



ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

TO: Superior Court Judges, District Court Judges, Clerks of Superior Court, District Attorneys, Public Defenders

FROM: Jonathan Harris, General Counsel

DATE: January 23, 2018

SUBJECT: Update to the November 13, 2017 Guidance on the New Fee Waiver Provision

Introduction

On November 13, 2017, the Office of General Counsel sent a memo outlining its interpretation of the new fee waiver provision in the 2017 Appropriations Act¹. This memo is an update to the guidance given in that memo. The guidance in the November 13th memo still stands, but the NCAOC is adding a new form to the back of the monthly notices being sent to government entities “directly affected” by waivers or remissions of costs.

New Form for Government Entities to Register a Standing Objection or Lack of Objection

Effective January 23rd, the NCAOC will be changing the monthly notice currently being sent out to government entities. A form will be added to the back of the notice that will allow government entities, through counsel, to note if they would like to lodge a standing objection or a lack of objection to waivers or remissions. The form will also allow entities to opt out of receiving future monthly notices if they so choose.

Entities may change their selection by submitting an updated form to NCAOC. Entities can, however, still appear at court if they choose, and the in-court appearance should take precedence over the entity’s response in the registry.

A copy of the new notice and form that will be sent to government entities is attached to this memorandum.

NCAOC Will Keep a Central Registry of Responses

The NCAOC will keep a central registry of responses. This registry will be accessible to judges, Judicial Branch employees, and the public via the nccourts.org public facing website, at the Court Costs page. The direct link is: <http://nccourts.org/costwaiver>

¹ Session Law 2017-57, Sections 18B.6.(a) and (b) (<https://www.ncleg.net/EnactedLegislation/SessionLaws/HTML/2017-2018/SL2017-57.html>).



The registry will contain a searchable listing of all entities receiving court costs and fines, sorted by county. It will show whether an entity has registered an objection or lack of objection to waivers or remissions of court costs and fines.

Judicial Use of the Central Registry

It is ultimately in the court's discretion as to how to use the information contained in the registry.

Judicial officials should note, however, that it will take a few weeks for the responses from government entities to populate the registry. NCAOC will publish the registry on the website beginning on February 16th and will maintain and update the registry continuously as entities submit forms.

As stated above, the original guidance still stands, and you may continue to rely on the existing monthly notice and any other local accommodations that have been put into place in your local jurisdiction. The registry is simply a new tool for judges to utilize as they deem appropriate in noting objections or a lack of objections to cost and fee waivers.