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SEATTLE, WA 98104
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WWW.ACLU-WA.ORG

INTEREST WAIVER GUIDE

A Guide on How to Obtain a Court Order Waiving or Reducing Interest on Legal Financial Obligations

Introduction

This brochure provides information and forms on how to obtain a court order waiving or reducing interest on legal financial obligations (LFOs) in Washington State.

Defined by statute RCW 10.82.090, the court may, on motion by the offender, reduce or waive the interest on legal financial obligations ordered as a result of a criminal conviction.

RCW 10.82.090

Interest on judgments -- Disposition of nonrestitution interest.

(1) Except as provided in subsection (2) of this section, financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) **The court may, on motion by the offender, following the offender's release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction.** The court may reduce or waive the interest only as an incentive for the offender to meet his or her legal financial obligations. **The court may not waive the interest on the restitution portion of the legal financial obligation and may only reduce the interest on the restitution portion of the legal financial obligation if the principal of the restitution has been paid in full.** The offender must show that he or she has personally made a good faith effort to pay, that the interest accrual is causing a significant hardship, and that he or she will be unable to pay the principal and interest in full and that reduction or waiver of the interest will likely enable the offender to pay the full principal and any remaining interest thereon. For purposes of this section, "**good faith effort**" means that the offender has either (a) paid the principal amount in full; or (b)



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made twenty-four consecutive monthly payments, excluding any payments mandatorily deducted by the department of corrections, on his or her legal financial obligations under his or her payment agreement with the court. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest. This section applies to persons convicted as adults or in juvenile court.

[2004 c 121 § 1; 1995 c 291 § 7; 1989 c 276 § 3.]

If your LFOs include restitution, it is important to note that the court may not waive (entirely eliminate) the interest on the restitution portion of the legal financial obligation. The court may only reduce the interest on the restitution portion of the legal financial obligation if the principal of the restitution has been paid in full.

Basic Requirements

In order to move the court to waive or reduce interest, you must prove the following to the court in all cases; there may be additional proof requirements if restitution is part of the LFOs owed:

- 1) You have already been released from total confinement.
- 2) You have made a good faith effort to pay, meaning that you have either a) paid the principal amount in full or b) made 24 consecutive monthly payments excluding any payments mandatorily deducted by DOC.
- 3) The interest accrual is causing you a significant hardship.
- 4) You will not be able to pay the principal and interest in full.
- 5) Reduction or waiver of the interest will likely enable you to pay the full principal and any remaining interest thereon.

Step-by-Step Guide

The following is a step-by-step guide to obtaining a court order waiving or reducing interest on legal financial obligations.

Step 1: Organize Personal Financial Records

You need to prove to the court that your current LFO payment amount and schedule is causing an economic hardship and that either reducing the monthly payment amount or the



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duration of your payments will make a significant difference in your life and enable you to pay your LFOs in full.

In order to show the court your financial situation, you will need to provide the court with detailed and accurate information about your income and expenses. There are several forms you can use as a guide to determine the kind of information the court needs. One form you can use for guidance is the Determination of Indigency Report (link below and also a modified version of the form is included in the forms section below)

http://www.courts.wa.gov/forms/documents/indigent_E.doc

Another form you can use for guidance and that also **must** be filed in some counties (such as Clark County) is the Washington Pattern Form Financial Declaration (link below and also the form is included in the forms section below):

http://www.courts.wa.gov/forms/documents/DRPSCU1_1550.pdf

You should use these forms as a checklist for your own reference, to see the kind of detailed information about financial status that you will need to provide to the court. The Determination of Indigency Report form should not be included in your petition and should only be used as a guide to help organize the detailed financial information you will need to show the court. The Pattern Form Financial Declaration is required in some but not all counties. There are some parts of it that do not apply in criminal cases, such as the references on the last page of the form to GR 22 and a sealed financial record cover sheet.

You must provide the court with detailed information about your financial situation (monthly income and expenses), to show that the growing amount of interest owed on LFOs is causing you current economic hardship. But you should be careful about filing bank statements, tax returns, pay stubs, or other documents that contain specific, personally identifiable account numbers or social security numbers. Once they are in the court file, they are public information. If you submit those documents, you should redact (black out) account numbers, social security numbers and the like to protect your privacy.

Step 2: Obtain Court Documents and Case Financial History

First, go to the court in which you were convicted and ask the court clerk how to look up the file for your case. Have your case number on hand. You can find your case number by accessing the Washington Courts website:

<http://www.courts.wa.gov>

and going to the Search Case Records link. Then search by your name.

Obtain a copy of the following documents from the court file:

- A) A complete copy of your **Judgment and Sentence, including any exhibits or attachments**. Under Section IV in your Judgment and Sentence, you will find subsections 4.1: Restitution and Victim Assessment; 4.2: Other Financial Obligations; and 4.3 Payment Schedule. Make sure you look at all boxes that are checked and the



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total amount listed. This part of your Judgment and Sentence will show the original amount of your legal financial obligations that the court ordered you to pay.

B) A copy of your **Order Setting Restitution**. If subsection 4.1 on your Judgment and Sentence is marked that restitution will be determined at a future hearing date then the amount of your legal financial obligations will be shown on a separate Order Setting Restitution.

If the files with these documents are in the court's archives, ask the clerk to help you obtain them.

Second, go to the accounting department of the clerk's office and ask for a copy of your **Case Financial History**. This document will list all payments made on your account. It will demonstrate to the court that you have made a good faith effort (24 consecutive payments or paid off the principal). Remember that the 24 consecutive payments must be payments that you've made since your release from prison (excluding amounts mandatorily deducted by DOC).

There may be charges for copying your court documents. The clerk and accounting office can tell you the exact amount before processing your requests. Explain to the clerk that you will be using the case financial history to petition the court to waive interest on your LFOs and that the documents do not need to be certified. County clerk contact information can be found by accessing the County Directory on the Washington Courts website at http://www.courts.wa.gov/court_dir/?fa=court_dir.county.

Step 3: Draft Your Declaration to Support Your Motion to Waive or Reduce Interest on your Legal Financial Obligations

NOTE: It is preferred that any documents you prepare for the court are TYPED and NOT handwritten. If typing is not possible, then be sure that the penmanship is clear and easy to read.

A Declaration is the document setting out the facts relevant to the Motion. You are stating under penalty of perjury that each fact asserted in the Declaration is true. If you state something that is not true in the Declaration, you risk being prosecuted for the crime of perjury. So it is very important that you only include statements in the Declaration that are true and accurate.

In your Declaration, you must include all the information the court needs to know to show that you have met the "**Basic Requirements**" for an Order Waiving or Reducing Interest.



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If you are asking the court to waive or reduce interest and your LFOs do not include restitution, or you are not seeking reduction of interest on the restitution portion, you must be able to state under penalty of perjury that the following is true:

- 1) That you were released from total confinement on ____ date or that your sentence did not include total confinement.
- 2) The amount of your total current LFO balance including the amount of the original principal and amount of interest owed (if restitution is part of the LFOs, list the amount of the original principal and amount of interest for the restitution part separately from the non-restitution part).
- 3) You have made a good faith effort by either a) paying the principal in full or b) making 24 consecutive payments excluding amounts mandatorily deducted by DOC, which is demonstrated by the case financial history from the court that you will attach to the declaration.
- 4) Explain how the amount of interest owed is causing you a significant hardship. Describe how the amount owed compares to your overall finances. Illustrate the ways that the interest amount owed is impacting your life. This could be your inability to own a home, pay for school or training, pay for medical services for yourself or your family, or other forms of financial hardship
- 5) State that if interest is reduced or waived on the non-restitution portion of your LFOs, you will be able to pay the principal in full.
- 6) Suggest the amount you would like waived or reduced and the payment amount and schedule that is realistic for you to comply with given your current financial situation.

If you are asking the court to waive or reduce interest on your LFOs that include restitution, and you have paid the principal of restitution in full, you must be able to state under penalty of perjury that the following is true:

- 1) That you were released from total confinement on ____ date or that your sentence did not include total confinement.
- 2) The amount of your total current LFO balance including:
 - a) amount of original principal you paid in full on your restitution and the current amount of interest that has accrued on the restitution.
 - b) amount of original principal and amount of interest on the non-restitution portion of your LFOs.



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- 3) State that you have made a good faith effort by either a) paying the overall principal in full or b) making 24 consecutive payments excluding amounts mandatorily deducted by DOC, as demonstrated by the case financial history from the court that you will attach to the declaration. Clearly state that you have paid the principal amount of the restitution portion of your LFOs in full and understand that the court may only reduce and not waive the interest on the restitution portion of your LFOs.
- 4) Explain how the amount of interest owed is causing you a significant hardship. Describe how the amount owed compares to your overall finances. Illustrate the ways that the interest amount owed is impacting your life. This could be your inability to own a home, pay for school or training, pay for medical services for yourself or your family, or other forms of financial hardship.
- 5) State that if interest is reduced on your restitution portion of your LFOs and waived or reduced on the non-restitution portion of your LFOs, you will be able to pay the principal in full.
- 6) Suggest the amount you would like waived or reduced and a payment amount and schedule that is realistic with your current financial situation.

NOTE: Your declaration will be public record. Therefore, **do not attach** any personal financial statements other than the case financial history obtained from the court. Personal financial records, such as bank statements, pay stubs, DSHS payments, can be shared with the prosecutor and presented directly to the judge at the hearing without filing them as public records.

Step 4: Draft the attached Motion, Declaration of Service and Proposed Order Waiving or Reducing Interest

Complete the attached "**Defendant's Motion for Order Waiving or Reducing Interest on Legal Financial Obligations**", "**Declaration of Service**" and "**Proposed Order**" forms. For the **Declaration of Service**, you will be providing the information on HOW you sent WHAT papers to WHOM and WHEN, which is addressed in Step 8.

Make sure on the proposed order that you check the box in front of "Clerk's action required" so that the clerk is notified of the LFO changes.

Step 5: Attach the following supporting documents to Declaration and Motion:



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1. **Judgment and Sentence**, including any exhibits or attachments.
2. **Order Setting Restitution**, if total legal financial obligations were not stated in Judgment and Sentence.
3. **Case Financial History**

Step 6: Notify the Prosecutor's Office

Mail a copy of your **Motion, Declaration, Proposed Order**, and any **supporting documents** to the prosecutor's office that was involved in your case. Address it to the deputy prosecutor who appeared at your sentencing hearing (name listed on your Judgment and Sentence). Include a cover letter explaining that you are petitioning the court to waive or reduce interest on your LFOs. In your cover letter, clearly state that the personal financial supporting documents are confidential and not being filed. Ask if the prosecutor will agree to an Interest Waiver because you have proven that you meet the RCW 10.82.090 requirements. Ask the prosecutor to tell you if they will present an agreed order to the court, or if a hearing is necessary.

If the prosecutor is willing to agree to an Interest Waiver or Reduction Order, ask if they will present it or if they want you to present it to the judge. If they want you to present it to the judge, call the judge's bailiff or clerk and ask when you can deliver the agreed order for the judge to sign. Once the judge has signed the Order, go to the Court Clerk's office to file it. Keep a court-stamped copy of your order for your records. Proceed to Step 9.

Some courts charge an "ex parte fee" for an agreed order where there is no hearing. You can ask the court clerk if this rule applies in your county.

If the prosecutor requires that you schedule and attend a hearing before the Judge, or if you don't hear a response from the prosecutor within a reasonable time, go to Step 7 below.

Step 7: Schedule Hearing Date/Notice of Hearing

If the prosecutor said you needed to set a hearing on your motion, ask the prosecutor what date they would be available for a hearing. Contact the clerk or bailiff for your sentencing judge and find out when the judge would be available for a hearing, or if the hearing needs to be before a different judge. If you did not receive a response from the prosecutor or were instructed to schedule a hearing, you should plan to schedule your hearing 3-4 weeks in advance, and verify that there are no scheduling conflicts around this time. Make sure to check for and follow any local rules for scheduling hearings in criminal cases. The local rules



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are available on the Washington Courts web site (www.courts.wa.gov) or, for some counties, on the court clerk's web site. Sometimes the rules require that there be a minimum number of days notice before the hearing can be held.

Also, verify with the Clerk whether there is a special form that you must use to note the time/date of the hearing. If not, you may use the attached "**Notice of Hearing re Motion for Order . . .**" form.

Step 8: Copy/File/Serve the Documents if a Hearing is Necessary

First, make copies of all your documents that you will be filing with the court (not personal financial documents) so that you have **FOUR** complete sets – one original, which you will file; and three copies, one for the prosecutor, one as a courtesy copy for the Judge and one for yourself.

Second, go to the prosecutor's office and hand one copy of your documents – the "**Motion**", "**Declaration**" with attachments (see checklist from Step 5) and "**Notice of Hearing**" to an employee of the prosecutor's office. Have this person date stamp the other three sets (2 copies, one original) of documents. Also, make sure that the person who receives the documents understands that there is a notice regarding a hearing that will happen very soon and the documents should immediately be given to the prosecutor.

Third, deliver the courtesy copy to the judge's mailbox.

Fourth, go to the Clerk's office and file the original set – each set should include the "**Motion**", the "**Declaration**" (with attachments – see checklist from Step 5), the "**Proposed Order**," the "**Notice of Hearing**" and "**Declaration of Service**". Double check to make sure you are not filing sensitive financial documents in the public court file. Then date stamp the remaining set of your documents, which are your own copies (the first page of each document in the set).

Fifth, make two complete copies of the date-stamped set, which you need for the hearing. You will bring all three sets to the hearing.

Note that although electronic filing is mandatory for attorneys in some counties, persons representing themselves may still file paper documents.

Step 9: Prepare for & Attend the Hearing/Obtain an Order

Prepare to bring three copies of all filed documents (including your own personal copy of the set that was date-stamped by the court and the prosecutor), two copies of your personal financial supporting documents and one new original of the proposed Order to the hearing. The judge will need a new original proposed Order to sign.



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Prepare for the hearing by writing a brief outline of what you intend to say to the court. You are summarizing your declaration. Practice rehearsing your testimony. It should take no longer than five minutes.

Your outline should follow the following format:

1. Brief introduction: Introduce yourself, thank the court for allowing you to be heard, and explain that you are there to bring a motion to waive or reduce interest on your legal financial obligations associated with cause no. _____, which has accrued _____ amount of interest on the original amount of _____.
2. Briefly state that you have satisfied the statutory requirements of **RCW 10.82.090** by making a good faith effort by either paying the principal amount in full or having made 24 consecutive monthly payments. If your LFOs include restitution and you have paid the principal amount of restitution, explain to the court that you understand that the statutory requirements allow for the court to only reduce, not entirely waive, interest on the restitution portion. Tell the court the amount you have paid to date.
3. Briefly explain how paying the full balance with the current interest is an economic hardship and that you will be more likely to pay the full amount if the interest is reduced or waived.
4. Tell the court the amount of interest you would like waived or reduced and suggest the payment amount and schedule.
5. Present a copy of your case financial history, personal financial supporting documents and proposed Order to the prosecution and the judge. Present a new original of the proposed Order to the judge. Explain that your proposed order tracks the language in **RCW 10.82.090**.
6. Ask the court if it has any questions and, if so, answer them to the best of your ability.

Attend the hearing.

Bring **THREE** copies of your filed documents; **TWO** copies of your personal financial supporting documents and **ONE** new original of the proposed Order to the hearing. The copies of your filed documents will be available for the judge and the prosecutor if needed and you will keep one copy with you. The two copies of the personal financial supporting documents will be presented to the judge and the prosecutor. The new original of the proposed Order will be presented directly to the judge.



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Checklist for hearing:

1. Be 30 minutes early.
2. Dress neatly, as if you were going to a job interview.
3. Do NOT bring your children, if at all possible.
4. Check in with the clerk of the judge's courtroom.
5. Try to find the prosecutor and go over any last minute details with him or her before the hearing.
6. When your case is called, walk up to the table or podium for lawyers in front of the judge and wait to be instructed by the judge to speak. Follow your prepared outline.
7. Remember to speak only to the judge and only when it is your turn. Do NOT interrupt the judge or speak to the prosecutor, even if they interrupt or speak to you. You want to appear polite and reasonable. Staying calm will impress the judge. If you are confused or do not understand something, politely tell the judge so and ask for clarification.

If the judge grants and signs your order, ask that either the judge or courtroom clerk give the order to you so that you may go to the Court Clerk's office to file it and obtain a **copy** of the order: **be sure that the order has the court's file stamp on it.** There will be a charge for making copies (10-25 cents). Keep a court-stamped copy of your order for your records.

Step 10: Follow up with Accounting Office

Two weeks after your hearing or after an agreed order is signed by the judge and filed with the court, call the accounting office of the county of your conviction to see that your balance has been adjusted in accordance with the court order.

Other Resources

Washington State Court Internet Site: www.courts.wa.gov. This site includes a statewide directory of courts, including addresses/numbers. The site also includes a variety of legal information and forms.

ACLU: 206.624.2180
705 2nd Ave
Suite 300
Seattle, WA 98104

If you are low-income, additional legal advice is available by calling the Northwest Justice Project's **C**oordinated **L**egal **E**ducation **A**dvice and **R**eferral (CLEAR) program at



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1.888.201.1014. In addition, legal publications covering a broad range of legal topics are available at www.washingtonlawhelp.org.

**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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**Superior Court of Washington
County of**

State of Washington

v.

Plaintiff,

Defendant.

**No.
Financial Declaration**

Name: _____ Date of Birth: _____

I. Summary of Basic Information

Declarant's Total Monthly Net Income (from § 3.3 below) \$ _____
Declarant's Total Monthly Household Expenses (from § 5.9 below) \$ _____
Declarant's Total Monthly Debt Expenses (from § 5.11 below) \$ _____
Declarant's Total Monthly Expenses (from § 5.12 below) \$ _____

II. Personal Information

2.1 Occupation:

2.2 The highest year of education completed:

2.3 Are you presently employed? [] Yes [] No

a. If yes: (1) Where do you work. Employer's name and address must be listed,

- (2) When did you start work there (month/year)? _____
- b. If no: (1) When did you last work (month/year)? _____
- (2) What were your gross monthly earnings? \$ _____
- (3) Why are you presently unemployed? _____

III. Income Information

3.1 Gross Monthly Income

If you are paid on a weekly basis, multiply your weekly gross pay by 4.3 to determine your monthly wages and salaries. If you are paid every two weeks, multiply your gross pay by 2.15. If you are paid twice monthly, multiply your gross pay by 2. If you are paid once a month, list that amount below.

	Name	Name
	_____	_____
a. Wages and Salaries	\$ _____	\$ _____
b. Interest and Dividend Income	\$ _____	\$ _____
c. Business Income	\$ _____	\$ _____
d. Spousal Maintenance Received		
From _____	\$ _____	\$ _____
e. Other Income	\$ _____	\$ _____
f. Total Gross Monthly Income (add lines 3.1a through 3.1e)	\$ _____	\$ _____
g. Actual Gross Income (Year-to-date)	\$ _____	\$ _____

3.2 Monthly Deductions From Gross Income

a. Income Taxes	\$ _____	\$ _____
b. FICA/Self-employment Taxes	\$ _____	\$ _____
c. State Industrial Insurance Deductions	\$ _____	\$ _____
d. Mandatory Union/Professional Dues	\$ _____	\$ _____
e. Pension Plan Payments	\$ _____	\$ _____
f. Spousal Maintenance Paid	\$ _____	\$ _____
g. Normal Business Expenses	\$ _____	\$ _____
h. Total Deductions from Gross Income (add lines 3.2a through 3.2g)	\$ _____	\$ _____

3.3 Monthly Net Income (Line 3.1f minus line 3.2h) \$ _____

3.4 Miscellaneous Income

- a. Child support received from other relationships \$ _____
- b. Other miscellaneous income (list source and amounts) _____

	_____	\$ _____	\$ _____
	_____	\$ _____	\$ _____
	_____	\$ _____	\$ _____
	_____	\$ _____	\$ _____
c.	Total Miscellaneous Income (add lines 3.4a through 3.4b)	\$ _____	\$ _____
3.5	Income of Other Adults in Household	\$ _____	\$ _____
3.6	If the income of either party is disputed, state monthly income you believe is correct and explain below:		

IV. Available Assets

4.1	Cash on hand	\$ _____
4.2	On deposit in banks	\$ _____
4.3	Stocks and bonds, cash value of life insurance	\$ _____
4.4	Other liquid assets:	\$ _____

V. Monthly Expense Information

Monthly expenses for myself and _____ dependents are: (Expenses should be calculated for the future, after separation, based on the anticipated residential schedule for the children.)

5.1 Housing

Rent, 1st mortgage or contract payments	\$ _____
Installment payments for other mortgages or encumbrances	\$ _____
Taxes & insurance (if not in monthly payment)	\$ _____
Total Housing	\$ _____

5.2 Utilities

Heat (gas & oil)	\$ _____
Electricity	\$ _____
Water, sewer, garbage	\$ _____
Telephone	\$ _____
Cable	\$ _____
Other	\$ _____
Total Utilities	\$ _____

5.3 Food and Supplies

Food for _____ persons \$ _____
Supplies (paper, tobacco, pets) \$ _____
Meals eaten out \$ _____
Other \$ _____
Total Food Supplies \$ _____

5.4 Children

Day Care/Babysitting \$ _____
Clothing \$ _____
Tuition (if any) \$ _____
Other child-related expenses \$ _____
Total Expenses Children \$ _____

5.5 Transportation

Vehicle payments or leases \$ _____
Vehicle insurance & license \$ _____
Vehicle gas, oil, ordinary maintenance \$ _____
Parking \$ _____
Other transportation expenses \$ _____
Total Transportation \$ _____

5.6 Health Care (Omit if fully covered)

Insurance \$ _____
Uninsured dental, orthodontic, medical, eye care expenses \$ _____
Other uninsured health expenses \$ _____
Total Health Care \$ _____

5.7 Personal Expenses (Not including children)

Clothing \$ _____
Hair care/personal care expenses \$ _____
Clubs and recreation \$ _____
Education \$ _____
Books, newspapers, magazines, photos \$ _____
Gifts \$ _____
Other \$ _____
Total Personal Expenses \$ _____

5.8 Miscellaneous Expenses

Life insurance (if not deducted from income) \$ _____
Other _____ \$ _____
Other _____ \$ _____
Total Miscellaneous Expenses \$ _____

5.9 Total Household Expenses (The total of Paragraphs 5.1 through 5.8) \$ _____

5.10 Installment Debts Included in Paragraphs 5.1 Through 5.8

<u>Creditor</u>	<u>Description of Debt</u>	<u>Balance</u>	<u>Month of Last Payment</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5.11 Other Debts and Monthly Expenses not Included in Paragraphs 5.1 Through 5.8

<u>Creditor</u>	<u>Description of Debt</u>	<u>Balance</u>	<u>Month of Last Payment</u>	<u>Amount of Monthly Payment</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Total Monthly Payments for Other Debts and Monthly Expenses \$ _____

5.12 Total Expenses (Add Paragraphs 5.9 and 5.11) \$ _____

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Declarant

Print or Type Name

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____**

State of Washington,
Plaintiff,

v.

_____,
Defendant.

Case No. _____
DECLARATION OF

[Name]
**IN SUPPORT OF MOTION FOR
ORDER WAIVING OR REDUCING
INTEREST ON LEGAL
FINANICIAL OBLIGATIONS
PURSUANT TO RCW 10.82.090**

(Clerk's Action Required)

This declaration is made by:

Name: _____

Address: _____

Telephone: _____

Age: _____

I Declare:

STATE OF WASHINGTON
Determination Of Indigency Report

I. Identification

County _____

Court _____

Jurisdiction (check one) () Superior () District () Municipal Name of City _____

Applicant's Name _____ Case Number: _____

Case Type

(check the category corresponding to the most serious charge)

_____(1) Felony - Class A+ _____(5) Juvenile Felony - Class A+ _____(9)

Dependency

_____(2) Felony - Class A _____(6) Juvenile Felony - Class A _____(10) Civil

Commitment

_____(3) Felony - Class B or C _____(7) Juvenile Felony - Class B or C _____(11) Civil

Contempt

_____(4) Misdemeanor _____(8) Juvenile - Misdemeanor _____(12) Other (specify) _____

Charges

Applicant's Address _____

(Street) _____ (City) _____ (State) _____ (ZipCode) _____

Applicant's Telephone (____) _____ - _____ Date of Birth ____/____/____ Social

Security # (optional) ____/____/____

Occupation _____

Employer _____

(Name) _____ (Address) _____ (Telephone) _____

II. Support Obligations

Total Number Dependents (include applicant in count) ____ If juvenile defendant, does he/she live with parents? (circle) Y N

If yes: Father's name _____ Mother's name (include maiden) _____

III. Presumptive Eligibility (check all that apply)

a. ____ Party is indigent because receives public assistance in form of:

() AFDC¹ () General Assistance () Food Stamps () Medicaid () Poverty-Related V.A.² Benefits () SSI³

() Refugee Resettlement Benefits () Other; specify _____

Case Number _____ Verified? _____

Method _____

b. ____ Party is indigent because committed to a public mental health facility.

Verified? _____ Method: _____

c. ____ Party is indigent because annual income, after taxes, is 125% or less of current federally established poverty level.

\$ _____ Specify annual income after taxes
Verified? _____ Method: _____

If Section III, a, b, or c applies, complete only Sections VIII, X and XI. Submit report to Court. If Section III is not applicable, complete all remaining sections.

IV. Monthly Income

- a. Monthly take-home pay (after deductions) \$ _____
Verified? Y N
- b. Spouse's take-home pay (enter N/A if conflict) \$ _____
Verified? Y N
- c. Contribution from any person domiciled with applicant and helping defray his/her basic living costs \$ _____
Verified? Y N
- d. Interest, dividends, or other earnings \$ _____
Verified? Y N
- e. Non-poverty based assistance (Unemployment, Social Security, Workers Compensation, pension, annuities) (**DON'T include poverty-based assistance. See IV. a**) \$ _____
Verified? Y N
- f. Other income (specify) _____ \$ _____
Verified? Y N

Total Income
\$ _____

V. Monthly Expenses (for applicant and dependents; average where applicable)

- a. Basic Living Costs - Shelter (rent, mortgage, board) \$ _____
Verified? Y N
- Utilities (heat, electricity, water); enter 0 if included in cost of shelter \$ _____
Verified? Y N
- Food \$ _____
Verified? Y N
- Clothing \$ _____
Verified? Y N
- Health Care \$ _____
Verified? Y N
- Transportation \$ _____
Verified? Y N
- Loan Payments (specify) _____ \$ _____
Verified? Y N
- b. Court imposed obligations (check) ___ fines ___ court costs ___ restitution ___ support ___ other \$ _____
Verified? Y N
- c. Bail/bond paid or anticipated (this offense) \$ _____
Verified? Y N

d. Other expenses (specify) _____ \$ _____
Verified? Y N

Total Expenses
\$ _____

¹ Aid to Families with Dependent Children

² Veterans' Administration

³ Supplemental Security Income

VI. Total Income Part IV, minus Total Expenses Part V Disposable Net Monthly Income
\$ _____

VII. Liquid Assets

a. Cash, savings, bank accounts (include joint accounts) \$ _____

Verified? Y N

b. Stocks, bonds, certificates of deposit \$ _____

Verified? Y N

c. Equity in real estate \$ _____

Verified? Y N

d. Equity in motor vehicle required for employment, IF over \$3,000 (list overage: value minus \$3,000) \$ _____

Verified? Y N

Make of car _____ Year _____

e. Equity in additional vehicles (list total value) \$ _____

Verified? Y N

f. Personal property (jewelry, boat, stereo, etc.) \$ _____

Verified? Y N

Total Liquid Assets \$ _____

VIII. Affidavit and Notification

I, _____ (print name) do hereby certify (or declare) under penalty of perjury under the Laws of the State of Washington that the foregoing is true and correct (RCW 9A.72.085). By my signature below, I authorize the court to verify all information provided here. I further swear to immediately report any change in financial status to the court. I understand that if bail is imposed in this matter or if my financial condition changes I may request a redetermination.

Signed _____ Date _____
Place _____

IX. Determination of Indigency

- a. Disposable Net Monthly Income (from Section VI) \$ _____
- b. Total Liquid Assets (from Section VII) + \$ _____
- c. **Total Available Funds** (a plus b) = \$ _____
- d. Anticipated Cost of Counsel for Offense Type(s) \$ _____

____ If (c) is zero (0) or less, party is **INDIGENT**. ____ If (c) is greater than (d), party is **NOT INDIGENT**.

____ If (c) is more than zero (0) but less than (d), party is **INDIGENT AND ABLE TO CONTRIBUTE**.

Amount

Assessment

\$ _____

X. Recommendation

Should this recommendation be modified due to anticipated length or complexity of case? (circle one) Yes No

If yes, explain

Other considerations or comments

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____**

State of Washington,
Plaintiff,

v.

Defendant.

Case No. _____

**MOTION FOR ORDER
WAIVING OR REDUCING
INTEREST ON LEGAL FINANCIAL
OBLIGATIONS
RECORD PURSUANT TO
RCW 10.82.090**

**(Clerk's Action Required)
(MT)**

I. Relief Requested

_____ [Name] moves the court for an order waiving or reducing interest on Legal Financial Obligations pertaining to cause no. _____ granting the following relief [indicate the amount of interest on your legal financial obligations you want reduced or waived.]:

_____.

II. Statement of Facts/Statement of Grounds

The attached Declaration of Defendant, Attachments to this Motion (including Judgment and Sentence, Order Setting Restitution (if applicable), Case Financial History) and other supporting documents demonstrate:

- A. The defendant's principal Legal Financial Obligations, set at the date of conviction, (date) were (amount).
- B. The interest that has accrued on the principal Legal Financial Obligations, as of (date), is (interest amount).

- C. The defendant has paid (amount) of Legal Financial Obligations.
- D. The defendant has been released from total confinement and has either paid 24 consecutive monthly payments or paid the principal amount as shown in the case financial history, excluding any payments mandatorily deducted by the department of corrections, thus meeting the requirements of statute RCW 10.82.090.
- E. Defendant has provided evidence that the current interest accrual is causing a significant economic hardship and that the defendant is unable to pay the principal and interest in full and that a reduction or waiver of the interest will likely enable the defendant to pay the full principal and any interest thereon.
- F. The above facts are supported and supplemented by the Defendant's Declaration and supporting documents.

III. Statutory Authority/ Legal Authority

RCW 10.82.090 provides the legal authorization supporting Defendant's motion, because all necessary requirements to waive or reduce interest have been met:

1. Defendant has been released from total confinement.
2. Defendant has made a good faith effort by either a) having paid the principal amount in full; or b) having made twenty-four consecutive monthly payments on his or her payment agreement with the court, excluding any payments mandatorily deducted by the department of corrections.
3. Defendant has provided evidence that the current interest accrual is causing an economic hardship.
4. Defendant is more likely to pay the full principal and interest thereon if the interest is reduced or waived.

IV. Proposed Order

[] A proposed Order accompanies this motion.

Date: _____

Notice to party: You may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Signature of Moving Party or Lawyer/WSBA No.

Print or type name

Address

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____**

State of Washington,
Plaintiff,

v.

_____,
Defendant.

Case No. _____

**ORDER WAIVING OR REDUCING
INTEREST ON LEGAL FINANCIAL
OBLIGATIONS
RECORD PURSUANT TO
RCW 10.82.090**

Clerk's action required

This Matter having come before the Honorable [Judge] in the above-entitled court pursuant to 10.82.090, the court now makes the following:

Findings of Fact:

1. [Name] was convicted of [offense] on [date], cause No. [].
2. Defendant was released from total confinement on [date] or confinement was not a condition of their sentence.
3. Defendant's Judgment and Sentence required [her/him] to pay [amount] of Legal Financial Obligations.
4. As of [date], defendant has paid [amount] of principal. As of [date], interest of [amount] has accrued.
5. Defendant has made a good faith effort to pay his/her Legal Financial Obligations by either paying the principal amount or having made 24 consecutive payments, excluding any payments mandatorily deducted by the department of corrections.
6. The amount of interest accrual is causing a significant economic hardship and defendant will not be able to pay the principal and interest in full.

7. Reduction or waiver of the interest will likely enable defendant to pay the full principal and any remaining interest thereon.

Conclusions of Law:

1. Defendant has fulfilled the statutory requirements pursuant to RCW 10.82.090.
2. Defendant has shown the court that the current interest accrual is causing a significant economic hardship.
3. Defendant is more likely to pay the full principal and any interest thereon if the interest is reduced or waived.

The court having considered the motion, declaration, testimony and the court file, and finding good cause, ***It is Ordered:***

1. The Motion is granted.
2. The following payment schedule and amount is established:

3. Jurisdiction is retained over the offender for purposes of reviewing and revising the reduction of waiver and interest.

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print or Type Name

Print or Type Name

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____**

State of Washington,
Plaintiff,

v.

_____,
Defendant.

Case No. _____

**NOTICE OF HEARING ON
MOTION FOR ORDER WAIVING
OR REDUCING INTEREST ON
LEGAL FINANCIAL
OBLIGATIONS
RECORD PURSUANT TO
RCW 10.82.090**

**(Clerk's Action Required)
(MT)**

TO: THE COUNTY CLERK
AND TO: PROSECUTING ATTORNEY

PLEASE TAKE NOTICE that a hearing on **Defendant's Motion for Order Waiving or Reducing Interest on Legal Financial Obligations** will be heard at the following date, time and location:

DATE: _____

TIME: _____

PLACE: _____ County Superior Court

Judge _____'s courtroom

ADDRESS: _____

PHONE: _____

DATED this ____ day of _____, 20__.

Signature

Printed/Typed Name

Address

Phone

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____**

State of Washington,
Plaintiff,

v.

_____,
Defendant.

Case No. _____

DECLARATION OF SERVICE

**(Clerk's Action Required)
(MT)**

I.

I DECLARE that:

I hand-delivered/mailed by regular mail First Class U.S. Mail postage prepaid/mailed by certified mail First Class U.S. mail return receipt requested postage prepaid/e-mailed/faxed (circle one or more) to the Office of the Prosecutor of _____ County the following documents:

1. Notice of Hearing Re Motion for Order Waiving or Reducing Interest on Legal Financial Obligations;
2. Defendant's Motion for Order Waiving or Reducing Interest on Legal Financial Obligations;
3. Defendant's Declaration in Support of Motion for Order Waiving or Reducing Interest on Legal Financial Obligations; and
4. Proposed Order Waiving or Reducing Interest on Legal Financial Obligations.

On/at the following date, time and place:

Date: _____ Time: _____ a.m./p.m.

Address: _____

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____ on (date) _____.

Signature

Print or Type Name