

## Filing for Waiver of Your Filing Fee

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### A. Should I use this packet?

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 \$320 to start, for example, 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.

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### B. 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.

### C. 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

#### **D. 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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❖ You can use this packet for all cases **except for** habeas corpus petitions and domestic violence protection order petitions (DVPOs). It is always free to file those type cases.

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## E. Words you may need to know:

- **Ex parte:** Going before the court without notifying the other party. Sometimes also refers to the courtroom where you see a judge without notifying the other party.
- **Filing:** Giving court papers to the court clerk to put in the case file.
- **Petition:** The document that starts a court case and asks the court for a decree, judgment, or final order.
- **Waive:** Asking a court to waive a fee means asking it to not collect a fee from you.

## F. What forms will I need?

Form Title	Form Number
Motion and Declaration for Waiver of Civil Filing Fees and Surcharges	WPF GR 34.0100
Financial Statement	WPF GR 34.0300
Order Re Waiver of Civil Filing Fees and Surcharges	WPF GR 34.0500

## G. Summary of steps to take:

1. Fill out the forms completely.
2. Ask the Superior Court clerk (or facilitator) about the procedure for getting your Motion in front of a judge for review. **OR mail** your original set of forms plus one set of copies to the court clerk, along with a postage-paid envelope addressed to you.
3. Do as the clerk or facilitator advises. **OR, if you have mailed the motion in**, call the clerk to find out how long it will take to get your Order mailed back to you.
4. Check to see whether the judge signed the order.
5. File your petition. Pay the fee if the judge orders payment of the fee.

## H. General Instructions

Read these instructions before you begin to fill out any of the forms

**THE CAPTION.** The caption is the name of your case. It is a section that appears at the top of the first page of every form. See the sample below:

This **case type** is for a divorce. Yours may be different.

Put the **county** where you are filing this form.

Put the **case number**. The court clerk assigns this number when the

This is the form's **title**.

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

In re the marriage of:

Petitioner (*person who started this case*):

Jane Brown

And Respondent (*other spouse*):

John Brown

No. \_\_\_\_\_

Notice of Hearing (NTHG)

Clerk's action required: **1**

**CASE NUMBER.** When you file your case, the court clerk will give you a case number. Your case number must appear on **every** form you use. As soon as you get a case number, write it near the top on the right-hand section of the page after "No." The case number is on the right, above the title. Some counties have stamps with the case numbers on them. This is faster and makes the case number more readable. Ask the clerk if s/he has a docket number stamp or if you should write the number in yourself.

**TITLE.** Each form has a title. The title of the form you will be filing has already been filled in: "Motion and Declaration for Waiver of Civil Filing Fees and Surcharges."

**THE CONTENTS.** Fill out each form according to the instructions for that form. Whether you print or type, it must be readable and you must use **BLACK INK**. After filling out each form, re-read it. Be sure you have correctly filled in all the blanks you need to. If you have to make corrections, use a new, blank form. If the correction is only one or two words, use "white out." The corrections must be neat and readable.

## I. Instructions for Motion for fee Waiver Forms

### 1. Motion and Declaration for Waiver of Civil Filing Fees and Surcharges (MTAF) (WPF GR 34.0100)

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- ❖ Use this form only if you do not have a lawyer to represent you. If a lawyer is representing you, STOP. Do not use this packet.
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Fill in the caption. (See “General Instructions” above and/or your main filing packet.)

#### I. Application

**1.1:** Check the box showing which party you are.

#### II. Basis for Motion

After “dated,” write the date that you are filling out the form. Above “Signature of Requesting Party,” sign your name. Type or **neatly** print your name in the space below.

#### III. Declaration

Fill out **3.2** with any information unique to your case that does not fit anywhere in the financial statement.

Check the **last box on page 2** if you are filing your motion for fee waiver by mail.

In the first blank after “signed at,” write the town or city you are currently in. In the second blank, write which state you are in. In the third blank, write the date you filled out the forms.

In the bottom left-hand blank, sign your name. In the bottom right-hand blank, type or neatly print your name.

### 2. Financial Statement (WPF GR 34.0300)

In the blank after “Case Name,” write the caption of your case. Write in the case number in the blank provided.

- a) Write your name the same way it appears in the case caption.
- b) If anyone who lives in your household depends on you for support, check the box. Write in how many people depend on you. Write their ages.
- c) **Under “My Monthly Income:”**
  - a. Check to show whether you have a job.
  - b. If you are working, write in your employer’s name.
  - c. After “Gross pay per month,” write in your pay before taxes.

d. After “Take home pay per month,” write in your pay after taxes.

**d) Under “Other Sources of Income Per Month in my Household:”**

If you have other income besides pay from work, write that here. Next to “Source,” write where the income comes from. (**Example:** “veterans’ benefits.”) Write how much you get next to the dollar sign. If you have income from more than one source, add all your income up. Put the amount in next to “Sub-Total.” Check the box underneath if you get food stamps.

Total Income, lines 3 (take home pay) and 4:

Add up your take-home pay plus any income you listed in 4. Put the sum here.

**e) Under “My Household Assets:”**

Fill in the blanks showing the amounts that apply to your current situation. Add up all your assets at the bottom in the blank after “Total Household Assets.”

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❖ If there is a blank that does not apply to you, you should put a “zero” in it.

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**f) Under “My Monthly Household Expenses:”**

Fill in the blanks showing the amounts that apply to your current situation. Add up all your expenses in the blank next to “Sub-Total.”

Under “My Other Monthly Household Expenses:”

Use this space for any monthly household expenses there was not a space for in number 6, above.

**g) My Other Debts with Monthly Payments:**

**Examples** of debts to list here: car payment; credit card payment; loan payment.

**“Total Household Expenses and Debts,”** Lines 6, 7, and 8:

Add up the numbers from your subtotals in 6, 7, and 8. Put the sum here.

**Sign and date** at the bottom in the boxes provided.

**3. Order Re Waiver of Civil Filing Fees and Surcharges (WPF GR 34.0500)**

Fill in the caption. (See “General Instructions” above and/or your main filing packet.)

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❖ Do not check the “granted” box on the right-hand side of the caption. Leave that for the judge.

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## I. Basis

Check the box showing which party you are.

## II. Findings

**2.1** Check the box to show which proof you provided in your motion.

**2.2** Do not check this box.

**2.3** Leave this blank. The judge may use this to make other orders.

## III. Order

**3.1** Check the first box. Check the box under it. Leave the second box blank.

## J. What should I do next?

**When you get your papers back:** Review the box that the judge marked.

If the judge denied your motion, you cannot file your court action until you can pay the filing fee in full.

If the judge granted your motion, take the order with your other paperwork to the clerk's office and file your court action.

If the judge did not waive all fees, **get help from a lawyer right away. Contact CLEAR or your local legal aid office. Check here for the office nearest you:**

<http://nwjustice.org/contact-northwest-justice-project>.

## K. What if I have more questions?

Talk to a lawyer familiar with family law before filing anything with the court. Many counties have family law facilitators who can help you fill out forms or free legal clinics where you may get legal advice about your case.

- **Do you live in King County? Call 211.** 211 is open Monday through Friday between 8:00 a.m. and 6:00 p.m. From a pay/public phone, call 1-800-621-4636. 211 will identify and refer you to the appropriate legal aid provider.
- **Apply online with CLEAR\*Online** - <https://nwjustice.org/get-legal-help>
- **Call the CLEAR Legal Hotline at 1-888-201-1014.**

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_____ <b>Court of Washington</b> <b>For</b> _____  _____ Petitioner/Plaintiff, vs. _____ Respondent/Defendant.
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No. \_\_\_\_\_

**Motion and Declaration For Waiver of Civil Fees and Surcharges (MTAF)**

**I. Motion**

- 1.1 I am the  petitioner/plaintiff  respondent/defendant in this action.
- 1.2 I am asking for a waiver of fees and surcharges under GR 34.

**II. Basis for Motion**

- 2.1. GR 34 allows the court to waive “fees or surcharges the payment of which is a condition precedent to a litigant’s ability to secure access to judicial relief” for a person who is indigent. As outlined below, I am indigent.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Requesting Party

\_\_\_\_\_  
Print or Type Name

**III. Declaration**

I declare that,



3.1 I cannot afford to meet my necessary household living expenses and pay the fees and surcharges imposed by the court. Please see the attached Financial Statement, which I incorporate as part of this declaration.

3.2 In addition to the information in the financial statement I would like the court to consider the following:

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(Check if applies.) I filed this motion by mail. I enclosed a self-addressed stamped envelope with the motion so that I can receive a copy of the order once it is signed.

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

Case Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

Financial Statement (Attachment)			
1. My name is:			
2. <input type="checkbox"/> I provide support to people who live with me: How many?      Age(s):			
<b>3. My Monthly Income:</b>		<b>6. My Monthly Household Expenses:</b>	
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:	\$
<b>4. Other Sources of Income Per Month in my Household:</b>		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:	\$
<b>Total Income, lines 3 (take home pay) and 4:</b>		Sub-Total:	\$
<b>5. My Household Assets:</b>		<b>7. My Other Monthly Household Expenses:</b>	
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):	\$	<b>8. My Other Debts with Monthly Payments:</b>	
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$	Sub-Total:	\$
<b>Total Household Assets:</b>		<b>Total Household Expenses and Debts, lines 6, 7, and 8:</b>	\$
<b>Date:</b>		<b>Signature:</b>	

<p style="text-align: center;"><b>Court of Washington</b></p> <p><b>For</b> _____</p>
<p style="text-align: center;">_____ Petitioner/Plaintiff, vs. _____ Respondent/Defendant.</p>

No. \_\_\_\_\_

**Order Re Waiver of Civil Fees and Surcharges**

- Granted (ORPRFP)**
- Denied (ORDYMT)**
- Clerk's Action Required 3.1**

**I. Basis**

The court received the motion to waive fees and surcharges filed by or on behalf of the  
 petitioner/plaintiff    respondent/defendant.

**II. Findings**

The Court reviewed the motion and supporting declaration(s). Based on the declaration(s) and any relevant records and files, the Court finds:

- 2.1      The moving party is indigent based on the following: He or she:
- is represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or
  - receives benefits from one or more needs-based, means-tested assistance programs; and/or
  - has household income at or below 125% of the federal poverty guideline; and/or
  - has household income above 125% of the federal poverty guideline but cannot meet basic household living expenses and pay the fees and/or surcharges; and/or
  - other: \_\_\_\_\_  
\_\_\_\_\_

2.2  The moving party is not indigent.

2.3  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

### III. Order

Based on the findings the court orders:

3.1  The motion is granted, and

all fees and surcharges the payment of which is a condition precedent to the moving party's ability to secure access to judicial relief are waived.

other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3.2  The motion is denied.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge/Commissioner**

Presented by:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name                      Date

3204EN FILING FOR WAIVER OF YOUR FILING FEE: EVALUATION FORM 2/2017  
Your comments are appreciated and will help to make this packet more useful to others.  
Please take a moment to complete this form and return it to:

LeeAnn Friedman  
Northwest Justice Project  
500 W. 8<sup>th</sup>, Suite 275  
Vancouver, WA 98660  
Or email to [webmaster@nwjustice.org](mailto:webmaster@nwjustice.org)

1. Where did you get this packet?  
 CLEAR    [washingtonlawhelp.org](http://www.washingtonlawhelp.org)    Court Clerk or Facilitator  
 Other: \_\_\_\_\_
2. What is your primary language? \_\_\_\_\_
3. Are you low-income?    yes    no
4. What is the last grade you finished in school? \_\_\_\_\_
5. Did you read the instructions?    yes    no
6. Did you need the help of an agency, court facilitator, or advocate to complete your case?    yes    no  
If yes, what agency or individual helped you? \_\_\_\_\_
7. Did you find anything hard to understand?    yes    no  
If yes, please tell us what. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Did you find any mistakes?    yes    no  
Describe mistakes. Include the page #. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Additional Comments [use back if you need to]: \_\_\_\_\_  
\_\_\_\_\_
10. Today's Date: \_\_\_\_\_