

GR 39
REMISSION OF LEGAL FINANCIAL OBLIGATIONS

(a) Definitions.

(1) Legal financial obligation (LFO), as referenced in this rule, means costs, fines, fees, penalties, assessments, and restitution imposed by a Washington court and does not include the RCW 9.94A.780 clerk's fee for collecting the LFO.

(2) "Indigent" is defined in RCW 10.101.010.

(b) Relief Available. An individual who has been required to pay LFOs may petition the sentencing court for a waiver of interest and remission or reduction of any unpaid portion of the LFOs, except restitution and mandatory LFOs not subject to remission or reduction, and may request any other relief as allowed by law. The petitioner may also request that the LFOs be removed from a collection agency; request additional time to pay the LFOs; and, excluding restitution and mandatory LFOs not subject to remission or reduction, request payment by community service or other forms of community restitution if available in the community.

(c) Indigence or Inability To Pay. A petition shall allege that the petitioner is indigent or lacks the financial ability to pay the LFO. Provided, a petitioner is not required to show indigence or the lack of ability to pay an LFO when making a request to waive interest on a nonrestitution LFO pursuant to RCW 10.82.090.

(d) Mandatory Form and Notice. The petitioner shall complete and file a mandatory pattern form petition, declaration of mailing and proposed order created by the Administrative Office of the Courts (AOC). The petitioner may attach appropriately redacted financial documents supporting the request. *See* GR 31(e). The petitioner shall also mail copies of the petition, declaration of mailing, and proposed order to the appropriate prosecuting attorney.

(e) Submission of Petition; Fee. The court shall accept the petition submitted in person, by mail, or, where authorized by local court rule not inconsistent with GR 30, by electronic filing. All petitions shall be presented to a judicial officer for consideration in a timely manner and there shall be no fee imposed for filing and consideration of a petition.

(f) Hearings; Notice. The judicial officer may set the petition for a hearing, or may consider the petition ex parte without a hearing no sooner than three business days from filing of the petition and declaration of mailing or the filing of the declaration of mailing, if filed after the petition. Provided, when the appropriate prosecuting authority files a letter with a presiding judge requesting notice of all petitions filed pursuant to this rule, the court shall set all such petitions for hearing and send the notice of hearing to all parties. In the letter provided to the presiding judge, the prosecuting authority, however, may limit the notice requested to select cases, such as cases where the fine or costs are greater than a specified amount.

(g) Telephonic Hearing. Hearings by telephone or video conference improve access to the courts. If a petition is set for hearing, upon request, the court in its discretion may permit a telephone or videoconference appearance by the petitioner subject to local court rule and/or local policies.

[Adopted effective December 28, 2021; Amended effective October 31, 2023.]

_____ Court of Washington, County/City of _____

_____,
Plaintiff.

vs.

_____,
Defendant.

DOB: _____

No. _____

**Petition re: Legal Financial Obligations
(PT)**

Petition re: Legal Financial Obligation

Use this form to ask the Court to waive or reduce the amount you owe, or to remove your Legal Financial Obligations (LFOs) from collections. Please fill out any sections that might apply to your case. After you fill out this form, you should also fill out a proposed order for the judge to sign. That form is called "Order re: Legal Financial Obligations." You must fill out a separate copy of both forms for each case you have.

The undersigned requests that the sentencing court grant an order that will:

1. Jurisdiction

If it has been more than 10 years since you were convicted in this case or completed the jail/prison term imposed at your sentencing, the court may be required to cancel some or all of your LFOs. By completing this section, you are asking the court to review whether it is required to cancel any of your LFOs.

You should check the first box if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing. If you were sent back to jail or prison for violating probation or community custody, this does not restart the 10-year period. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the first box.

You should check the second box if you were not sentenced to jail or prison time in this case. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the second box.

You should check the third box if it has been fewer than 10 years since you completed the jail/prison term imposed at your sentencing.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney.

I declare, to the best of my knowledge, that more than 10 years have passed since I completed the jail or prison sentence (total confinement) imposed *in this case*. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

I declare, to the best of my knowledge, that I did not receive a jail or prison sentence (total confinement) *in this case*. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

I declare, to the best of my knowledge, that fewer than 10 years have passed since I completed the jail or prison sentence (total confinement) imposed *in this case*. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay (Check all that apply)

Anyone filling out this form may ask for relief in Part A.

Collection. I request that the court remove my unpaid LFOs from collection and waive all collection fees. RCW 19.16.500(1)(b); RCW 36.18.190; GR 39.

LFO Interest. I request that the court waive all unpaid interest on my LFOs that are not restitution. RCW 10.82.090(3)(a).

DNA Fee. I request that the court waive the DNA fee. RCW 43.43.7541(2).

Restitution Interest After Payment of Original Amount Owed (Principal Balance). I have paid the original amount owed (principal balance) of my restitution in full. All that remains of my restitution obligation is the added (accrued) interest. I ask that the court waive or reduce the remaining interest on my restitution. RCW 10.82.090(3)(b)

B. LFO Relief Due to Inability to Pay (Indigence)

You can complete this section regardless of whether you completed Part A. However, you may only ask for relief in this section if you are unable to pay. If you don't know whether you are considered unable to pay, you can review the criteria, below in Section 3 (Declaration of Inability to Pay (Indigence)). If you check one of the boxes in that section, you are considered unable to pay.

Waiver or Reduction of LFOs. I request that all unpaid optional (discretionary) LFOs be waived or reduced. RCW 7.68.035(5); RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5).

Restitution Owed To An Insurer or State Agency. I request that the court waive or reduce restitution and added (accrued) interest owed to an insurer or a state agency (other than the Department of Labor and Industries). RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.

Restitution Interest After Release from Total Confinement. I declare that I have been released from jail or prison (total confinement). I ask that restitution interest that accrued during my confinement be reduced or waived. (RCW 10.82.090)

Date I entered jail or prison in this case: _____

Date I was released from jail or prison in this case: _____

3. Declaration of Inability to Pay (Indigence)

You should complete this section if you completed the previous section—"2(b) Waive or Reduce LFOs Due to Inability to Pay (Indigence)". You only need to meet one of the following criteria to be considered unable to pay. However, in order to give a full picture of your inability to pay to the court, please check all boxes that apply to your life.

I declare that I have not had enough money to pay all my LFOs and, because of this, my failure to pay them has not been willful. I declare that I am indigent (do not have the ability to pay) because:

- I am receiving one of the following types of public assistance (RCW 10.01.160(3)(a)):
 - Food stamps or food stamp benefits transferred electronically (EBT);
 - Medicaid (for example, Apple Health);
 - Supplemental Security Income (SSI);
 - Temporary Assistance for Needy Families (TANF);
 - Aged, Blind, or Disabled assistance benefits (ABD);
 - Pregnant women assistance benefits;
 - Poverty-related veterans' benefits;
 - Refugee resettlement benefits; or
 - Medical care services under RCW 74.09.035;

I am homeless. (RCW 10.01.160(3)(b)).

I have an acute, chronic, or serious mental illness. (RCW 10.01.160(3)(b)).

I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.01.160(3)(a)). *You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>; 125% of the federal poverty level can be found here: <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=82>.*

I am receiving an annual income, after taxes, of *more* than 125% of the federally established poverty level but I have living expenses making me unable to pay the LFOs imposed. (RCW 10.01.160(3)(c)). *You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.*

Details: _____

Other compelling circumstances exist that explain my inability to pay my LFOs. (RCW 10.01.160(3)(d); RCW 13.40.192). Details:

4. Process for Paying Any LFOs That Will Remain

You should fill out this section if you might have LFOs remaining even if the court offers you the relief you have asked for in this petition. For example, if you owe restitution or a mandatory LFO, you may have LFOs remaining after the court rules on your motion. If you aren't sure if you will have LFOs remaining, please fill out this section.

You should check the box requesting additional time if you don't believe you could immediately pay whatever LFOs that remain in a single payment. When filling out this section, you can list any amount that you can afford to pay each month.

If your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs (VA) payments, you are not required to pay any remaining LFOs. In this situation, you will continue to owe your LFOs, but the Court will not require you to make payments or send your account to collections. In the future, if you obtain income from another source, you will be required to pay your remaining LFOs. If your only source of income is from Social Security, child support, or VA payments, you should not check the box below titled "Additional Time and Payment Plan."

Additional Time and Payment Plan. I request additional time to pay any remaining LFOs and that I be placed on a payment plan that I can afford directly through the clerk. I can afford to pay \$_____ per month. RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5).

Protected Source of Income. I do not have the ability to pay and request that the court not engage in any active efforts to collect any remaining LFOs. *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016). My only income is:

Social Security benefits (retirement, disability, etc.);

Child support payments; or

Benefits from the Department of Veterans Affairs

5. Other Relief

Please fill out this section if you would like to request any other relief not included above.

In addition to the relief requested above, I request that the court:

6. Hearing

You can ask the court to hold a hearing with you present or to decide this motion without a hearing. Please select either box A or box B, but not both. If you check box B, please check which type of hearing you would be able to attend.

A. No Hearing. I request that the court rule on my petition without a hearing.

B. Hearing. I ask that the court hold a hearing on my petition. I request to appear at the hearing:

Via video conference or telephone; or

In-person.

7. Declaration of Service

You must deliver a copy of this form and the form titled "Order re: Legal Financial Obligations" to the prosecutor. If your case is in Superior or District Court, the prosecutor will be the county prosecuting attorney's office (for example, Pierce County Prosecuting

Attorney's Office). If your case is in municipal court, the prosecutor will be the city attorney's office (for example, Tacoma City Attorney's Office).

You should contact the prosecutor or city attorney's office, explain that you are filing a motion to reduce your legal financial obligations, and ask them how to send them ("serve") the forms. After you send them the forms, you can complete this section. Next, you should then call the court and ask them how to file your forms with the court. You should then file your forms with the court.

I mailed or delivered this Petition and a Proposed Order to the Prosecuting Attorney on (date) _____.

I declare, under penalty of perjury under the laws of the State of Washington, that the facts I have provided on this form are true.

Signed at (City) _____, (State) _____ on (Date) _____

Signature of Defendant

Print Name

The following is my contact information:

Email: _____ Phone: _____

Street Address or PO Box City State Zip

Lawyer (if any) fills out below:



Lawyer signs here Print name and WSBA No. Date

Lawyer's Street Address or PO Box City State Zip

Email (if applicable): _____

_____ Court of Washington, County/City of _____

County/City of _____,

vs.

Defendant. _____, DOB: _____

No.
**Order re: Legal Financial Obligations
(ORWILFO)
Clerk Action Required**

You should fill out this document after you fill out the "Petition re: Legal Financial Obligations." This document will tell the judge exactly what you are asking them to do. There are instructions in each section of the form. Please fill out any sections that apply to what you are asking the court to do by checking the boxes next to those sections. This should mostly match what you are asking for in your petition.

Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order re: Legal Financial Obligations (LFOs), the defendant's declaration, and any testimony, and has reviewed the relevant court records.

1. Jurisdiction

The Court finds:

You should only fill out this section if it has been more than 10 years since you were convicted in this case. If it has been more than 10 years since your conviction, you should check the box "Time Since Conviction."

You should also check the box, "Time Since Release from Jail/Prison or Extension" of the Judgment, if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing or you were not sentenced to jail or prison time in this case. You can check this box even though you likely don't know whether the court extended the judgment in your case.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney. You should refer to the instruction packet for more information.

[] **Time Since Conviction:** Ten years have passed since the defendant was convicted in this case (entry of the judgment and sentence). RCW 3.66.120(3); RCW

6.17.020(1); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

- Time Since Release from Jail/Prison or Extension of the Judgment:** Ten years have elapsed since the defendant was released from total confinement or extension of the criminal judgment, whichever is later. RCW 3.66.120(3); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

The Court orders:

If you checked either of the boxes above, you should check the two boxes below. It is possible the court may still be allowed to collect LFOs or restitution. If that is the case, the judge will uncheck the boxes below before signing the order.

- Expiration of LFO Jurisdiction:** The Court is no longer authorized to collect all LFOs and LFO interest. The court may continue to collect any restitution and restitution interest, unless the box labeled "Expiration of Restitution Jurisdiction" is checked below. RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).
- Expiration of Restitution Jurisdiction:** The Court is no longer authorized to collect restitution and restitution interest. RCW 3.66.120(3); RCW 6.17.020(4)(a); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

The Court finds:

You should check the box below if you have paid off your restitution principal (the original restitution amount imposed by the court) and all that remains of your restitution obligation is interest.

- Restitution Interest After Payment of Principal.** The defendant has paid restitution in full. RCW 10.82.090(3)(b).

The Court orders:

You can check multiple boxes in this section.

You should check the first box if you would like your LFOs removed from collections and any collections fees to be waived.

You should check the second box if you would like all interest, except restitution interest, to be waived. The court is required to waive non-restitution interest if you make this request. This will not affect whether you can request restitution interest waiver in other sections of the form.

You should check the third box if you were convicted in Superior Court and would like the court to waive the DNA fee. The court is required to waive the DNA fee if you make this request.

You should check the fourth box if you have paid off your original restitution amount (restitution principal) ordered by the court and would like your restitution interest waived.

- Collection.** The defendant's LFOs are removed from collections and all collection fees are waived. RCW 19.16.500(1)(b); RCW 36.18.190.
- LFO Interest.** All unpaid interest, except restitution interest, is waived. RCW 10.82.090(3)(a).

- DNA Fee.** The DNA fee is waived. RCW 43.43.7541(2).
- Restitution Interest Waiver After Payment of Principal.** Because the defendant has paid restitution principal in full, all restitution interest is waived. RCW 10.82.090(3)(b).

B. LFO Relief Due to Inability to Pay

The Court finds:

You can check multiple boxes in this section.

You should only fill out this section if you are unable to pay your LFOs. You are unable to pay your LFOs if, in the Petition, you checked any of the boxes in the section titled "Declaration of Inability to Pay (Indigency)." If you are unable to pay your LFOs, you should check the first box below.

You should also check the second box in this section if you are unable to pay your LFOs and are also seeking waiver of restitution interest that accrued while you were in jail or prison.

- Inability to Pay.** The defendant is indigent and payment of LFOs will impose a manifest hardship on the defendant or their family. The defendant's failure to timely pay LFOs was not willful. RCW 7.68.035(5); RCW 10.01.160 (3); RCW 10.01.185; RCW 9.94A.6333(3)(c); RCW 10.01.180(5).
- Release from Total Confinement.** The defendant was released from total confinement in this matter.
- Notice to party entitled to restitution.** The prosecuting attorney made reasonable efforts to provide notice of the date and time of the hearing to the victim entitled to the restitution interest and considered the victim's input regarding financial hardship caused to the victim if interest is reduced or waived, if any.

The Court orders:

You can check multiple boxes in this section.

You should check the first box if you are requesting waiver of your LFOs. You do not need to list which required (mandatory) LFOs (if any) will remain. The judge will fill in that information.

You should check the second box if you owe restitution to an insurer or state agency (other than the Department of Labor & Industries) and would like it to be waived. This would eliminate all remaining restitution (the initial amount imposed and interest) in your case.

You should check the third box if you would like restitution interest that was added to the original amount ordered (accrued) while you were in jail or prison to be waived.

- Waiver of LFOs.** Because the defendant is unable to pay, all discretionary LFOs, except restitution, are waived. RCW 7.68.035(5); RCW 9.94A.6333(3)(f); RCW 10.01.160(3), (4) (relating to costs); RCW 10.01.180(5); RCW 36.18.190. The following LFO's are **NOT** waived: _____

- Waiver of Restitution Owed to an Insurer or State Agency.** Because the defendant is unable to pay and owes restitution to an insurer or state agency (other than the Department of Labor & Industries), the restitution owed is waived. RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.

- Waiver of Restitution Interest During Total Confinement.** Because the defendant has been released from total confinement and is unable to pay, all restitution interest accrued during the defendant's period of confinement is waived. RCW 10.82.090(3).

3. Process for Paying Any LFOs That Will Remain

You should fill out this section if you filled out Section 3 in the Petition (also titled "Process for Paying Any LFOs That Will Remain").

The Court finds:

Instructions: You should fill out this section if your only source of income is Social Security benefits, child support payments, or benefits from the Department of Veterans Affairs. Please indicate which type of benefits you receive.

- Protected Source of Income.** The defendant's only source of income is:
- Social Security benefits (retirement, disability, etc.); 42 U.S.C.A. § 407
 - Child support payments; or RCW 6.15.010
 - Benefits from the Department of Veterans Affairs; 38 U.S.C.A. § 1562

The Court orders:

You should check the first box below if you requested additional time to pay your LFOs in Section 4 of the Petition. Please fill in the monthly payment amount you included in your petition.

You should check the second box if your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs payments. In this situation, you will continue to owe your LFOs, but the Court will not require you to make payments or send your account to collections. In the future, if you receive income from another source, you will be required to pay your remaining LFOs.

Instructions for Judges: If a defendant's only source of income is from Social Security, child support, or the Department of Veterans Affairs, federal law and caselaw prohibit the Clerk from taking any active efforts to collect that money. City of Richland v. Wakefield, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016).

- Additional Time and Payment Plan.** The defendant shall be placed on a payment plan through the Clerk for all remaining LFOs. Payments shall be made directly to the Clerk. The defendant shall pay \$_____ per month. RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5).
- Protected Source of Income.** Because the defendant's only source of income is from a protected source, the Clerk shall not engage in any active efforts to collect any remaining LFOs. The Defendant shall not be required to make any LFO payments, the Clerk shall not mail the Defendant any LFO billing materials, and the Defendant's account shall not be sent to collections. *City of Richland v. Wakefield, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016).*

4. Other Relief

If you asked for other relief in Section 5 of the Petition, please include the relief you asked for below.

The Court orders:

To be filled out by Judge:

Dated: _____

Judge

To be filled out by person filling out this form:

Presented by:

Signature of Defendant/Attorney WSBA No.

Print Name

Petition re: Legal Financial Obligation Instructions

Use the petition to ask the Court to waive or reduce the amount you owe, or to remove your Legal Financial Obligations (LFOs) from collections. Please fill out any sections that might apply to your case. After you fill out the petition, you should also fill out a proposed order for the judge to sign. That form is called "Order re: Legal Financial Obligations" and instructions for completing that document follow the petition instructions in this document. You must fill out a separate copy of the petition and order for each case you have.

Each section, below, includes instructions for filling out the matching section in the petition.

1. Jurisdiction

Instructions: If it has been more than 10 years since you were convicted in this case or completed the jail/prison term imposed at your sentencing, the court may be required to cancel some or all of your LFOs. By completing this section, you are asking the court to review whether it is required to cancel any of your LFOs.

You should check the first box in this section if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing. If you were sent back to jail or prison for violating probation or community custody, this does not restart the 10 year period. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the first box.

You should check the second box in this section if you were not sentenced to jail or prison time in this case. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the second box.

You should check the third box in this section if it has been fewer than 10 years since you completed the jail/prison term imposed at your sentencing.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney.

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

Instructions: Anyone filling out this form may ask for relief in Part A.

B. LFO Relief Due to Inability to Pay (Indigency)

i. Inability to Pay

Instructions: You can complete this section regardless of whether you completed Part A. However, you may only ask for relief in this section if you are unable to pay. If you don't know whether you are considered unable to pay, you can review the criteria in Section ii of the Petition (Declaration of Inability to Pay (Indigency)). If you check one of the boxes in that section, you are considered unable to pay.

ii. Declaration

Instructions: You should complete this section if you completed the previous section—“(i) Waive or Reduce LFOs Due to Inability to Pay (Indigency)”. You only need to meet one of the listed criteria to be considered unable to pay. However, in order to give a full picture of your inability to pay to the court, please check all boxes that apply to your life.

3. Process for Paying Any LFOs That Will Remain

Instructions: You should fill out this section if you might have LFOs remaining even if the court offers you the relief you have asked for in this petition. For example, if you owe restitution or a mandatory LFO (Victim Penalty Assessment, DNA Fee, etc.) you may have LFOs remaining after the court rules on your motion. If you aren't sure if you will have LFOs remaining, please fill out this section.

You should check the box requesting additional time if you don't believe you could immediately pay whatever LFOs that remain in a single payment. When filling out this section, you can list any amount that you can afford to pay each month.

If your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs (VA) payments, you are not required to pay any remaining LFOs. In this situation, you will continue to owe your LFOs, but the Court will not require you to make payments or send your account to collections. In the future, if you obtain income from another source, you will be required to pay your remaining LFOs. If your only source of income is from Social Security, child support, or VA payments, you should *not* check the box in this section titled “Additional Time and Payment Plan.”

4. Other Relief

Instructions: Please fill out this section if you would like to request any other relief not included in other sections of the petition.

5. Hearing

Instructions: You can ask the court to hold a hearing with you present or to decide this motion without a hearing. Please select either box A or box B, but not both. If you check box B, please check which type of hearing you would be able to attend.

6. Declaration of Service

Instructions: You must deliver a copy of the petition and the form titled, “Order re: Legal Financial Obligations” to the prosecutor. If your case is in Superior or District Court, the prosecutor will be the county prosecuting attorney's office (for example, Pierce County Prosecuting Attorney's Office). If your case is in municipal court, the prosecutor will be the city attorney's office (for example, Tacoma City Attorney's Office).

You should contact the prosecutor or city attorney's office, explain that you are filing a motion to reduce your legal financial obligations, and ask them how to send them (“serve”) the forms. After you send them the forms, you can complete this section. Next, you should then call the court and ask them how to file your forms with the court. You should then file your forms with the court.

Order re: Legal Financial Obligation Instructions

You should fill out the order after you fill out the “Petition re: Legal Financial Obligations.” The order will tell the judge exactly what you are asking them to do. Please fill out all sections that apply to what you’re asking the court to do by checking the boxes next to those sections. This should mostly match what you’re asking for in your petition.

Each section, below, includes instructions for filling out the matching section in the order.

1. Jurisdiction

The Court finds:

Instructions: You should only fill out this section if it has been more than 10 years since you were convicted in this case. If it has been more than 10 years since your conviction, you should check the box titled “Time Since Conviction.”

You should *also* check the box titled “Time Since Release from Jail/Prison or Extension of the Judgment” if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing you were not sentenced to jail or prison time in this case. You can check this box even though you likely don’t know whether the court extended the judgment in your case.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney.

The Court orders:

If you checked either of the boxes in this previous section (“Time Since Conviction” or “Time Since Release from Jail/Prison or Extension of the Judgment”), you should check the two boxes in this section. It is possible the court may still be allowed to collect LFOs or restitution. If that is the case, the judge will uncheck the boxes in this section before signing the order.

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

The Court finds:

Instructions: You should check the box in this section if you have paid off your restitution principal (the original restitution amount imposed by the court) and all that remains of your restitution obligation is interest.

The Court orders:

Instructions: You can check multiple boxes in this section.

You should check the first box if you would like your LFOs removed from collections and any collections fees to be waived.

You should check the second box if you would like all interest, except restitution interest, to be waived. The court is required to waive non-restitution interest if you make this request. This will not affect whether you can request restitution interest waiver in other sections of the form.

You should check the third box if you were convicted in Superior Court and would like the court to waive the DNA fee. The court is required to waive the DNA fee if you make this request.

You should check the fourth box if you have paid off your original restitution amount (restitution principal) ordered by the court and would like your restitution interest waived.

B. LFO Relief Due to Inability to Pay

The Court finds:

Instructions: You can check multiple boxes in this section.

You should only fill out this section if you are unable to pay your LFOs. You are unable to pay your LFOs if, in the Petition, you checked any of the boxes in the section titled “Declaration of Inability to Pay (Indigency).” If you are unable to pay your LFOs, you should check the first box in this section.

You should *also* check the second box in this section if you are unable to pay your LFOs and are also seeking waiver of restitution interest that accrued while you were in jail or prison.

The Court orders:

Instructions: You can check multiple boxes in this section.

You should check the first box in this section if you are requesting waiver of your LFOs. You do not need to list which required (mandatory) LFOs (if any) will remain. The judge will fill in that information.

You should check the second box in this section if you owe restitution to an insurer or state agency (other than the Department of Labor & Industries) and would like it to be waived. This would eliminate all remaining restitution (the initial amount imposed and interest) in your case.

You should check the third box in this section if you would like restitution interest that was added to the original amount ordered (accrued) while you were in jail or prison to be waived.

3. Process for Paying Any LFOs That Will Remain

Instructions: You should fill out this section if you filled out Section 4 in the Petition (also titled “Process for Paying Any LFOs That Will Remain”).

The Court finds:

Instructions: You should fill out this section if your only source of income is Social Security benefits, child support payments, or benefits from the Department of Veterans Affairs. Please indicate which type of benefits you receive.

The Court orders:

Instructions: You should check the first box in this section if you requested additional time to pay your LFOs in Section 4 of the Petition. Please fill in the monthly payment amount you included in your petition.

You should check the second box in this section if your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs payments. In this situation, you will continue to owe your LFOs, but the Court will not require

you to make payments or send your account to collections. In the future, if you receive income from another source, you will be required to pay your remaining LFOs.

4. Other Relief

Instructions: If you asked for other relief in Section 5 of the Petition, please include the relief you asked for in this section.

- Collection.** I request that the court remove my unpaid LFOs from collection and waive all collection fees. RCW 19.16.500(1)(b); RCW 36.18.190; GR 39.
- LFO Interest.** I request that the court waive all unpaid interest on my LFOs that are not restitution. RCW 10.82.090(3)(a).
- DNA Fee.** I request that the court waive the DNA fee. RCW 43.43.7541(2).
- Restitution Interest After Payment of Original Amount Owed (Principal Balance).** I have paid the original amount owed (principal balance) of my restitution in full. All that remains of my restitution obligation is the added (accrued) interest. I ask that the court waive or reduce the remaining interest on my restitution. RCW 10.82.090(3)(b)

B. LFO Relief Due to Inability to Pay (Indigence)

- Waiver or Reduction of LFOs.** I request that all unpaid optional (discretionary) LFOs be waived or reduced. RCW 7.68.035(5); RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5).
- Restitution Owed To An Insurer or State Agency.** I request that the court waive or reduce restitution and added (accrued) interest owed to an insurer or a state agency (other than the Department of Labor and Industries). RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.
- Restitution Interest After Release from Total Confinement.** I declare that I have been released from jail or prison (total confinement). I ask that restitution interest that accrued during my confinement be reduced or waived. (RCW 10.82.090)
 - Date I entered jail or prison in this case: _____
 - Date I was released from jail or prison in this case: _____

3. Declaration of Inability to Pay (Indigence)

I declare that I have not had enough money to pay all my LFOs and, because of this, my failure to pay them has not been willful. I declare that I am indigent (do not have the ability to pay) because:

- I am receiving one of the following types of public assistance (RCW 10.01.160(3)(a)):
 - Food stamps or food stamp benefits transferred electronically (EBT);
 - Medicaid (for example, Apple Health);
 - Supplemental Security Income (SSI);
 - Temporary Assistance for Needy Families (TANF);
 - Aged, Blind, or Disabled assistance benefits (ABD);
 - Pregnant women assistance benefits;
 - Poverty-related veterans' benefits;
 - Refugee resettlement benefits; or
 - Medical care services under RCW 74.09.035;
- I am homeless. (RCW 10.01.160(3)(b)).
- I have an acute, chronic, or serious mental illness. (RCW 10.01.160(3)(b)).

I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.01.160(3)(a)). *You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>; 125% of the federal poverty level can be found here: <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=82>.*

I am receiving an annual income, after taxes, of *more* than 125% of the federally established poverty level but I have living expenses making me unable to pay the LFOs imposed. (RCW 10.01.160(3)(c)). *You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.*

Details: _____

Other compelling circumstances exist that explain my inability to pay my LFOs. (RCW 10.01.160(3)(d); RCW 13.40.192). Details:

4. **Process for Paying Any LFOs That Will Remain**

Additional Time and Payment Plan. I request additional time to pay any remaining LFOs and that I be placed on a payment plan that I can afford directly through the clerk. I can afford to pay \$ _____ per month. RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5).

Protected Source of Income. I do not have the ability to pay and request that the court not engage in any active efforts to collect any remaining LFOs. *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016). My only income is:

- Social Security benefits (retirement, disability, etc.);
- Child support payments; or
- Benefits from the Department of Veterans Affairs

5. **Other Relief**

In addition to the relief requested above, I request that the court:

6. **Hearing**

A. No Hearing. I request that the court rule on my petition without a hearing.

B. Hearing. I ask that the court hold a hearing on my petition. I request to appear at the hearing:

Via video conference or telephone; or

In-person.

7. Declaration of Service

I mailed or delivered this Petition and a Proposed Order to the Prosecuting Attorney on (date) _____.

I declare, under penalty of perjury under the laws of the State of Washington, that the facts I have provided on this form are true.

Signed at (City) _____, (State) _____ on (Date) _____

Signature of Defendant

Print Name

The following is my contact information:

Email: _____ Phone: _____

Street Address or PO Box City State Zip

Lawyer (if any) fills out below:



Lawyer signs here

Print name and WSBA No.

Date

Lawyer's Street Address or PO Box

City

State

Zip

Email (if applicable): _____

_____ Court of Washington, County/City of _____

County/City of _____,

vs.

Defendant. _____ DOB: _____

No.

**Order re: Legal Financial Obligations
(ORWILFO)**

Clerk Action Required

Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order re: Legal Financial Obligations (LFOs), the defendant's declaration, and any testimony, and has reviewed the relevant court records.

1. Jurisdiction

The Court finds:

- [] **Time Since Conviction:** Ten years have passed since the defendant was convicted in this case (entry of the judgment and sentence). RCW 3.66.120(3); RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).
- [] **Time Since Release from Jail/Prison or Extension of the Judgment:** Ten years have elapsed since the defendant was released from total confinement or extension of the criminal judgment, whichever is later. RCW 3.66.120(3); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

The Court orders:

- [] **Expiration of LFO Jurisdiction:** The Court is no longer authorized to collect all LFOs and LFO interest. The court may continue to collect any restitution and restitution interest, unless the box labeled "Expiration of Restitution Jurisdiction" is checked below. RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).
- [] **Expiration of Restitution Jurisdiction:** The Court is no longer authorized to collect restitution and restitution interest. RCW 3.66.120(3); RCW 6.17.020(4)(a); RCW

9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

The Court finds:

- [] **Restitution Interest After Payment of Principal.** The defendant has paid restitution in full. RCW 10.82.090(3)(b).

The Court orders:

- [] **Collection.** The defendant's LFOs are removed from collections and all collection fees are waived. RCW 19.16.500(1)(b); RCW 36.18.190.
- [] **LFO Interest.** All unpaid interest, except restitution interest, is waived. RCW 10.82.090(3)(a).
- [] **DNA Fee.** The DNA fee is waived. RCW 43.43.7541(2).
- [] **Restitution Interest Waiver After Payment of Principal.** Because the defendant has paid restitution principal in full, all restitution interest is waived. RCW 10.82.090(3)(b).

B. LFO Relief Due to Inability to Pay

The Court finds:

- [] **Inability to Pay.** The defendant is indigent and payment of LFOs will impose a manifest hardship on the defendant or their family. The defendant's failure to timely pay LFOs was not willful. RCW 7.68.035(5); RCW 10.01.160 (3); RCW 10.01.185; RCW 9.94A.6333(3)(c); RCW 10.01.180(5).
- [] **Release from Total Confinement.** The defendant was released from total confinement in this matter.
- [] **Notice to party entitled to restitution.** The prosecuting attorney made reasonable efforts to provide notice of the date and time of the hearing to the victim entitled to the restitution interest and considered the victim's input regarding financial hardship caused to the victim if interest is reduced or waived, if any.

The Court orders:

- [] **Waiver of LFOs.** Because the defendant is unable to pay, all discretionary LFOs, except restitution, are waived. RCW 7.68.035(5); RCW 9.94A.6333(3)(f); RCW 10.01.160(3), (4) (relating to costs); RCW 10.01.180(5); RCW 36.18.190. The following LFO's are **NOT** waived: _____
- [] **Waiver of Restitution Owed to an Insurer or State Agency.** Because the defendant is unable to pay and owes restitution to an insurer or state agency (other than the Department of Labor & Industries), the restitution owed is waived. RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.
- [] **Waiver of Restitution Interest During Total Confinement.** Because the defendant has been released from total confinement and is unable to pay, all restitution interest accrued during the defendant's period of confinement is waived. RCW 10.82.090(3).

3. Process for Paying Any LFOs That Will Remain

The Court finds:

- Protected Source of Income.** The defendant's only source of income is:
 - Social Security benefits (retirement, disability, etc.); 42 U.S.C.A. § 407
 - Child support payments; or RCW 6.15.010
 - Benefits from the Department of Veterans Affairs; 38 U.S.C.A. § 1562

The Court orders:

- Additional Time and Payment Plan.** The defendant shall be placed on a payment plan through the Clerk for all remaining LFOs. Payments shall be made directly to the Clerk. The defendant shall pay \$_____ per month. RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5).
- Protected Source of Income.** Because the defendant's only source of income is from a protected source, the Clerk shall not engage in any active efforts to collect any remaining LFOs. The Defendant shall not be required to make any LFO payments, the Clerk shall not mail the Defendant any LFO billing materials, and the Defendant's account shall not be sent to collections. *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016).

4. Other Relief

The Court orders:

- _____

To be filled out by Judge:

Dated: _____

Judge

To be filled out by person filling out this form:

Presented by:

Signature of Defendant/Attorney WSBA No.

Print Name