



SPONSOR:

BILL: _____

Amend 34-7-14, Fees of probate court clerks – increase filing fees

Introduce legislation to amend the current docket filing fees from \$30 to \$50. Clerks of the probate courts are entitled to receive the following docket fees in all matters: A. for docketing each cause, to be paid by the party docketing the cause, thirty dollars (\$30.00) to which shall include all costs of the clerks in any cause in the court.

The docket fee for filing a probate through a probate court was last increased in 1993. Since that time, other New Mexico courts have increased their filing fees several times. The filing fee for district courts went from \$60 to \$72 in 1992, \$82 in 1996, \$107 in 2001, and is currently \$117 plus \$15 alternative dispute resolution fee. In addition, district courts are now converting to mandatory e-filing for attorneys and charge additional fees for filing of other pleadings. Districts also charge a search fee. In contrast, pursuant to 34-7-16, probate courts are prohibited from charging additional fees.

The increase in the docket fee is necessary to the increasing demands placed on probate courts by the increase in pro se filings and increased use of the courts by attorneys due to e-filing requirements at district courts. There are also demands on the courts to make more information concerning cases available through the internet. There have also been increased demands placed on the courts by more stringent open records requirements and NMSC Rule 1-079 D (3) which requires any person requesting access to court records to provide courts with personal identification.

Fifty-First Legislature, Second Session, 2014

AR 2014-2, # 4.Probate Judge Docket Filing Fee Increase
House #N/A
Senate #N/A
Commission #N/A