name, address, phone number, e-mail, and State Bar number):** _____

③ A request to waive court fees was filed on (date): _____
 The court made a previous fee waiver order in this case on (date): _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number and case name:

Case Number: _____

Case Name: _____

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

④ After reviewing your (check one): Request to Waive Court Fees Request to Waive Additional Court Fees
 the court makes the following orders:

a. The court grants your request, as follows:

(1) **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rule 3.55.*) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's daily fee (for up to 60 days following the fee waiver order at the court-approved daily rate)
- Preparing and certifying the clerk's transcript on appeal
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- Court fees for phone hearings

(2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for a peace officer to testify in court
- Fees for court-appointed experts
- Court-appointed interpreter fees for a witness
- Reporter's daily fees (beyond the 60-day period following the fee waiver order)
- Other (specify): _____

(3) **Fee Waiver for Appeal.** The court grants your request and waives the fees and costs checked below, for your appeal. (*Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.*) You do not have to pay for the checked items.

- Preparing and certifying clerk's transcript for appeal
- Other (specify): _____

Case Number: _____

Your name: _____

b. The court **denies** your request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

(2) The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*): _____

Bring the following proof to support your request if reasonably available: _____

Hearing Date →	Date: _____	Time: _____	Name and address of court if different from page 1: _____
	Dept.: _____	Rm.: _____	

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one): Judicial Officer Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy