

Filing Fee Waiver: General Info

Should I read this?

Yes, if both of these are true:

- you are about to file a family law case in a Washington state Superior Court.
- you cannot pay the filing fee OR paying would be hard for you.

Most people must pay a filing fee ranging from \$36 to \$280 to start a family law case. You can file a motion asking the court to waive (not make you pay) the filing fee.

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- ❖ The filing fee amount depends on the county and the type of case. (The filing fee for modifications in some counties is \$36. The fee for filing a divorce in some counties is \$200.)
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What does Rule 34 say?

Washington state courts' General Rule 34 ([GR 34](#)) says who can get a waiver of the filing fee civil case and other mandatory charges. It

- applies to all courts statewide.
- forbids courts from charging a small fee to even file a fee waiver request.

Can I get the other fees involved in a court case waived too?

You can ask the court to waive other fees that are "a condition precedent to securing access to judicial relief." These include but are not limited to:

- Family Court facilitator surcharge
- Judicial Trust Account surcharge
- Domestic violence prevention surcharges
- Mandatory family law orientation class fee
- Any fee to have a required Family Law Facilitator review your final papers before presentation
- Any ex parte presentation fee

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- ❖ The court must waive any required fee. The state Supreme Court in [Jafar v. Webb](#) confirmed this.
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Fees that are probably NOT waivable are fees for optional services, including but not limited to:

- Deposition fees
- Cost of copies
- Cost of mediation
- Guardian ad Litem (GAL) fees

Am I eligible for the fee waiver?

Yes, if one of these is true:

You get:

- TANF (Temporary Assistance for Needy Families)
- HEN (Housing and Essential Needs)
- SSI

- Federal poverty-related veteran's benefits
- Food Stamps

OR

Your income is at or below 125% of the federal poverty guidelines. (The guidelines are at <https://aspe.hhs.gov/poverty-guidelines>.)

OR

You have large regular basic living expenses that keep you from being able to pay the filing fee and other required charges. "Basic living expenses" means the average monthly amount you spend for reasonable payments toward living costs such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations. [RCW 10.101.010\(4\)\(d\)](#).

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- ❖ Even if none of the above describes you, you may still want to file a fee waiver if there are other compelling circumstances in your case. Talk to a lawyer.
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What forms will I need?

Our packet [Filing a Motion for Waiver of Your Filing Fee](#) has forms and instructions. Get it at www.washingtonlawhelp.org. It is good for all civil law cases except habeas corpus petitions.

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- ❖ **Domestic violence protection order petitions** are free. They do not require a fee waiver.
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How do I file a Motion for Fee Waiver?

To get your fees waived right away: Go to the courthouse. When you are done filling out your forms, ask the Superior Court clerk or facilitator (if your county has one) how to get your papers to a judge for review and signing.

If you do not need the fee waiver right away: mail it to the court clerk. Include a self-addressed stamped envelope so they can return a copy to you.

What if I need legal help?

- Apply online with [CLEAR*Online](#) - <https://nwjustice.org/get-legal-help> or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.
- **King County:** Call 211 for information and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). You can also get information on legal service providers in King County through 211's website at www.resourcehouse.com/win211/.

- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

211 and CLEAR will conference in interpreters when needed at no cost to callers.

Free legal education publications, videos and self-help packets covering many legal issues 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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