

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
) No. R-21-0028  
CRIMINAL RULES FORM 5(a)FINANCIAL )  
QUESTIONNAIRE; NEW LJ-ONLY FORM )  
5(c) ) **FILED: 12/8/2021**  
)  
)  
)  
\_\_\_\_\_ )

**ORDER ADOPTING ON A PERMANENT BASIS  
FORM 5(c) TO THE APPENDIX TO RULE 41 OF  
THE RULES OF CRIMINAL PROCEDURE**

On May 28, 2021, the Honorable Kevin Kane, Presiding Judge of the Tempe Municipal Court, filed a rule petition on behalf of the LJC Forms Subcommittee of the Committee on Limited Jurisdiction Courts to adopt a new Form 5(c) to the Appendix to Rule 41 of the Rules of Criminal Procedure. On June 2, 2021, the Court granted Petitioner's request for expedited consideration and opened the petition for public comment until October 1, 2021.

On June 30, 2021, the Court entered an order adopting Form 5(c) on an emergency basis under Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, effective immediately. The order also provided that the Court would consider whether to adopt the rule changes on a permanent basis during the December 2021 Rules Agenda.

Having received no comments, and remaining convinced that the new form is appropriate,

**IT IS ORDERED** that the amendment to the Appendix to Rule 41 of the Rules of Criminal Procedure that added Form 5(c), which the Court adopted on an emergency basis on June 30, 2021, is hereby adopted

permanently in accordance with the attachment to this order, effective January 1, 2022. The attachment to this order is the same as the attachment to this Court's June 30, 2021 order.

DATED this 8th day of December, 2021.

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

TO:

Rule 28 Distribution

Kevin E Kane

\*\*\*\* \*\*\*\*

Brett Eisele

Laine McDonald

**Form 5(c). Defendant's Financial Statement for Limited Jurisdiction Courts**

\_\_\_\_\_ COURT

STATE OF ARIZONA, Plaintiff

Case Number: \_\_\_\_\_

vs.

**DEFENDANT'S FINANCIAL  
STATEMENT AND REQUEST FOR A  
COURT-APPOINTED ATTORNEY  
(LIMITED JURISDICTION)**

\_\_\_\_\_  
Defendant

By answering the questions below, you are telling the Court you cannot afford an attorney and to consider your financial circumstances in determining whether you qualify for a court-appointed attorney in this case at a reduced cost or no cost to you. You are answering these questions under penalty of perjury and you may be held in contempt of court if you do not answer truthfully, or if you fail to notify the Court of any material improvement in your financial circumstances while your case is pending.

1. What is your marital status?  Single  Married  Partnered  Separated  Divorced
2. How many other people do you support financially? \_\_\_\_\_ List age and relationship to you and check those living with you:  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  
 \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_
3. Do you have a job?  Yes  No. If yes, what do you do and for how long? If no, when did you last work and what did you do? \_\_\_\_\_
4. What is your approximate monthly take-home pay? \$ \_\_\_\_\_
5. Do you have income from the following sources?  social security  disability  unemployment  
 spousal or child support  investments  other: \_\_\_\_\_  
  - What is your approximate total monthly income from these sources? \$ \_\_\_\_\_
  - What is your spouse's approximate total monthly income from all sources? \$ \_\_\_\_\_
6. Do you own a house?  Yes  No.  
  - If yes, what is the approximate value? \$ \_\_\_\_\_
  - Approximately how much do you owe on the house? \$ \_\_\_\_\_
7. Do you have any bank or retirement accounts?  Yes  No.  
  - If yes, what is the approximate total balance of the accounts? \$ \_\_\_\_\_
8. Do you have any outstanding loans?  Yes  No.  
  - If yes, what type of loans: \_\_\_\_\_
  - What is the approximate balance owed? \$ \_\_\_\_\_
9. What are your total approximate monthly expenses? \$ \_\_\_\_\_
10. How much can you afford to contribute to the cost of an attorney to represent you:  
  - Monthly attorney contribution: \$ \_\_\_\_\_
  - Total attorney contribution: \$ \_\_\_\_\_
11. Any other information about your financial circumstances you want to share: \_\_\_\_\_

I declare under penalty of perjury that I have read the above statements and to the best of my knowledge and belief these statements are true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Defendant