

By Michael K. Jeanes, Clerk of the Superior Court

## **Acceptable Forms of Payment at Clerk's Office Changing January 1**

### **The need for change**

Effective January 1, 2014, the Clerk's Office will begin restructuring the forms of payment that are acceptable for various fees and services. Changes will be implemented over time and will begin with bond payments, filing fees, and fees for services from self-represented parties and the public. At the same time, the Clerk's Office will work with attorneys, process servers, and bonding companies to eventually move toward guaranteed forms of payment and away from personal and business checks; this change mirrors practices from other courts within Arizona and around the nation.

Cash, wire transfers, and credit or debit cards with a signature are reliable forms of guaranteed payment. Other forms of payment, such as cashier's checks, money orders, and bank checks can be stopped, which results in insufficient funds. This disrupts the court's ability to conduct business and can place the Clerk's Office at substantial financial risk.

### **Criminal and non-criminal bonds**

Non-criminal bond payments will be strictly limited to cash and wire transfers in most situations. The limited exception will be for property bonds, which require a court order authorizing the party to post property as bond. Examples of the bonds this applies to are performance bonds and appeal bonds. While this will be an adjustment for family court and probate practitioners, it will not be a change for attorneys who electronically file and pay fees through AZTurboCourt in civil cases.

When posting a bond, wire transfers function the same as writing a check, except that the funds transfer immediately and cannot be cancelled once submitted. When paying by wire transfer, a printout or receipt of the bank's transfer of the funds to the Clerk's account as proof of payment must be filed with the document filed at the Clerk's counter or through the depository boxes. Cash and wire transfers are reliable forms of guaranteed payment for bonds. The Clerk's Office will require cash or wire transfers for non-criminal bonds beginning January 1, 2014.

For details on funds deposited with the Clerk and held in trust, such as criminal bail bonds, cash bonds, civil and child support arrest warrants, and probate bonds, see the "Trust/Bond Matters" page of the Clerk's website at <http://www.clerkofcourt.maricopa.gov/moneymatters.asp>.

**Fees and other services**

Acceptable forms of payment for filing fees, copies, certifications, marriage licenses, the Clerk's portion of processing a passport application, and other Clerk's Office services will be implemented for the public and self-represented parties on January 1, 2014. Payments must be made with cash or by credit or debit card with verified cardholder's signature and matching identification. This change will impact filings across all case types for case-initiation and subsequent filing fees collected at the file counters.

To process documents received through the mail and at depository boxes, the Clerk's Office will contact the submitter by phone using contact information on the face of the document to obtain payment by credit or debit card. Documents will be rejected if they are submitted without payment or if the Clerk's Office cannot obtain payment by phone.

Law firms, attorneys, process servers and runner services account for the majority of the filing fees and services at the Clerk's Office. The Office is actively working with these customers to phase-out the use of checks and to transition to payment by cash, wire transfer, or credit and debit cards with the cardholder's signature.

Follow *The Brief*, the *Clerk's Corner* articles in the Maricopa County Bar Association's monthly paper, and the Clerk's social media for further updates as the implementation date approaches. These practices will improve the Office's financial management and fiduciary responsibilities, which are priorities in the Clerk's strategic plan.