

FORM SUMMARY

Name of Form: Notice to Department of Corrections of Actual Filing Fees and Costs

Form Number: CV-443

Statutory Reference: §814.29(1m)(c)-(e), Wisconsin Statutes

Benchbook Reference: to be added

Purpose of Form: To give notice to the department of corrections of the total amount to be deducted from the prisoner's trust fund account to reimburse the county for the filing fees and costs not required by the court to be prepaid by the prisoner.

Who Completes It: Clerk of court

Distribution of Form: Original to clerk, copy to department of corrections and department of justice, copy to prisoner.

Accompanying Forms: Generally none, although the clerk may wish to add copies of billings for service of process fees.

New Form/Modification: Modified 5/2000.

Modifications: Added language to recoup postage costs.

Comments: The new prisoner litigation law (1997 Wisconsin Act 133), effective September 1, 1998, eliminates for prisoners the ability to seek complete waiver of filing fees or costs. It allows the prisoner to postpone the payment of such fees and costs but requires the prisoner to ultimately pay the fees and costs. It establishes a procedure by which the court orders the department of corrections to freeze the prisoner's trust fund account and make payments, either whole or lump sum, depending on the court's order from that account (see CV-439 and CV-441 for further details).

Although the filing fees that are being postponed will be known at the time of filing, the costs of service on the defendants/respondents will not be known until later. When all such billings have been received, the clerk should complete this form and transmit it to the department of corrections.

About this form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.