



# WSBA

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March 21, 2008

The Hon. Gerry L. Alexander  
Chief Justice  
Washington Supreme Court  
P. O. Box 40929  
Olympia, WA 98504-0929

Re: Suggested Amendments to GR 34

Dear Chief Justice Alexander:

On the recommendation of the Board of Governors of the Washington State Bar Association, the Supreme Court published for comment General Rule (GR) 34 regarding Waiver of Court and Clerk's Fees and Charges in Civil Matters on the Basis of Indigency. This suggested rule was originally brought to the Board of Governors by the WSBA Pro Bono and Legal Aid Committee (PBLAC).

I enclose a memorandum to the Board of Governors dated February 26, 2008, along with its referenced letter from James A. Bamberger, Director of the Office of Civil Legal Aid, which were considered by the Board of Governors at its recent meeting held in Tacoma on March 6 and 7, 2008. For the reasons explained in the enclosures, PBLAC recommended to the Board of Governors that the suggested new rule should change the indigency standard from 200% of the federal poverty guidelines to the 125% standard applied by the Office of Civil Legal Aid, which is consistent with the indigency standard used in the criminal defense context. The Board of Governors approved this recommendation on March 7, 2008.

Therefore, on behalf of the Board of Governors, I am submitting a revised version of the suggested new rule GR 34 and related revisions to Appendix B of the rule, marked to show the changes from the prior versions. The Board of Governors requests that the Supreme Court approve the rule and its appendices, as revised. Please let us know if we can provide any additional information.

Very truly yours,

Robert D. Welden  
General Counsel

cc: Dan Young  
Andrew A. Guy  
Roger Wynne  
Paula C. Littlewood  
Nanette Sullins  
James Bamberger

*Working Together to Champion Justice*



# WSBA

## DEPARTMENT OF JUSTICE AND DIVERSITY INITIATIVES

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### MEMORANDUM

TO: Board of Governors  
RE: Proposed Amendments to GR 34  
DA: February 26, 2008

On July 27, 2007, the Board of Governors recommended for approval GR 34 - Waiver of Court and Clerk's Fees and Charges on the Basis of Indigency, on the recommendation of the WSBA Pro Bono and Legal Aid Committee (PBLAC). The Supreme Court subsequently published GR 34, with a comment period ending on April 30, 2008.

Members of PBLAC and the ATJ Board have been engaged in discussions with the Washington State Association of County Clerks (WSACC) regarding that group's concerns about the proposed rule. A primary concern is the disparity between the statutory definition of criminal indigency, which is 125% of the federal poverty guidelines, and GR 34, which sets the standard for indigency at 200% of the federal poverty level. At its February 7, 2008 meeting, PBLAC voted to support a revision to recommended GR 34 which would reduce the ceiling from 200% to 125% to accommodate WSACC concerns as well as to bring the rule in line with the Office of Civil Legal Aid's (OCLA) indigency standard.

PBLAC is seeking BOG approval of this revision, and that the BOG recommend the revision to the Supreme Court.

For your consideration, please find attached:

- February 11, 2008 Letter to PBLAC Chair Dan Young from OCLA Director Jim Bamberger regarding the OCLA Indigency Standard
- GR 34 Cover Sheet
- Proposed Amendments to GR 34
- Proposed Amendments to GR 34, Appendix B

Thank you.

attachments



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OFFICE OF CIVIL LEGAL AID

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James A. Bamberger  
Director  
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February 11, 2008

Mr. Dan Young, Chair  
Washington State Bar Association  
Pro Bono and Legal Aid Committee  
1325 Fourth Ave., Sixth Floor  
Seattle, WA 98121-2539

Re: Proposed GR 34 – Indigency Standard

Dear Mr. Young:

On behalf of the Office of Civil Legal Aid, I write to offer some thoughts about the standard for determining indigency for automatic waivers of filing fees and related court costs. The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency that administers funding appropriated by the Legislature to underwrite civil legal aid. State funded civil legal aid services are provided by the Northwest Justice Project, certain specialty legal aid providers and 20 organized volunteer attorney programs throughout the state. Each of these is a “qualified legal aid program” within the meaning of the proposed GR 34.

By statute, the OCLA is required to ensure that services are provided only to eligible “indigent persons.” The benchmark for determining indigency for state-funded civil legal aid is 125% of the Federal Poverty Level (FPL) by family size. Individuals who have incomes at below this level are automatically eligible for state funded civil legal aid. Relevant to matters likely to involve low income litigants in state court, applicants for state-funded civil legal aid services will be eligible for state-funded services if total monthly household income exceeds 125% but does not exceed 200% of the federal poverty guideline, and

- The applicant has significant child care, transportation or other expenses necessary for employment, job training, or educational activities in preparation for employment;
- The applicant has unreimbursed medical or long term care expenses, including medical insurance premiums, or other non-medical expenses associated with the age or a disability of a household member;
- The applicant has a fixed monthly child support obligation or other fixed debts or obligations including current taxes; or
- There are other significant factors that prevent the person’s income from being sufficient or available to purchase legal assistance in the private sector on a matter of significant personal or family importance.

*It's not justice, if it's not equal.*

The OCLA standards are consistent with the standards established for determining indigency for publicly funded indigent criminal defense services. RCW 10.101.010 defines "indigent" for purposes of determining eligibility for appointment of defense counsel in criminal proceedings. That statute provides:

- (1) "Indigent" means a person who, at any stage of a court proceeding, is:
  - (a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or
  - (b) Involuntarily committed to a public mental health facility; or
  - (c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or
  - (d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

Unlike the OCLA standard (but very much like the proposed GR 34), the indigency standard for appointment of defense counsel establishes categorical eligibility for individuals who are recipients of needs-based public assistance programs. Like the OCLA standard, RCW 10.101.010 uses a 125% benchmark for persons who are not recipients of needs-based assistance programs. Finally, like the OCLA standard, the standard in RCW 10.101.010 provides that individuals may be eligible even if they have incomes that exceed 125% of the FPL if they are "[u]nable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel." RCW 10.101.010(1)(d). In determining whether an individual is unable to pay the anticipated cost of counsel because he or she lacks "available funds," the standard contemplates a review of that individual's "disposable net monthly income," including his or her "basic living costs." "Basic living costs" is defined as the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations. RCW 10.101.010(4)(d).

For all practical purposes, the OCLA standard and the standard set forth in RCW 10.101.010 are identical. Each uses a 125% standard as the starting benchmark, and each provides for some leeway depending upon the individual's income/expense relationship.

Given the consistency of the standards for determining eligibility for state-funded civil legal aid services and those employed to determine eligibility for indigent defense services, and in light of the concerns that have been raised regarding the fiscal impact of the current proposal, the OCLA suggests that the rule be revised to establish that the OCLA eligibility standards be employed to

determine eligibility for automatic filing fee and court cost waivers. Should this be done, the following individuals would be eligible for automatic waivers:

1. Individuals represented by a qualified legal aid provider or pro bono attorneys representing clients who have been referred by a qualified legal aid provider with a certification that the individuals have been screened and determined eligible on the basis of the OCLA eligibility standard;
2. Individual pro se litigants who are recipients of one of the enumerated needs-based assistance programs;
3. Individual pro se litigants whose household income is at or below 125% of the FPL;
4. Individual pro se litigants whose household income is between 126% and 200% of FPL and who have the following recurring basic living costs that effectively reduce their income level to the 125% FPL standard:
  - a. The applicant has significant child care, transportation or other expenses necessary for employment, job training, or educational activities in preparation for employment;
  - b. The applicant has unreimbursed medical or long term care expenses, including medical insurance premiums, or other non-medical expenses associated with the age or a disability of a household member;
  - c. the applicant has a fixed monthly child support obligation or other fixed debts or obligations including current taxes; or
  - d. There are other significant factors that prevent the person's income from being sufficient or available to purchase legal assistance in the private sector on a matter of significant personal or family importance.

I am enclosing suggested revised versions of the draft rule that reflect the recommendations set forth in this letter. Please advise if I can be of further assistance.

Sincerely,

OFFICE OF CIVIL LEGAL AID

James A. Bamberger  
Director



1 (2) "Qualified legal services provider" (QLSP) means a not-for-profit legal  
2 services organization or program designated as a qualified legal services provider  
3 by the Washington State Bar Association.

4 (3) "An attorney working in conjunction with a qualified legal services provider"  
5 means either an attorney working for or with the qualified legal services provider or  
6 a volunteer attorney working without expectation of compensation through a  
7 referral from the qualified legal services provider.

8 (4) The clerk shall accept an application that complies with subsection (b)(1)  
9 without the necessity of a court order. If the clerk refuses such an application, the  
10 applicant may file a motion, which may be filed, heard, and ruled upon without  
11 payment of a filing fee, and the court shall review the clerk's refusal and enter such  
12 orders as may be required.

13 **(c) Court Waiver.**

14 (1) *Applicant Receiving Benefits Through Assistance Program.* The court may  
15 waive the fees and charges referred to in section (a) when the applicant files an  
16 Application and Declaration in substantially the same form as Appendix B,  
17 establishing that:

18 (A) the applicant is currently receiving assistance under a needs-based, means-  
19 tested assistance program such as the following:

20 (i) Federal Temporary Assistance for Needy Families (TANF);

21 (ii) State-provided general assistance for unemployable individuals (GA-U or GA-  
22 X);

23 (iii) Federal Supplemental Security Income (SSI); or

24 (iv) Food Stamp Program (FSP);

25 (B) the assistance was not obtained through false representation;

1 (C) to the best of the applicant's knowledge, information, and belief, the applicant's  
2 financial circumstances at the time of application continue to meet the program's  
3 eligibility requirements for receiving such assistance; and

4 (D) the applicant has signed the Application and Declaration pursuant to CR 11 or  
5 CRLJ 11.

6 Receipt of such assistance shall be established by filing with the Application  
7 and Declaration a copy of the applicant's most recent benefits award letter, a copy  
8 of a benefits check received within 30 days prior to the date of the application, or  
9 other documentation from the assistance program establishing the applicant's  
10 current receipt of or qualification for such assistance.

11 (2) *Applicant Whose Gross Monthly Household Income Meets the Needs*  
12 *Based Standard for Indigency Established by the Office of Civil Legal Aid Is No*  
13 *More Than Twice the Applicable Federal poverty Guideline.* The court may waive  
14 the fees and charges referred to in section (a) when the applicant files an  
15 Application and Declaration in substantially the same form as Appendix B  
16 establishing that:

17 (A) his or her gross monthly household income meets the needs-based standard  
18 for indigency established by the Office of Civil Legal Aid in determining eligibility for  
19 state-funded civil legal aid services ~~is no more than twice the then-current applicable~~  
20 ~~federal poverty guideline (by family size) as defined in 42 U.S.C. § 9902; and~~

21 (B) the applicant has signed the Application and Declaration pursuant to CR 11 or  
22 CRLJ 11.

23 Nothing in this rule precludes a court from adopting a local rule setting a higher  
24 maximum monthly household income level.



1           (3) *Applicant Represented Through Qualified Legal Services Provider.* An  
2 applicant represented through a qualified legal services provider may file a motion  
3 to waive the fees and charges referred to in subsection (a)(2).

4           (4) *Procedure.* A motion or application under this section may be filed, heard,  
5 and ruled upon before filing of the underlying complaint, petition, or other pleading  
6 asserting one or more counterclaims, cross claims, or third-party claims. No filing  
7 fee shall be charged to or collected from an applicant in order to seek a waiver  
8 under this section unless the court in its discretion otherwise orders. Nothing in this  
9 rule precludes a court from adopting a local rule allowing the clerk to accept,  
10 without the necessity of a court order, a motion or application that complies with  
11 this section.

12           **(d) Ex Parte.** Any motion or application under this rule may be heard ex parte.

13           **(e) Filing Under Seal.** In any motion or application under this rule, a financial  
14 statement and any other documents filed with the form shown as Appendix D,  
15 restricted personal identifiers as defined in GR 22(b)(6), and information contained  
16 in sealed financial source documents as defined in GR 22(b)(8), shall be filed  
17 under seal, unless otherwise requested by the applicant.

18           **(f) Recoupment.** At the time of entry of a final order, judgment, or decree in  
19 any action, suit, or proceeding in which any fees or charges have been waived  
20 under this rule, the court may reevaluate the original grounds for granting the  
21 waiver and consider any changed financial circumstances of the party who  
22 obtained the waiver and in its discretion require the party to pay any waived fees or  
23 charges to the clerk, or assess any waived fees or charges against another party  
24 as provided in section (g).

25           **(g) Assessment.** If a party has received a waiver under this rule and would as  
26 a prevailing party otherwise be entitled to recover any of the waived fees or

1 charges from one or more other parties, the court may assess the recoverable fees  
2 or charges against the appropriate parties and order payment to the clerk.

3 **(h) Court's Authority and Discretion.** This rule does not and shall not be  
4 construed in any way to limit or eliminate, in whole or in part, the court's constitutional  
5 or inherent authority and discretion in any matter, including without limitation other  
6 grounds for granting or denying a waiver, under this rule or otherwise.

### 7 **Commentary**

8 1. This rule shall promote broader access to justice for people lacking the  
9 financial means to pay initial filing fees and other litigation fees and charges. Fees  
10 and charges that prevent courts from considering meritorious cases effectively bar  
11 justice to the indigent. By establishing predictable, efficient, and uniform statewide  
12 standards for waiving court and clerk's fees and charges in civil cases, rather than  
13 simply deferring them, this rule is intended to reduce the time spent by applicants  
14 or their attorneys in obtaining waiver of fees and charges, reduce court  
15 administration and judicial time in acting on waiver applications, and encourage *pro*  
16 *bono* representation by attorneys in private practice who wish to meet RPC 6.1's  
17 aspirational goals.

18 2. Section (a) simply restates the common law *in forma pauperis* rule that  
19 courts may waive filing fees and charges in civil cases for indigent parties.  
20 Subsection (a)(1) refers to first or initial civil filing fees, which shall be waived if the  
21 party is indigent. Subsection (a)(2) refers to other fees and charges listed in the  
22 referenced statutes and includes, among others, a jury demand; certain copying  
23 charges; facilitator surcharge; service fee for faxed documents; mandatory  
24 arbitration fee; and filing a request for trial de novo. These fees may be waived,  
25 depending upon the applicant's available income, assets, extent of the hardship  
26 and the totality of the circumstances.

1           3. Fee waivers are automatic under subsection (b)(1) because a qualified legal  
2 services provider ("QLSP") providing services to low-income clients has  
3 determined that the client meets income eligibility standards for the provision of  
4 civil legal aid services established by the Office of Civil Legal Aid (125% of FPL) ,in  
5 order to comply with its own internal grant funding requirements, limits its services  
6 and referrals to those who meet certain needs-based financial eligibility tests.

7 Thus, in the circumstances covered by subsection (b)(1) of the rule, a QLSP has  
8 already prescreened the applicant and has determined that the applicant meets the  
9 OCLA eligibility guidelines ~~QLSP's needs-based test~~. The QLSP's determination  
10 that an applicant is qualified for legal services ensures that an automatic fee waiver  
11 is available only to those who need it. A court administration official or judicial  
12 officer need not duplicate the QLSP's financial screening process. By facilitating  
13 fee waivers in these circumstances, subsection (b)(1) also encourages volunteer  
14 attorneys, members of private law firms, sole practitioners, government attorneys,  
15 and other Washington State Bar Association ("WSBA") members (such as those  
16 practicing under the emeritus membership rule) to accept client referrals from  
17 QLSPs and to obtain the benefits of this rule for the applicant.

18           4. To identify QLSPs for purposes of section (b), the WSBA maintains and  
19 periodically updates a website listing designated Washington QLSPs. Clerks  
20 across the state may easily access the WSBA website to confirm the QLSP's  
21 status, thus substantially streamlining the fee-waiver process. The forms in the  
22 Appendices should also save substantial judicial and administrative time, removing  
23 another impediment to *pro bono* representation.

24           5. Under subsection (c)(1)(D) and the Application and Declaration in Appendix  
25 B, the applicant declares an awareness and understanding of CR 11 or CRLJ 11,  
26 as appropriate. This requirement addresses concerns regarding fee and charge

1       waivers in apparently non-meritorious cases, and meets the standard articulated in  
2       *O'Connor v. Matzdorff*, 76 Wn.2d 589, 601, 458 P.2d 154 (1969): "it is sufficient [to  
3       discourage frivolous litigation] to require an affidavit that the suit is brought in good  
4       faith, or if possible, an attorney's affidavit that it has apparent merit, if the court has  
5       no means of making an independent investigation." The declaration requirement  
6       satisfies the *O'Connor* burden and relieves court personnel of any responsibility to  
7       review or evaluate the merits.

8       6. Because not every applicant may meet the requirements of subsection (b)(1),  
9       subsections (c)(1) and (c)(2) set forth financial eligibility standards for allowing fee and  
10       charge waivers as part of a motion or application filed by or on behalf of the applicant.  
11       An applicant may establish eligibility either (a) by demonstrating participation in a  
12       needs-based, means-tested public benefits program such as those non-exclusively  
13       listed in the rule or (b) by demonstrating a gross monthly household income (net of  
14       basic living expenses if the gross monthly income is between 125% and 200% of FPL)  
15       is at or below 125% of FPL. This is the standard that QLSP's that receive funding  
16       from the Office of Civil Legal Aid are required to apply that is no more than twice the  
17       applicable federal poverty guideline, which was at the time of adoption of this rule the  
18       current eligibility ceiling for clients served by QLSPs funded by the Legal Services  
19       Corporation. The applicable FPL's are posted on the OCLA website at  
20       <http://www.ocla.wa.gov/aboutOCLA.htm> (scroll down). Using this standard ensures  
21       consistency in application in all courts and consistency with applicable standards used  
22       in determining eligibility for appointment of counsel under Chapter 10.101 RCW.  
23       ~~The federal poverty guidelines are similar to the income standards used by QLSPs.~~  
24       ~~These guidelines may be obtained from the U.S. Department of Health and Human~~  
25       ~~Services website. Satisfying these guidelines will ensure consistency and predictability~~

1 ~~throughout the state and will permit only indigent applicants to receive fee and charge~~  
2 ~~waivers.~~

3       The last sentence in subsection (c)(2) makes clear that a court may adopt local  
4 rules allowing the applicant to have a higher income level (in comparison to the federal  
5 poverty guidelines) and still be eligible for routine approval of fee and charge waivers.  
6 Such a change may be appropriate for various reasons, including a higher-than-  
7 average cost of living in a particular county or a failure of the federal government to  
8 update the poverty guidelines in the future.

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**GR 34  
APPENDIX B**

SUPERIOR/DISTRICT COURT OF WASHINGTON  
COUNTY OF \_\_\_\_\_

_____ ) Petitioner/Plaintiff, ) v. ) _____ ) Respondent/Defendant. ) _____ )	CASE NO. _____  APPLICATION, DECLARATION, AND ORDER ON WAIVER OF CIVIL FEES AND CHARGES  (Clerk's Action Required)
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**APPLICATION AND DECLARATION**

I DECLARE THAT: I am unable to pay the first or initial filing fee and/or the other fees and charges listed below on the basis of indigency. I hereby apply for a waiver of all first or initial filing fees required to file this case listed in RCW 36.18.016(2)(b) or RCW 36.18.020(2)(a) or (b). In addition, I request that the following fees and charges be waived:

- Petition for modification of decree of dissolution/paternity [RCW 36.18.016(2)(a)]
- Jury demand [RCW 36.18.016(3)(a)]
- Copying charges [RCW 36.18.016(4)]
- Duplicated recordings [RCW 36.18.016(12)]
- Facilitator charge [RCW 36.18.016(15)]
- Change of venue [RCW 36.18.016(18)]
- Receiving faxed documents [RCW 36.18.016(19)]
- Mandatory arbitration fee [RCW 36.18.016(24)]
- Request for trial de novo [RCW 36.18.016(25)]
- Petition for judicial review [RCW 36.18.020(2)(c)]
- Petition for unlawful harassment [RCW 36.18.020(2)(d)]
- Notice of debt due re crime victim [RCW 36.18.020(2)(e)]
- Other: \_\_\_\_\_

[ALL APPLICANTS: TO SHOW THAT YOU ARE NOT ABLE TO PAY COURT FEES AND CHARGES, CHECK THE BOX IN FRONT OF A, B, AND/OR C BELOW AND PROVIDE THE INFORMATION REQUESTED UNDER THE BOX YOU CHECK.]

**A. Pursuant to GR 34(c)(1), I currently receive benefits under the federal- or state-provided, means-tested public assistance programs marked below (check all that apply):**

- Federal Temporary Assistance for Needy Families (TANF);
- State-provided general assistance for unemployable individuals (GA-U or GA-X);

- Federal Supplemental Security Income (SSI);
- Food Stamp Program (FSP); and/or
- Other: \_\_\_\_\_

I am filing the following proof of my most recent receipt of benefits:

[CHECK AT LEAST ONE BOX BELOW. IN ADDITION TO THIS FORM, FILE THE DOCUMENT(S) YOU CHECK BELOW UNDER A "SEALED FINANCIAL SOURCE DOCUMENTS" COVERSHEET IN THE FORM OF APPENDIX D.]

- Copy of the most recent benefits award letter from the federal or state government agency upon which this application is based;
- Copy of a benefits check received within the past thirty days; or
- Other documentation from the public agency issuing the assistance showing that I currently receive or am eligible to receive such assistance (list each document): \_\_\_\_\_

I am not receiving benefits from the program(s) marked above as a result of fraud or under false pretenses. To the best of my knowledge, information, and belief, my financial circumstances at this time continue to meet the eligibility requirements of the program or programs marked above, and I otherwise remain entitled to receive benefits from the program or programs marked above.

- B. Pursuant to GR 34(c)(2), my gross monthly household income is \$ \_\_\_\_\_.

[CHECK ONE BOX BELOW.]

- I know that my gross monthly household income is less than the standard for indigency established by the Office of Civil Legal Aid for determining eligibility for state-funded civil legal aid services or equal to twice the current federal poverty guidelines (by family size) as defined in 42 U.S.C. § 9902.
- I do not know if my gross monthly household income is less than the standard for indigency established by the Office of Civil Legal Aid for determining eligibility for state-funded civil legal aid services or equal to twice the current federal poverty guidelines (by family size) as defined in 42 U.S.C. § 9902.

[IN ADDITION TO THIS FORM, FILE A FINANCIAL STATEMENT IN THE FORM OF APPENDIX C UNDER A "SEALED FINANCIAL SOURCE DOCUMENTS" COVERSHEET IN THE FORM OF APPENDIX D.]

- C. Pursuant to GR 34(c)(3) or GR 34(h), I am unable to pay the filing fee and/or other fees and charges in this case for the following reason(s): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[IN ADDITION TO THIS FORM, FILE A FINANCIAL STATEMENT IN THE FORM OF APPENDIX C UNDER A "SEALED FINANCIAL SOURCE DOCUMENTS" COVERSHEET IN THE FORM OF APPENDIX D.]

[ALL APPLICANTS: PLEASE CAREFULLY REVIEW THE INFORMATION YOU HAVE PROVIDED, READ THE FOLLOWING PARAGRAPHS, AND SIGN BELOW.]

**I believe that I have valid reasons for bringing my claim and that I am entitled to the relief requested in my complaint, petition, or other pleading. I bring my claim in good faith. I believe that my signature (or my attorney's signature, if any) on the complaint, petition, or other pleading that I am seeking to file meets the signature requirements of Superior Court Civil Rule (CR) 11(a) or Civil Rule 11(a) for Courts of Limited Jurisdiction (CRLJ), each of which provides:**

A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. . . . The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is well grounded in fact; (2) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation . . . . If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

**I hereby declare under penalty of perjury under the laws of the State of Washington that the above Application and Declaration is true and correct and that the financial statement or financial documents I am filing are accurate and complete.**

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_, Washington.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Printed Name



**ORDER**

The Court, after reviewing the foregoing application and declaration and the supporting documentation, FINDS THAT:

- The applicant has satisfied the conditions set forth in  GR 34(c)(1)  GR 34(c)(2)
- The applicant has failed to satisfy the conditions set forth in  GR 34(c)(1)  GR 34(c)(2)
- The applicant is entitled to a waiver under GR 34(c)(3)
- The application should be approved
- The application should be denied for the following reason(s): \_\_\_\_\_

It is HEREBY ORDERED:

- The application for waiver of the first or initial filing fee as listed in RCW 36.18.016(2)(b) or RCW 36.18.020(2)(a) or (b), as applicable, is granted.
- The following fees and charges shall be waived:
  - Petition for modification of decree of dissolution/paternity [RCW 36.18.016(2)(a)]
  - Jury demand [RCW 36.18.016(3)(a)]
  - Copying charges [RCW 36.18.016(4)]
  - Duplicated recordings [RCW 36.18.016(12)]
  - Facilitator charge [RCW 36.18.016(15)]
  - Change of venue [RCW 36.18.016(18)]
  - Receiving faxed documents [RCW 36.18.016(19)]
  - Mandatory arbitration fee [RCW 36.18.016(24)]
  - Request for trial de novo [RCW 36.18.016(25)]
  - Petition for judicial review [RCW 36.18.020(2)(c)]
  - Petition for unlawful harassment [RCW 36.18.020(2)(d)]
  - Notice of debt due re crime victim [RCW 36.18.020(2)(e)]
  - Other: \_\_\_\_\_

The application for waiver of fees and charges is DENIED.

Dated \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

Presented by:

\_\_\_\_\_  
Applicant's Signature or Applicant's Attorney's Signature

\_\_\_\_\_  
Printed Name (and WSBA No., if applicable)