

How to Ask a Washington State Court to Reduce or Waive Your Legal Financial Obligations

This packet is for people who cannot afford to pay Legal Financial Obligations (LFOs) imposed on you by a Washington state district, municipal, or superior court in a criminal case. This packet has instructions and forms to bring a motion before the court, asking the court to reduce or waive (forgive or cancel) LFOs.

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- ❖ If traffic infractions are suspending your license and you want information on addressing these fines with any courts, read [My Driver's License was Suspended. Can I Get it Back?](#) at WashingtonLawHelp.org.
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Summary of Steps

Before you start, identify every case in Washington in which you were convicted of a crime. Write down the criminal case number. If you do not know the case numbers, you can get a report from the Washington State Patrol called a WATCH Report. The ACLU of Washington's [Getting and Reading Criminal History Reports in Washington](#) has more info. Get it at aclu-wa.org.

First, figure out your annual (yearly) income and then check to see if it is above or below 125% of federal poverty guideline based on how many people live in your home. This guideline changes every year. Here is the guideline for 2021:
www.projusticemn.org/fedpovertyguidelines.



Next, for **each** of your criminal cases:

- ☐ **1.** Ask the clerk of the court for a copy of the “Judgment & Sentence” (J&S) and an LFO Accounting Summary, also known as “case financial history.” The J&S says how much you were originally sentenced to pay. The Accounting Summary should show how much you have paid, how much interest and fees have been added, and how much you still owe.
- ☐ **2.** Figure out the month and year you left “total confinement,” meaning the day you were no longer under 24-hour custody. If you don’t remember, one of your family members or friends will likely remember. Otherwise, you can call your work release. They will have records of when you arrived.
- ☐ **3.** Ask the court clerk if a hearing is required. If so, ask the clerk how to schedule a hearing for a **Motion to Remit LFOs**. Every county has its own rules about how many days before a hearing to file a motion. Do not be afraid to ask about the process. Most counties require you to file and serve your paperwork at least seven days before the hearing. You should probably pick a hearing date several weeks away so you have time to fill out all the paperwork, serve the prosecutor, and then file your paperwork with the court with plenty of time left before the hearing. Print the date and time the clerk gives you for the hearing in the spaces marked on the **Notice of Hearing** form in this packet.
- ☐ **4.** Fill out the following forms in this packet:
 - Motion to Waive or Reduce LFO’s and Financial Statement/Declaration
 - Notice of Hearing
 - Proposed Order Reducing or Forgiving LFOs
- ☐ **5.** Make three copies of all completed court forms.
- ☐ **6.** Go to the court clerk’s office and file your original set of forms, including:
 - Motion to Waive or Reduce LFO’s and Financial Statement/Declaration
 - **Remember** to include any attachments to your financial statement, such as your Social Security Disability Benefits Notice, and your LFO Accounting Summary.

- Notice of Hearing
- Proposed Order Reducing or Forgiving LFOs
- Affidavit of Service

Ask the clerk to stamp your copy with the “Filed” stamp.

Ask the court clerk what you need to do to file “working” or “bench” copies for the judge, and if so, how to do that. Every court has its own local rules about how and when to submit these copies. Some courts do not require this.

- ☐ **7.** Serve one copy of your court forms (on) the prosecutor in your criminal case. To do this, you or someone else age 18 or over must deliver a set of copies to the prosecutor’s office in-person OR by mail.

Then fill out the **Affidavit of Service** form in this packet. The person who serves the prosecutor must sign the affidavit. File this Affidavit with the clerk’s office.

- ☐ **8.** Keep one set of copies for yourself of everything you filed.
- ☐ **9.** Check your mail for any response from the prosecutor.
- ☐ **10.** Go to the hearing and answer the judge’s questions in person. You may be able to attend by phone or by Zoom. Ask the court clerk. Show up early on the day of your hearing. Allow for plenty of time to go through security and find the right courtroom. Wait until the judge calls your case or name. Answer any questions the judge asks. The judge may agree with you and sign your order that same day.

If the judge signs your order, go to the clerk once more with the signed order. File the order with the clerk. Ask the clerk for a “conformed” copy—a copy officially stamped with the date and time.

Keep the conformed copy with your important papers.



How to Fill Out Court Papers

On all court forms, fill out the **Caption** at the very top of the first page.

- ✓ Print or type the name of the court. The court name on the first line in the caption will be Municipal, District, or Superior. District and Superior courts will be in the county. Municipal courts will be in the city. For example, the District Court in the County of Mason or the Municipal Court in the City of Seattle.
- ✓ Print or type the name of the Plaintiff. The Plaintiff should be listed on your J&S. It will probably be the State of Washington or “City of Seattle” or another city.
- ✓ Print or type your name as the Defendant.
- ✓ Print or type the case number. This is sometimes called a “cause number.”
- ✓ Fill out one motion packet for each separate conviction you have in that county. That way, if the court sees a problem with one of your convictions, the court can still rule on the other motions.

On all court forms, fill out the Footer at the very bottom-right corner of every page. Print or type your name and address.

A. Fill out the Motion to Waive or Reduce LFO's

Enter the date you left total confinement.

Check the boxes that apply to your situation, including the box requesting the court to pull your LFOs from collections, if that applies.

If you get public assistance, check the boxes on all that apply.

If your income is below 125% of the federal poverty guideline, you do not have to fill out the form with all of your financial information.

If your income is above 125% of the federal poverty guideline, fill out the financial form as best as you can.



Under **Other Hardships**, explain if you have any disabilities or other barriers that keep you from paying your LFOs. **Examples:** you have been trying to make payments for years, but just cannot make ends meet and still make payments to the court; you only completed the 8th grade, and have been unable to get a job that pays more than minimum wage; you have a disability that keeps you from earning enough to pay off your LFOs.

Attach a copy of the LFO accounting summary for your case. You also should attach documents that help prove your case.

- ❖ **Example:** Under **Other Income**, you might print or type, “My only source of income is a Pell Grant. See Attachment 1, Pell Grant Award Letter.”
- ❖ **Example:** Under **Other Hardships**, you might print or type, “I suffer from multiple disabilities that keep me from working, including severe diabetes and PTSD. See Attachment 2, Medical Report and Social Security Disability Benefits Notice.”

Signature and Date. On the bottom of the last page, print or type the place and date that you are signing this motion and financial statement/declaration. Sign and print your name.

B. Fill out the Proposed Order you want the judge to sign

Fill out the caption and footer completely. This should match the caption and footer in the motion.

At the end of the Order, sign on the bottom left signature line. Below that, print your name, address, and phone number.

Leave the judge’s signature line blank! If you are successful at your hearing and the judge agrees that you cannot afford to pay your LFOs, the judge will cross out the word “Proposed” and sign the Order, making it official.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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COURT IN THE STATE OF WASHINGTON
IN THE COUNTY/CITY OF _____

Plaintiff: _____

No. _____

vs.

**MOTION TO WAIVE OR REDUCE
LFO'S AND FINANCIAL
STATEMENT/DECLARATION**

Defendant: _____

1. MOTION

Due to my inability to pay as set forth in my attached Financial Statement/Declaration, and under the laws of the State of Washington, I hereby request that the court reduce my previously imposed legal financial obligations (LFOs) in this case as follows:

☒ WAIVE all interest on the non-restitution LFOs that accrued before June 7, 2018 pursuant to RCW 10.82.090(2)(a).

☐ WAIVE all interest on restitution LFOs where the principal has been paid. RCW 10.82.090(2)(b).

☐ WAIVE all the discretionary LFOs imposed. RCW 10.01.160(4); RCW 10.101.010(3); RCW 10.01.180(5).

☐ REMOVE the LFOs from collection and waive collection fees. RCW 10.01.160(4); RCW 10.101.010(3); RCW 10.01.180(5).

☐ Other:

I left total confinement on _____.

Respectfully submitted,

Defendant signs here

Print name

Date

Address

city

state

zip

2. FINANCIAL STATEMENT/DECLARATION

- ☐ Public Assistance. I receive the following assistance –
- ☐ Supplemental Security Income (SSI)
 - ☐ Social Security Disability Insurance (SSDI)
 - ☐ Food Stamp (Basic Food/SNAP) Program
 - ☐ Federal poverty-related veteran's benefits
 - ☐ Aged, blind or disabled (ABD) or Housing and Essential Needs (HEN) benefits (previously GA-U, GA-X)
 - ☐ Medical care services under RCW 74.09.035 (MCS)
 - ☐ Pregnant women assistance benefits (PWA)
 - ☐ Refugee resettlement benefits
 - ☐ Medicaid
 - ☐ Federal Temporary Assistance for Needy Families (TANF)
 - ☐ Other _____
- ☐ My household income is at or below 125% of the federal poverty guidelines (FPG).
- ☐ My household income is above 125% FPG but I have recurring basic living expenses making me unable to pay the LFOs imposed. My best estimate of my monthly income and expenses is as follows:

<input type="checkbox"/> I provide support to people who live with me: How many? Age(s):			
My Monthly Income:		My Monthly Household Expenses:	
Employed <input type="checkbox"/> Unemployed <input type="checkbox"/>		Rent/Mortgage:	\$
Employer's Name:		Food/Household Supplies:	\$
Gross pay per month (salary or hourly pay):	\$	Utilities:	\$
Take home pay per month:	\$	Transportation:	\$
Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$
Source:	\$	Ordered Child Support actually paid:	\$
Source:	\$	Clothing:	\$
Source:	\$	Child Care:	\$
Source:	\$	Education Expenses:	\$
Sub-Total:		Insurance (car, health):	\$
<input type="checkbox"/> I receive food stamps.		Medical Expenses:	\$
Total Income (all sources added together) :		Sub-Total:	\$
Cash on hand:	\$		\$
Checking Account Balance:	\$		\$
Savings Account Balance:	\$		\$
Auto #1 (Value less loan):	\$		\$
Auto #2 (Value less loan):	\$	Sub-Total:	\$
Home (Value less mortgage):	\$	My Other Debts with Monthly Payments:	
Other:	\$		/mo
Other:	\$		/mo
Other:	\$		/mo
Other:	\$		/mo
Other:	\$	Sub-Total:	\$
Total Household Assets:		Total Household Expenses and Debts (all monthly expenses added together):	\$

☐ Efforts to Pay Fines. I attached a copy of my LFO accounting summary showing how much, if any, I have been able to pay toward my LFOs.

☐ Other Hardships (such as illness, jail, crime victim). I have these hardships that prevent me from paying my LFOs –

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at (*city and state*): _____ Date: _____



Signature of Defendant

Print or type name

COURT IN THE STATE OF WASHINGTON
IN THE COUNTY/CITY OF _____

Plaintiff: _____

vs.

Defendant:

No. _____

NOTICE OF HEARING

CLERK'S ACTION REQUIRED

TO: ALL PARTIES, THEIR COUNSEL, AND THE CLERK OF THE COURT

PLEASE NOTE the above cause for hearing at the following time:

DATE: _____

TIME: _____

JUDGE: _____

PLACE: _____

MATTER: Motion to Waive or Reduce LFO's

DATED this ____ day of _____, 20__.

Defendant

COURT IN THE STATE OF WASHINGTON
IN THE COUNTY/CITY OF _____

Plaintiff: _____

No. _____

vs.

Defendant:

**PROPOSED ORDER REDUCING OR
WAIVING LEGAL FINANCIAL
OBLIGATIONS (LFOs)**

I. FINDINGS

☐ The Defendant is no longer in total confinement.

☐ Defendant's sole source of income is Supplemental Security Income (SSI) or other means-tested program such as Basic Food (food stamps), Temporary Aid to Needy Families (TANF), Aged Blind Disabled (ABD), or Veteran's Benefits.

☐ Defendant's household income is at or below 125% of the federal poverty guidelines (FPG).

☐ Defendant's household income is above 125% FPG but Defendant has recurring basic living expenses rendering Defendant unable to pay the LFOs imposed.

☐ Defendant is involuntarily committed to a public mental health facility.

☐ Other:

☐ Defendant lacks the ability to pay the LFOs.

☐ Repayment of the LFOs constitutes a manifest hardship on Defendant or Defendant's family.

☐ Defendant is not in willful default.

II. ORDER

The Court shall waive all interest on non-restitution LFOs that accrued before June 7, 2018.

RCW 10.82.090(2)(a).

☐ The Court waives all discretionary LFOs because Defendant's sole source of income is from a qualified needs-based, means-tested assistance program. RCW 10.01.160(4); RCW 10.101.010(3); RCW 10.01.180(5).

☐ The Court waives all discretionary LFOs because the Defendant's annual income, after taxes, is 125% of the current federal poverty guidelines. RCW 10.01.160(4), RCW 10.01.180(5).

☐ The Court waives all discretionary LFOs because the defendant is involuntarily committed at a public mental health facility. RCW 10.01.160(4), RCW 10.101.010(3)(b).

☐ The Court waives all discretionary LFOs because Defendant's household income is above 125% of the federal poverty guidelines, but the Defendant has recurring basic living expenses rendering Defendant without financial ability to pay the LFOs. GR 34, RCW 10.01.160(4); RCW 10.01.180(5); *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015).

☐ The Court waives all interest on restitution LFOs where the principal has been paid.

RCW 10.82.090(2)(b).

☐ Other: _____

Presented By:

<i>Address</i>	<i>city</i>	<i>state</i>	<i>zip</i>
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COURT IN THE STATE OF WASHINGTON
IN THE COUNTY/CITY OF _____

Plaintiff: _____

No. _____

vs.

AFFIDAVIT OF SERVICE

Defendant:

I, _____, declare under penalty of perjury, that I am 18 or older. On the _____ day of _____, _____, I served a true copy of the attached Motion to Waive or Reduce LFO's and Declaration and corresponding documents by personal service to _____, **Prosecuting Attorney** at _____ (address).

Dated this _____ day of _____, 20____.

Signature

Print Name: _____