

### Part 3 Court Fees and Waivers

#### **78A-2-301 Civil fees of the courts of record -- Courts complex design.**

- (1)
- (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is \$375.
  - (b) The fee for filing a complaint or petition is:
    - (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;
    - (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;
    - (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;
    - (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed for an action described in Title 81, Chapter 4, Dissolution of Marriage;
    - (v) \$35 for a petition for temporary separation described in Section 81-4-104;
    - (vi) \$125 if the petition is for removal from the Sex, Kidnap, and Child Abuse Offender Registry under Section 53-29-204, 53-29-205, or 53-29-206; and
    - (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or adoptive child of the petitioner.
  - (c) The fee for filing a small claims affidavit is:
    - (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;
    - (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
    - (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$7,500 or more.
  - (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party complaint, or other claim for relief against an existing or joined party other than the original complaint or petition is:
    - (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
    - (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;
    - (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is \$10,000 or more, or the party seeks relief other than monetary damages; and
    - (iv) \$130 if the original petition is filed for an action described in Title 81, Chapter 4, Dissolution of Marriage.
  - (e) The fee for filing a small claims counter affidavit is:
    - (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
    - (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
    - (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is \$7,500 or more.

- (f) The fee for depositing funds under Section 57-1-29 when not associated with an action already before the court is determined under Subsection (1)(b) based on the amount deposited.
- (g) The fee for filing a petition is:
  - (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims department; and
  - (ii) \$80 for an appeal of a municipal administrative determination in accordance with Section 10-3-703.7.
- (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or petition for writ of certiorari is \$240.
- (i) The fee for filing a petition for expungement is \$150.
- (j)
  - (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement Act.
  - (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by the state treasurer to be deposited into the restricted account, Children's Legal Defense Account, as provided in Section 51-9-408.
  - (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided in Section 78B-6-209.
  - (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited into the restricted account, Court Security Account, as provided in Section 78A-2-602.
  - (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the restricted account, Court Security Account, as provided in Section 78A-2-602.
- (k) The fee for filing a judgment, order, or decree of a court of another state or of the United States is \$35.
- (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is 50% of the fee for filing an original action seeking the same relief.
- (m) The fee for filing probate or child custody documents from another state is \$35.
- (n)
  - (i) The fee for filing an abstract or transcript of judgment, order, or decree of the State Tax Commission is \$30.
  - (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing officer of this state or of its political subdivisions other than the State Tax Commission, is \$50.
- (o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.
- (p) The fee for filing an award of arbitration for confirmation, modification, or vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is \$35.
- (q) The fee for filing a petition or counter-petition to modify a domestic relations order other than a protective order or stalking injunction is \$100.
- (r) The fee for filing any accounting required by law is:

- (i) \$15 for an estate valued at \$50,000 or less;
  - (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
  - (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
  - (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
  - (v) \$175 for an estate valued at more than \$168,000.
  - (s) The fee for filing a demand for a civil jury is \$250.
  - (t) The fee for filing a notice of deposition in this state concerning an action pending in another state under Utah Rules of Civil Procedure, Rule 30 is \$35.
  - (u) The fee for filing documents that require judicial approval but are not part of an action before the court is \$35.
  - (v) The fee for a petition to open a sealed record is \$35.
  - (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to any fee for a complaint or petition.
  - (x)
    - (i) The fee for a petition for authorization for a minor to marry required by Section 81-2-304 is \$5.
    - (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7, Emancipation, is \$50.
  - (y) The fee for a certificate issued under Section 26B-8-128 is \$8.
  - (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
  - (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.
  - (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records Access and Management Act. Fees under Subsection (1)(bb) and (cc) shall be credited to the court as a reimbursement of expenditures.
  - (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of the public to conduct a limited amount of searches on the Xchange database without having to pay a monthly subscription fee.
  - (dd) There is no fee for services or the filing of documents not listed in this section or otherwise provided by law.
  - (ee) Except as provided in this section, all fees collected under this section are paid to the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts the pleading for filing or performs the requested service.
  - (ff) The filing fees under this section may not be charged to the state, the state's agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.
- (2)
- (a)
    - (i) From March 17, 1994, until June 30, 1998, the state court administrator shall transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction and Management Capital Projects Fund.
    - (ii)
      - (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction and Management shall use up to \$3,750,000 of the revenue deposited into the Capital Projects

Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a courts complex in Salt Lake City.

- (B) If the Legislature approves funding for construction of a courts complex in Salt Lake City in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use the revenue deposited into the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.
- (C) After the courts complex is completed and all bills connected with its construction have been paid, the Division of Facilities Construction and Management shall use any money remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building.
- (iii) The Division of Facilities Construction and Management may enter into agreements and make expenditures related to this project before the receipt of revenues provided for under this Subsection (2)(a)(iii).
- (iv) The Division of Facilities Construction and Management shall:
  - (A) make those expenditures from unexpended and unencumbered building funds already appropriated to the Capital Projects Fund; and
  - (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this Subsection (2).
- (b) After June 30, 1998, the state court administrator shall ensure that all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.
- (c) The Division of Finance shall deposit all revenues received from the state court administrator into the restricted account created by this section.
- (d)
  - (i) From May 1, 1995, until June 30, 1998, the state court administrator shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Facilities Construction and Management Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.
  - (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Finance for deposit in the restricted account created by this section. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.
- (3)
  - (a) There is created within the General Fund a restricted account known as the State Courts Complex Account.
  - (b) The Legislature may appropriate money from the restricted account to the state court administrator for the following purposes only:
    - (i) to repay costs associated with the construction of the court complex that were funded from sources other than revenues provided for under this Subsection (3)(b)(i); and
    - (ii) to cover operations and maintenance costs on the court complex.

Amended by Chapter 291, 2025 General Session

**78A-2-301.1 Civil fee for Business and Chancery Court.**

- (1) A party shall pay a fee of \$500 at the time that the party files:

- (a) a civil complaint or petition in the Business and Chancery Court; or
  - (b) a motion to transfer an action from the district court to the Business and Chancery Court.
- (2) The fee described in Subsection (1) is in addition to any filing fee that a party must pay under Section 78A-2-301.
- (3) All fees collected under this section are paid to the General Fund.

Enacted by Chapter 394, 2023 General Session

**78A-2-301.5 Civil fees for justice courts.**

- (1) The fee for filing a small claims affidavit is:
- (a) \$60 if the claim for damages or amount in interpleader exclusive of justice court costs, interest, and attorney fees is \$2,000 or less;
  - (b) \$100 if the claim for damages or amount in interpleader exclusive of justice court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
  - (c) \$185 if the claim for damages or amount in interpleader exclusive of justice court costs, interest, and attorney fees is \$7,500 or more.
- (2) The fee for filing a small claims counter affidavit is:
- (a) \$50 if the claim for relief exclusive of justice court costs, interest, and attorney fees is \$2,000 or less;
  - (b) \$70 if the claim for relief exclusive of justice court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
  - (c) \$120 if the claim for relief exclusive of justice court costs, interest, and attorney fees is \$7,500 or more.
- (3) The fee for filing a petition for expungement is \$135.
- (4) The fee for a petition to open a sealed record is \$35.
- (5) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to any fee for a complaint or petition.
- (6) The fee for filing a notice of appeal to a court of record is \$10. This fee covers all services of the justice court on appeal but does not satisfy the trial de novo filing fee in the court of record.
- (7) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- (8) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.
- (9) The fee schedule adopted by the Judicial Council for copies of documents and forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records Access and Management Act, shall apply.
- (10) There is no fee for services or the filing of documents not listed in this section or otherwise provided by law.
- (11) The filing fees under this section may not be charged to the state, its agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (11) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

Amended by Chapter 384, 2022 General Session

**78A-2-302 Waiver of fees, costs, and security -- Indigent litigants -- Affidavit.**

- (1) As used in Sections 78A-2-302 through 78A-2-309:
- (a) "Convicted" means:

- (i) a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental condition, no contest; and
  - (ii) a conviction of any crime or offense.
  - (b) "Indigent" means a financial status that results from a court finding that a petitioner is financially unable to pay the fee, a cost, or give security.
  - (c) "Prisoner" means an individual who has been convicted of a crime and is incarcerated for that crime or is being held in custody for trial or sentencing.
- (2) An individual may institute, prosecute, defend, or appeal any cause in a court in this state without prepayment of fees and costs or security if :
- (a) the individual submits an affidavit demonstrating that the individual is indigent; or
  - (b) the cause is a petition for expungement and the individual provides the court with proof that another court granted a waiver of the fee for a petition for expungement as described in Subsection 77-40a-305(12)(b).
- (3) A court shall find an individual indigent if the individual's affidavit under Subsection (2) demonstrates:
- (a) for a cause that is not a petition for expungement, the individual has an income level at or below 150% of the United States poverty level as defined by the most recent poverty income guidelines published by the United States Department of Health and Human Services;
  - (b) for a cause that is a petition for expungement:
    - (i) if the individual has a household size of one, two, or three, the individual has an income level at or below 150% of the United States poverty level for a household size of three, as defined by the most recent poverty income guidelines published by the United States Department of Health and Human Services; or
    - (ii) if the individual has a household size of four or more, the individual has an income level at or below 150% of the United States poverty level for that individual's household size, as defined by the most recent poverty income guidelines published by the United States Department of Health and Human Services;
  - (c) the individual receives benefits from a means-tested government program, including Temporary Assistance to Needy Families, Supplemental Security Income, the Supplemental Nutrition Assistance Program, or Medicaid;
  - (d) the individual receives legal services from a nonprofit provider or a pro bono attorney through the Utah State Bar; or
  - (e) the individual has insufficient income or other means to pay the necessary fees and costs or security without depriving the individual, or the individual's family, of food, shelter, clothing, or other necessities.
- (4) An affidavit demonstrating that an individual is indigent under Subsection (3)(e) shall contain complete information on the individual's:
- (a) identity and residence;
  - (b) amount of income, including any government financial support, alimony, or child support;
  - (c) assets owned, including real and personal property;
  - (d) business interests;
  - (e) accounts receivable;
  - (f) securities, checking and savings account balances;
  - (g) debts; and
  - (h) monthly expenses.
- (5) If the individual under Subsection (3) is a prisoner, the prisoner shall disclose the amount of money held in the prisoner's trust account at the time the affidavit under Subsection (2) is executed in accordance with Section 78A-2-305.

(6) An affidavit of indigency under this section shall state the following:

I, (insert name), do solemnly swear or affirm that due to my poverty I am unable to bear the expenses of the action or legal proceedings which I am about to commence or the appeal which I am about to take, and that I believe I am entitled to the relief sought by the action, legal proceedings, or appeal.

(7) The Administrative Office of the Courts shall include on a form for an affidavit of indigency the following warning: "It is a crime for anyone to intentionally or knowingly provide false or misleading information to the court when seeking a waiver of a court fee."

Amended by Chapter 180, 2024 General Session

**78A-2-303 False affidavit -- Penalty.**

(1) An individual may assert by affidavit that an affidavit of indigency under Section 78A-2-302, action, or appeal is:

- (a) false;
- (b) frivolous or without merit; or
- (c) malicious.

(2) Upon receipt of an affidavit in accordance with Subsection (1), the court may notify the affiant of the challenge and set a date, not less than five days from receipt of the notice, requiring the affiant to appear and show cause why the affiant should not be required to:

- (a) post a bond for the costs of the action or appeal; or
- (b) pay the legal fees for the action or appeal.

(3) The court may dismiss the action or appeal if:

- (a) the affiant does not appear;
- (b) the affiant appears and the court determines the affidavit is false, frivolous, without merit, or malicious; or
- (c) the court orders the affiant to post a bond or pay the legal fees and the affiant fails to do so.

Amended by Chapter 272, 2022 General Session

**78A-2-304 Effect of filing affidavit -- Nonprisoner.**

(1)

- (a) Upon the filing of an affidavit of indigency under Section 78A-2-302 by a nonprisoner, the court shall review the affidavit and make an independent determination based on the information provided whether court costs and fees should be waived entirely or in part.
- (b) Notwithstanding the party's statement of inability to pay court costs, the court shall require a partial or full filing fee where the financial information provided demonstrates an ability to pay a fee.

(2)

- (a) In instances where fees or costs are completely waived, the court shall immediately file any complaint or papers on appeal and do what is necessary or proper as promptly as if the litigant had fully paid all the regular fees.
- (b) The constable or sheriff shall immediately serve any summonses, writs, process and subpoenas, and papers necessary or proper in the prosecution or defense of the cause, for the indigent individual as if all the necessary fees and costs had been fully paid.

(3)

- (a) In cases where an affidavit of indigency under Section 78A-2-302 is filed, the court shall question the individual who filed the affidavit at the time of hearing the cause as to the individual's ability to pay.
- (b) If the court opines that the individual is reasonably able to pay the costs, the court shall direct the judgment or decree not be entered in favor of that individual until the costs are paid.
- (c) The order may be cancelled later upon petition if the facts warrant cancellation.

Amended by Chapter 272, 2022 General Session

**78A-2-305 Effect of filing affidavit -- Procedure for review and collection.**

- (1)
  - (a) Upon receipt of an affidavit of indigency under Section 78A-2-302 filed with any Utah court by a prisoner, the court shall immediately request the institution or facility where the prisoner is incarcerated to provide an account statement detailing all financial activities in the prisoner's trust account for the previous six months or since the time of incarceration, whichever is shorter.
  - (b) The incarcerating facility shall:
    - (i) prepare and produce to the court the prisoner's six-month trust account statement, current trust account balance, and aggregate disposable income; and
    - (ii) calculate aggregate disposable income by totaling all deposits made in the prisoner's trust account during the six-month period and subtracting all funds automatically deducted or otherwise garnished from the account during the same period.
- (2) The court shall:
  - (a) review both the affidavit of indigency and the financial account statement; and
  - (b) based upon the review, independently determine whether or not the prisoner is financially capable of paying all the regular fees and costs associated with filing the action.
- (3) When the court concludes that the prisoner is unable to pay full fees and costs, the court shall assess an initial partial filing fee equal to 50% of the prisoner's current trust account balance or 10% of the prisoner's six-month aggregate disposable income, whichever is greater.
- (4)
  - (a) After payment of the initial partial filing fee, the court shall require the prisoner to make monthly payments of 20% of the preceding month's aggregate disposable income until the regular filing fee associated with the civil action is paid in full.
  - (b) The agency having custody of the prisoner shall:
    - (i) garnish the prisoner's account each month; and
    - (ii) once the collected fees exceed \$10, forward payments to the clerk of the court until the filing fees are paid.
  - (c) Nothing in this section may be construed to prevent the agency having custody of the prisoner from withdrawing funds from the prisoner's account to pay court-ordered restitution.
- (5) Collection of the filing fees continues despite dismissal of the action.
- (6) The filing fee collected may not exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action.
- (7) If the prisoner is filing an initial divorce action or an action to obtain custody of the prisoner's children, the following procedures shall apply for review and collection of fees and costs:
  - (a)
    - (i) Upon a filing of an affidavit of indigency under Section 78A-2-302 with any Utah court by a prisoner, the court shall review the affidavit and make an independent determination based

on the information provided whether court costs and fees should be paid in full or be waived in whole or in part.

- (ii) The court shall require a full or partial filing fee when the prisoner's financial information demonstrates an ability to pay the applicable court fees or costs.
- (b)
- (i) If a prisoner's court fees or costs are completely waived, and if the prisoner files an appeal, the court shall immediately file any complaint or papers on appeal and complete all necessary action as promptly as if the litigant had paid all the fees and costs in full.
  - (ii) If a prisoner is indigent, the constable and sheriff shall immediately serve any summonses, writs, process and subpoenas, and papers necessary in the prosecution or defense of the cause as if all the necessary fees and costs had been paid in full.
- (c)
- (i) If a prisoner files an affidavit of indigency, the judge shall question the prisoner at the time of the hearing on the merits of the case as to the prisoner's ability to pay.
  - (ii) If the judge determines that the prisoner is reasonably able to pay court fees and costs, the final order or decree shall be entered, however the prisoner may not seek enforcement or modification of the decree or order until the prisoner has paid the fees or costs in full.
  - (iii) A judge may waive the restrictions placed on the prisoner in Subsection (7)(c)(ii) upon a showing of good cause.

Amended by Chapter 272, 2022 General Session

**78A-2-306 Notice of filing fee -- Consequence of nonpayment.**

- (1) When an affidavit of indigency under Section 78A-2-302 has been filed and the court assesses an initial filing fee, the court shall immediately notify the litigant in writing of:
  - (a) the initial filing fee required as a prerequisite to proceeding with the action;
  - (b) the procedure available to challenge the initial filing fee assessment as provided in Section 78A-2-307; and
  - (c) the prisoner's ongoing obligation to make monthly payments until the entire filing fee is paid.
- (2) The court may not authorize service of process or otherwise proceed with the action, except as provided in Section 78A-2-307, until the initial filing fee has been completely paid to the clerk of the court.

Amended by Chapter 272, 2022 General Session

**78A-2-307 Filing fee challenge -- Court powers.**

- (1) Within 10 days of receiving court notice requiring an initial filing fee under Section 78A-2-306, the litigant may contest the fee assessment by filing a memorandum and supporting documentation with the court demonstrating inability to pay the fee.
- (2) The court shall review the memorandum and supporting documents challenging the fee assessment for facial validity.
- (3) The court may reduce the initial filing fee, authorize service of process, or otherwise proceed with the action without prepayment of costs and fees if the memorandum shows the litigant:
  - (a) has lost his source of income;
  - (b) has unaccounted nondiscretionary expenses limiting his ability to pay;
  - (c) will suffer immediate irreparable harm if the action is unnecessarily delayed; or
  - (d) will otherwise lose the cause of action by unnecessary delays associated with securing funds necessary to satisfy the assessed filing fee.

- (4) Nothing in this section shall be construed to relieve the litigant from the ongoing obligation of monthly payments until the filing fee is paid in full.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-2-308 Failure to serve papers -- Penalty.**

Any justice court judge, clerk, or officer refusing to file or serve the papers is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-2-309 Liability for fees if successful in litigation.**

- (1) Nothing in this part shall prevent a justice court judge, clerk, constable, or sheriff from collecting regular fees for all services rendered for the indigent individual, in the event the indigent individual is successful in litigation.
- (2) All fees and costs shall be regularly taxed and included in any judgment recovered by the indigent individual.
- (3) The fees and costs shall be paid to a justice court judge, clerk, constable, or sheriff.
- (4) If the indigent individual fails in the action or appeal, the costs of the action or appeal may be adjudged against the indigent individual.

Amended by Chapter 272, 2022 General Session

**78A-2-310 Report by Judicial Council on court fees.**

- (1) As used in this section:
  - (a) "Cost" means the direct and indirect costs and expenses for providing the good or service for which a fee is charged, including:
    - (i) salaries, benefits, contracted labor costs, travel expenses, training expenses, equipment and material costs, depreciation expenses, utility costs, and other overhead costs; and
    - (ii) costs and expenses for administering the fee.
  - (b)
    - (i) "Judiciary" means the Judicial Council, the Supreme Court, the Court of Appeals, a district court, or a juvenile court.
    - (ii) "Judiciary" includes any board, committee, or staff office of the Judicial Council, the Supreme Court, the Court of Appeals, a district court, or a juvenile court.
- (2) Before November 30 of each year, the Judicial Council shall submit a report to the General Government Appropriations Subcommittee of the Legislature that:
  - (a) includes details on:
    - (i) the types of fees charged and collected by the Judiciary;
    - (ii) the methods used to determine the amount of each fee charged and collected by the Judiciary;
    - (iii) the Judiciary's estimated cost related to each fee;
    - (iv) whether each fee is intended to cover the Judiciary's cost related to the fee; and
    - (v) the number of fee waivers granted by the Judiciary for each type of fee charged and collected by the Judiciary; and
  - (b) include any recommendations regarding fees charged and collected by the Judiciary.

- (3) If the Judicial Council recommends that the Legislature create a fee or modify an existing fee under Subsection (2)(b), the Judicial Council shall include the following information with the recommendation:
- (a) the title or purpose of the fee;
  - (b) the present amount of the fee;
  - (c) the proposed amount of the fee;
  - (d) the percent that the fee will have increased or decreased if the Legislature approves the modification of the fee;
  - (e) the estimated total annual revenue and total estimated annual revenue change that will result from the creation or modification of the fee;
  - (f) the account or fund into which the fee will be deposited;
  - (g) the reason for the creating or modifying the fee;
  - (h) the estimated number of persons to be charged the fee;
  - (i) the Judiciary's estimated cost related to the fee; and
  - (j) whether the fee is intended to cover the Judiciary's cost related to the fee.

Amended by Chapter 271, 2025 General Session