

\_\_\_\_\_ Court of Washington, County 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**

- 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*)

- 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:

I do not have the ability to pay the victim penalty assessment. I request the court to waive it. RCW 7.68.035(5)(b).

I owe appellate and/or other costs, and any failure to pay is not willful. Because payment of the amount due imposes a manifest hardship on me or my immediate family, I request the court to waive or reduce those costs. RCW 10.73.160(4); 10.01.160(4)

I request that the sentencing court grant an order converting any unpaid discretionary LFOs that are not restitution to community restitution/service hours through a community restitution program. RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180 (5); RCW 46.63.190.

**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 of \_\_\_\_\_

\_\_\_\_\_  
Plaintiff.

vs.

\_\_\_\_\_  
Defendant.

DOB: \_\_\_\_\_

No.

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

**Clerk Action Required**

### Order re: Legal Financial Obligations

*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.*

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).
- [X] **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: \_\_\_\_\_

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**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:

The court finds that the defendant does not have the ability to pay and waives the victim penalty assessment. RCW 7.68.035(5)(b).

The court finds that the defendant's nonpayment of costs (including appellate costs) was not willful and payment of these costs would impose a manifest hardship upon the defendant or the defendant's immediate family. As such, the court waives those costs. RCW 10.73.160(4); 10.01.160(4).

Community restitution. All discretionary LFOs that are not restitution are converted to community restitution hours through a community restitution program at the rate of \$\_\_\_\_ per hour for each hour of community restitution. RCW 9.94A.63333(3)(f); RCW 10.01.180(5); RCW 46.63.190

*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