

*Huerta
Lieutenant } Concur
Kennedy }*

October 24, 1961
Opinion No. 61-73

REQUESTED BY: Hon. Fred O. Wilson
Navajo County Attorney
Holbrook, Arizona

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: Must a person filing a Reciprocal
Enforcement of Support Act, when
referred to the County Attorney's
office by a County Welfare, pay a
\$15.00 filing fee with the Clerk
of the Superior Court?

CONCLUSION: No.

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In dealing with this question we shall quote the section
in the Uniform Reciprocal Enforcement of Support Act in full.

"A.R.S. § 12-1665. Costs and fees

A court of this state acting either as an initiating
or responding state may in its discretion waive the
payment of any part of or all fees and costs incurred
in this state, including without limitations by enumer-
ation, fees for filing, service of process, seizure of
property, and stenographic service of both petitioner
and respondent, or either. Where the action is brought
by or through the state or any agency thereof, there
shall be no filing fee."

We concur with your opinion in that the answer to your
specific question is answered fully in the last sentence of
A.R.S. §12-1665.

" * * * Where the action is brought by or through the
state or any agency thereof, there shall be no filing
fee."

We believe that this wording of the statute is sufficient-
ly clear and that it needs no further comment.

However, in the case where either petitioner or respon-
dent comes into court in person (without state aid) then
either may file a pauper's affidavit and the matter rests in
the sound discretion of the court as to whether fees, costs,
etc., shall be taxed to the affiant.

This opinion amplifies opinion No. 55-26A, 1955.

SAMUEL J. MACALUSO
Assistant Attorney General

Robert W. Pickrell
ROBERT W. PICKRELL
The Attorney General