

PERSONAL RESTRAINT PETITION—FILING AND SERVICE

(a) Filing Fee. A personal restraint petition will be filed by the clerk of the appellate court only if the statutory filing fee is paid, unless the appellate court determines that the petitioner is indigent or the case is transferred from Superior Court under CrR 7.8. The statute governing payment of a fee for filing a petition for writ of habeas corpus is controlling.

(b) Filing in Court of Appeals. A personal restraint petition filed in the Court of Appeals must be filed in the division that includes the superior court entering the decision on the basis of which petitioner is held in custody or, if petitioner is not being held in custody on the basis of a decision, in the division in which the petitioner is located.

(c) Deficient Petitions. If the clerk of the appellate court determines that a petition submitted does not conform with this rule or with rule 16.7(a)(1), (3), (4), (5), (6), or (7), the petition should be filed and the clerk will direct the petitioner to correct the deficiency within 60 days.

(d) Service of Petition. If petitioner's restraint is imposed by the state or local government, the clerk of the appellate court will reproduce a copy of the petition and serve the petition on the officer or agency under a duty to respond to the petition. If petitioner's restraint is imposed by a person or agency other than the state or local government, the petitioner must prepare and serve a copy of the petition on the proper respondent.

(e) Amendment of Petition. The appellate court may allow a petition to be amended. All amendments raising new grounds are subject to the time limitation provided in RCW 10.73.090 and 10.73.100.

References

RCW 2.32.070, Fees--Supreme Court clerk, clerks of Court of Appeals.

[Adopted effective July 1, 1976; Amended effective September 1, 2014; June 27, 2023.]