

Instructions for a Certificate of Restoration of Opportunity

What is a Certificate of Restoration of Opportunity (CROP)?

A CROP is a civil court order that

- reduces barriers
- restores eligibility for occupational licenses

Your papers will be filed as a public court record and will start a civil court case.

Protect your personal identification that **may** be in the papers you file. Block out (redact) so no one can read your social security number, any financial account numbers, and your driver's license number if they are on any of your papers **before** you file your papers with the court.

Follow the below instructions to ask the court for a CROP.

Print Clearly! Use Black or Blue Ink, only.

Complete the *Petition for Certificate of Restoration of Opportunity*, form CRO 01.0100

1. At the top of the first page, add the name of the county where you will file your petition.
2. Add your name as the Petitioner
3. In the first section, tell the court which convictions or adjudications you want covered by the Certificate of Restoration of Opportunity (CROP):

Check the first box if you want the CROP to apply to all the convictions and adjudications you list in your declaration.

Check the second box if you want the CROP to apply only to a few of your convictions or adjudications, these may be the convictions and adjudications that result in the most barriers for you.

In the table, list each conviction and adjudication you want covered by the CROP and provide the information requested.

4. Write the date in the space provided and sign your name.

You finished the motion, now you need to complete the declaration.

On page 2, below “Petitioner’s Declaration”, type or print your name in the blank line. This is your declaration.

Section 1: You must file your petition in a qualified court. A ‘Qualified Court’ is the superior court in the county:

- a. where you live, or
- b. where you were convicted or adjudicated, or
- c. where the district or municipal court that convicted you is located.

Check the box that applies.

Section 2: You must send a *Notice of Filing a Petition for Certificate of Restoration of Opportunity* to the prosecuting attorney for the county where you file.

Check the box if you were sentenced in another county within the past five years. You must also notify the prosecuting attorney of that county.

Section 3: You must list all of your conviction/s and adjudication/s.

To complete this section, it may be helpful to obtain a copy of your criminal history from the Washington State Patrol at: <https://fortress.wa.gov/wsp/watch/>.

In this county: Start with the conviction/s or adjudication/s for offenses you committed in the county where you file your CROP petition. In the table list each conviction or adjudication and provide the requested information.

If you need more space, list the rest of the convictions and adjudications on a sheet of paper and attach it to the petition.

Not in this county: Next list the convictions and adjudications for offenses that you committed outside the county where you file your petition. List convictions or adjudications in other counties of Washington State, other states, federal courts, tribal courts, district courts, or municipal courts.

Check the box if you need more space and write the information on a separate sheet of paper and attach it to the petition.

You need to explain to the court why you qualify for a CROP

Section 4: Do you meet the timeline requirements?

As to each category:

- Misdemeanor or gross misdemeanor or equivalent juvenile adjudication;
- Class B or C felony or equivalent juvenile adjudication; and/or

- Violent offense as defined in RCW 9.94A.030 or an equivalent juvenile adjudication;

check the boxes about timelines that apply.

Section 5: You must be in compliance with **all** sentencing requirements imposed by a court. If you are in compliance, check the box.

Conditions of Sentence. Attach the Judgment and Sentence or Adjudication Order for each conviction or adjudication listed in Section 3 and attached proof that you completed or that you are in compliance with the conditions.

Legal Financial Obligations: If you have Legal Financial Obligations (LFOs), check the applicable box and attach evidence that you:

- Paid in full
- Make payments and comply with your payment plan
- Are not paying your LFOs but you have good reasons why you are not following your payment plan

To gather the LFO evidence to attach to your petition:

- Ask the clerk of the court that convicted you for a:
 - Satisfaction of judgment-if paid in full, or
 - Case financial history with receipting detail.
- If you are not paying your LFOs but you have good reasons why, list those reasons in a written statement.

Remember to block out so no one can read (redact) any social security number, financial account number, or driver's license number that appears on your records.

Section 6: Read this section to make sure you have never been convicted of any of the offenses listed. If you have been convicted of one the offenses, you do not qualify for a CROP.

Section 7: To qualify for a CROP you must not be required to register as a sex offender. If you must register as a sex offender, you do not qualify for a CROP.

Section 8: Read this section. You must have no new crimes since your most recent conviction to qualify for a CROP.

Section 9: Provide an address where you agree to receive legal documents. If the court schedules a hearing on your CROP petition, the court will send you a notice of the hearing to this address.

Sign the declaration and write in the location and date you signed the declaration.

File the petition

Bring your petition with all your attachments, including the notice/s sent to the prosecuting attorney/ies, to the superior court clerk's office to file.

Filing fee: There is a filing fee for the CROP petition. If you cannot afford to pay the filing fee, you can ask the court for a fee waiver using the GR 34 motion for fee waiver. It is available on the courts forms page at:

<https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=87>.

Notify the Prosecuting Attorney

You must notify the prosecuting attorney of the county where you file your petition. If a court in another county sentenced you within the past five years, you must also send the notice to the prosecuting attorney in the other county/ies.

You may send the *Notice of Filing a Petition for Certificate of Restoration of Opportunity*, form CRO 01.0200, to the prosecuting attorney by personal delivery or by mail. Attach the *Notice of Filing Petition for Certificate of Restoration* to the petition.

You, or the person who sent the notice to the prosecuting attorney/ies, must complete a *Proof of Service of Notice of Filing a Petition for Certificate of Restoration of Opportunity*, form CRO 01.0300, for each prosecuting attorney served with the notice.

File the completed *Proof of Service* paper/s with the clerk of the superior court where you filed your petition.

The prosecuting attorney in the county where you file must provide the court with a copy of your full criminal record.

Court's decision

The court may decide to grant the petition without a hearing. The court will send you notice of any hearing. **Go to any hearing** that the court schedules.

The court may dismiss your petition. If the court dismisses your petition, the court must explain the reason for dismissal in the *Order of Dismissal of Petition for Certificate of Restoration of Opportunity*, form CRO 01.0600.

If the court dismissed your petition, you may file again when you've remedied the reason for the dismissal. You may re-file in the same county or in another county with a qualified court.

If the court grants the petition, the court will issue an *Order and Certificate of Restoration of Opportunity*, form CRO 01.0700.

Check the status of your CROP petition:

- If you have access to the internet, you can search for your court records on the Washington State Court Web site at: <http://dw.courts.wa.gov/>.
- You may also contact the superior court clerk's office in the county where you filed your petition.

What will a CROP do?

1. Occupational Licenses: a person with a CROP may not be denied an occupational license solely on the basis of the criminal record (w/some exceptions).
2. Employers & housing providers: may decide whether to consider a CROP, but are not legally required to do so.

Exceptions to the effect of a CROP:

1. CROP does not apply to some occupations:
 - Law enforcement
 - License to practice law
 - Many licenses involving financial responsibility or fiduciary duty
 - Many licenses involving work with vulnerable people
 - Some licenses related to health care
2. Some licensing agencies have discretion:
 - DSHS and DOH can deny solely on basis of criminal record, even w/a CROP, but **ONLY IF** they make an individual inquiry about the:
 - Nature and seriousness of the offense
 - Time since incarceration
 - Changed circumstances
 - Nature of employment/license sought

What a CROP will NOT do:

1. Does not impact abuse and neglect registry
2. Does not restore firearms rights
3. Does not remove any information from a criminal record.

Find out more information about CROP on Columbia Legal Services' website:

https://columbialegal.org/policy_reforms/crop/.