

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](#).

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. 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.** Ask the court 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.
- 3.** Fill out the following forms in this packet:
 - "I Can't Afford to Pay" Motion and Financial Statement/Declaration
 - Notice of Hearing

- Proposed Order Reducing or Forgiving LFOs
- 4. Make three copies of all completed court forms.
- 5. Go to the court clerk's office and file your original set of forms, including:
 - "I Can't Afford to Pay" Motion 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.

- 6. 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.

- 7. Keep one set of copies for yourself of everything you filed.
- 8. Check your mail for any response from the prosecutor.
- 9. Go to the hearing and answer the judge's questions in person. 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 and bring them to the hearing.



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.

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 “I Can’t Afford to Pay” Motion

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.

You 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.

This information is current as of February 2019.

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