

FILED

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

2013 MAR 27 A 11: 25

FOR THE FIFTEENTH JUDICIAL DISTRICT

COOS COUNTY COURT  
COQUILLE, OREGON

In The Matter of Requests to Defer	)	Presiding Judge Order
or Waive Fees or Court Costs and	)	15-02
Entering Judgments If Fees and	)	
Court Costs are Deferred	)	Supersedes PJO 12-04
	)	

This Matter Coming Before the Court on its Own Motion:

Whereas ORS 21.682(1) allows a judge to waive or defer all or part of fees and costs payable to the court by a party in a civil action or proceeding, if the judge finds that the party is unable to pay all or any part of the fees and costs.

Whereas ORS 21.682(2) allows a presiding judge to delegate the authority to waive or defer fees and court costs to the court administrator if the delegation is made in writing and provides clear standards.

Whereas Chief Justice Order 12-078, pursuant to ORS 21.682, establishes standards and practices for fee waivers and deferrals, effective November 9, 2012.

**IT IS THEREBY ORDERED** that, effective November 9, 2012, authority to waive or defer fees and court costs, which are payable to the court, in a civil action or proceeding, are delegated to the court administrator and that pursuant to ORS 8.225(4) the court administrator may delegate these duties to court staff.

**IT IS FURTHER ORDERED** that, effective November 9, 2012, the standards set forth in CJO 12-078 must be followed by the court administrator and court staff on all requests filed with the court to waive or defer fees and court costs, along with the following procedures:

- 1. Judicial Discretion.** Waiver, deferral and denial are "presumptions" because they do not take into account assets and other factors relevant to the applicant's ability to pay. If the applicant identifies liquid assets (cash/savings) of \$500.00 or more or extraordinary expenses (medical expense/prescriptions) over \$500.00 the court clerk shall forward the request to the Trial Court Administrator (TCA) or a Judge in Coos County or the TCA or a Judge in Curry County for further review.

2. **Paperwork.** Application and Declaration for Deferral or Waiver of Fees: **Please note the forms are for statewide use, the Sheriff's fee is not paid to the court and therefore the fee is not eligible to be deferred or waived pursuant to ORS 21.682(1).**  
**Incomplete or missing information could result in the request being denied.**

The following forms are to be filled in by the clerk and, where indicated, submitted to the TCA in Coquille and the supervisor in North Bend or Gold Beach for signature:

- **Order Regarding Deferral or Waiver of Fees.** The clerk will fill out the form documenting the clerk's recommendation, complete the order portion of the form and then sign it. If the clerk has any questions about eligibility, that do not fall within the guidelines outlined under Judicial Discretion, the clerk shall consult with the TCA, a supervisor in North Bend or Gold Beach, or in their absence, a judge prior to completing the form.
- **Judgment.** If fees are deferred the judgment form will be completed by the clerk and submitted to the TCA in Coquille or to the supervisors in North Bend and Gold Beach for their signature. (In the absence of the TCA or supervisor the Judgment should be forwarded to a judge for signature.) Once the signed Judgment is returned to the clerk the clerk will enter the Judgment and create a judgment lien. When paid in full the clerk shall note that fact in the judgment lien record and change the judgment status to "satisfied".

**IT IS FURTHER ORDERED** that these procedures do not apply to a request for waiver or deferral of fees and costs filed by an inmate subject to the provisions of ORS 30.642 to 30.650.

This Order is effective November 9, 2012 and supersedes Presiding Judge Order 12-04.

It is so ordered this 27<sup>th</sup> day of March, 2015

  
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Richard L. Barron, Presiding Judge  
Fifteenth Judicial District