

2
3 SENATE JUDICIARY COMMITTEE AMENDMENT TO HB33
4
5
6
7

8 On page 2, line 11, delete the quote marks.

9
10 On page 2, after line 11, add the following:

11 "(c) (1) All payments provided for in this section,
12 including all fees allowed by law, fees for transcripts of
13 papers filed in a case, and security deposits for expected
14 court costs, shall be waived initially if the court finds that
15 payment of the fees will constitute a substantial hardship. A
16 verified statement of substantial hardship signed by the
17 petitioner or plaintiff shall be filed with the clerk of
18 court.

19 "(2) A court shall find that payment of the fees
20 would constitute a substantial hardship if the petitioner or
21 plaintiff has income under the amounts contained in Section
22 15-12-1 (4) a. and b., unless the court makes a written
23 finding that the petitioner or plaintiff has the resources to
24 pay the fees owed without substantial hardship.

25 "(3) If a petitioner or plaintiff files a pleading
26 or otherwise initiates a case with a verified statement of
27 substantial hardship as provided in this subsection, that

1 pleading shall be considered filed as of the date that the
2 verified statement of substantial hardship was submitted to
3 the court.

4 "(4) A petitioner or plaintiff shall have 30 days to
5 submit payment of the fees owed after any written finding by
6 the court that the petitioner or plaintiff has the resources
7 to pay the fees owed without substantial hardship. A
8 petitioner or plaintiff for whom pre-payment is waived under
9 this section may have applicable fees and costs taxed at the
10 conclusion of the case.

11 "(5) In any case in which any costs or fees are
12 initially waived as provided in subdivision (1), the judge of
13 probate shall assess costs and fees at the conclusion of the
14 case."