

**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