

INTEREST WAIVER GUIDE

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

I. 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.

As 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 non-restitution 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 non-restitution 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. As follows: (a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued during

the term of total confinement for the conviction giving rise to the financial obligations provided the offender shows that the interest creates a hardship for the offender or his or her immediate family; (b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full; (c) The court may otherwise reduce or waive the interest on portions of the legal financial obligations that are not restitution if the offender shows that he or she has personally made a good faith effort to pay and that that the interest accrual is causing a significant hardship. For purposes of this section, “good faith effort” means that the offender has either (i) paid the principal amount in full; or (ii) made at least fifteen monthly payments within an eighteen-month period, excluding any payments mandatorily deducted by the department of corrections; (d) For purposes of (a) through (c) of this subsection, the court may reduce or waive interest on legal financial obligations only as an incentive for the offender to meet his or her legal financial obligations. 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. (3) This section applies to persons convicted as adults or adjudicated in juvenile court.

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

IMPORTANT NOTE: The requirements for waiver of non-restitution LFOs accrued during **total confinement** (RCW 10.82.090(2)(a)) are slightly different than the requirements for a waiver or reduction of interest accrued **other than** during total confinement (RCW 10.82.090(2)(c)).

Instructions and forms for seeking a waiver of interest accrued during **total confinement** under **sub-part 2a** are being developed, and this guide will be supplemented with them later. **The instructions and forms below are for seeking waiver or reduction of interest on**

**LFOs other than interest accrued during total confinement
(sub-part 2c).**

In order to move the court to waive or reduce interest, you must prove the following to the court (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 at least 15 monthly payments within 18 months. This calculation excludes any payments mandatorily deducted by DOC.
- 3) The interest accrual is causing a significant hardship.
- 4) Reduction or waiver of the interest will be an incentive to meet your LFO obligations because it 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 **for interest other than that accruing during a period of total confinement**.

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 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 Indigency Screening Form (link below and also a modified version of the form is included in the forms section below)

http://www.opd.wa.gov/TrialDefense/100609_IndigencyScrnngfrmandmemo.pdf

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 Indigency Screening 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 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 (15 monthly payments within an 18-month period or paid off the principal). Remember that the 15 monthly payments must be payments that you've made since your release from prison and does not include 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.

If you are asking the court to waive or reduce interest and your LFOs, do not include restitution; or if 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 15 monthly payments within an 18-month period 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 and accruing is causing 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 and/or your family. 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.
- 3) For your non-restitution LFOs, state that you have made a good faith effort by either a) paying the overall principal in full or b) making 15 monthly payments within an 18-month period excluding amounts mandatorily deducted by DOC, as demonstrated by the case financial history from the court that you will attach to the declaration. For your restitution LFOs, 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 and accruing is causing 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, you will be able to pay off the remaining interest, and if interest is 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, or 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:

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 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.

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 15 monthly payments within an 18-month period excluding mandatory DOC deductions. 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 accruing on your non-restitution LFOs is an economic hardship and that you will be more likely to pay the full amount if the interest is reduced or waived. If you are also seeking a reduction of interest on your restitution, briefly explain how a reduction of interest will allow you to pay off the remaining interest on your restitution.
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.

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
901 Fifth Ave. #630
Seattle, WA 98164
www.aclu-wa.org/gethelp

If you are low-income, additional legal advice is available by calling the Northwest Justice Project's **Coordinated Legal Education Advice and Referral (CLEAR)** program at **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.

This information is current as of the date of its printing, September 2011.

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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-Self Name-Spouse or Partner

| | _____ | _____ |
|---|----------|----------|
| 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

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

INDIGENCY SCREENING FORM

[Per RCW 10.101.020(3)]

Name _____

Address _____

City _____ State _____ Zip _____

1. Place an "x" next to any of the following types of assistance you receive:

_____ **Welfare** _____ **Poverty Related Veterans' Benefits**

_____ **Food Stamps** _____ **Temporary Assistance for Needy Families**

_____ **SSI** _____ **Refugee Settlement Benefits**

_____ **Medicaid** _____ **Disability Lifeline Benefits**

_____ **Other – Please Describe** _____

{If you marked an "x" by any of the above, please stop here and sign at # 15 below.}

2. Do you work or have a job? _____yes _____no. If so, take-home pay: \$ _____

Occupation: _____ Employer's name & phone #: _____

3. Do you have a spouse or state registered domestic partner who lives with you? _____yes

_____no Does she/he work? _____yes _____no If so, take-home pay: \$ _____

Employer's name: _____

4. Do you and/or your spouse or state registered domestic partner receive unemployment,

Social Security, a pension, or workers' compensation? _____yes _____no

If so, which one? _____ Amount:

\$ _____

5. Do you receive money from any other source? _____ yes _____no If so, how much?

\$ _____

6. Do you have children residing with you? _____ yes _____no. If so, how many? _____

7. Including yourself, how many people in your household do you support? _____

8. Do you own a home? ___yes ___no. If so, value: \$_____ Amount owed: \$_____

9. Do you own a vehicle(s)? ___yes ___no. If so, year(s) and model(s) of your
vehicle(s):_____ Amount owed: \$_____

10. How much money do you have in checking/saving account(s)? \$_____

11. How much money do you have in stocks, bonds, or other investments? \$_____

12. How much are your routine living expenses (rent, food, utilities, transportation)
\$_____

13. Other than routine living expenses such as rent, utilities, food, etc., do you have other
expenses such as child support payments, court-ordered fines or medical bills, etc.? If so,
describe: _____

14. Do you have money available to hire a private attorney? ___yes ___no

15. Please read and sign the following:

I understand the court may ask for verification of the information provided above.

I agree to immediately report any change in my financial status to the court.

“I certify under penalty of perjury under Washington State law that the above is true and correct.

(Perjury is a criminal offense-see Chapter 9A.72 RCW)

Signature Date

City State

**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 FINANCIAL
OBLIGATIONS PURSUANT
TO RCW 10.82.090**

This declaration is made by:

Name: _____

Address: _____

Telephone: _____

Age: _____

**FORMS FOR MOTION FOR WAIVER OF INTEREST ACCRUED DURING
PERIOD OF TOTAL CONFINEMENT:**

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

State of Washington,

Case No.

Plaintiff,

v.
INTEREST

CONFINEMENT

Defendant.

**MOTION FOR ORDER WAIVING
NON-RESTITUTION LFO**

DURING TOTAL

PURSUANT TO RCW 10.82.090

(Clerk's Action Required)

I. Relief Requested

[NAME] moves the court for an order granting the following relief:

A waiver of all interest that accrued on the non-restitution portion of [NAME's] Legal Financial Obligations during the period of total confinement.

II. Statement of Facts

The attached Declaration of Defendant, Attachments to this motion (including Judgment and Sentence) and other supporting documents demonstrate:

- A. The total principal amount of LFOs imposed on [DATE] upon the defendant by the court at sentencing and/or a restitution hearing was [AMOUNT].
- B. Within the principal amount of total LFOs described in A, the amount that represents non-restitution LFOs was [AMOUNT].
- C. The defendant was released from total confinement on the conviction for which the LFOs were imposed on [DATE].
- D. The defendant served [NUMBER OF DAYS] in total confinement.
- E. As of [DATE], the amount of interest that accrued on the non-restitution portion of his/her LFOs during the period of total confinement is [AMOUNT].
- F. The defendant has provided evidence that the current interest accrual on (his/her) non-restitution Legal Financial Obligations during the period of total confinement is causing a hardship for the defendant or the defendant's immediate family, and that a waiver of the interest that accrued on (his/her) non-restitution LFOs will serve as an incentive for the defendant to meet (his/her) Legal Financial Obligations.
- G. The above facts are supported and supplemented by the Defendant's Declaration and supporting documents.

III. Statutory Authority/Legal Authority

RCW 10.82.090(2)(a), which states "The court **shall** waive all interest on the portions of the legal financial obligations that are not restitution that accrued during the term of total confinement for the conviction giving rise to the financial obligations, provided the offender shows that the interest creates a hardship for the offender or his or her immediate family," (emphasis added), provides the legal authorization supporting Defendant's motion. The statute requires granting the relief requested because all necessary requirements to waive interest during the period of total confinement have been met:

1. Defendant has been released from total confinement on the conviction giving rise to the legal financial obligations (he/she) seeks to address.

2. Defendant has provided evidence that interest that accrued on the non-restitution portion of (his/her) legal financial obligations during the period of total confinement creates a hardship for the defendant and/or the defendant's immediate family.
3. Defendant has established that a waiver of the interest that accrued on the non-restitution portion of the defendant's legal financial obligations will serve as an incentive for the defendant to meet (his/her) remaining legal financial obligations.

IV. Proposed Order

[] A proposed Order accompanies this motion

Date:

**Signature of Moving Party or
 Lawyer/WSBA No.**

Print or Type Name

Address

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR _____ COUNTY

STATE OF WASHINGTON,
Plaintiff,

vs.

_____ ,

Defendant.

No. [CAUSE NO.]

DECLARATION OF
[NAME] IN SUPPORT OF MOTION
FOR ORDER WAIVING INTEREST
ON LEGAL FINANCIAL
OBLIGATIONS DURING PERIOD
OF TOTAL CONFINEMENT
PURSUANT TO RCW 10.82.090(2)
(a)

I, _____, declare under penalty of perjury under the laws of the state of Washington as follows:

DECLARATION OF [NAME] IN SUPPORT OF MOTION TO WAIVE INTEREST THAT ACCRUED ON NON-RESTITUTION LFOs DURING THE PERIOD OF TOTAL CONFINEMENT - Page 30

1. I am over 18 years of age and am competent to make this declaration.
2. On [DATE], in the above cause number, I was sentenced for a criminal offense.
3. At the sentencing and/or restitution hearing, the court ordered me to pay [\$AMOUNT\$] in total Legal Financial Obligations (LFOs) in this cause number.
4. The amount of non-restitution LFOs within the total amount in this cause number was [\$AMOUNT\$].
5. I was placed in total confinement on this cause number on [DATE].
6. I was released from total confinement on this cause number on [DATE].
7. During the period of total confinement, [\$AMOUNT\$] of interest accrued on the non-restitution LFOs for this cause number.
8. I am not able to [EXPLAIN WHY THE INTEREST ACCRUAL CREATES A HARDSHIP FOR YOU OR YOUR FAMILY - for example, you cannot pay monthly household expenses like utility bills, food, rent, child support, etc.] because of the interest that has accrued on my non-restitution LFOs. Please see the attached Financial Statement, which I incorporate as part of this declaration.
9. A waiver of the interest that has accrued on my non-restitution LFOs in this cause number will serve as an incentive to make payments on my remaining LFO balance.

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

Executed on [DATE], at [CITY], [STATE].

[NAME - signature]

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

State of Washington,

Case No.

Plaintiff,

v.

**ORDER WAIVING INTEREST
ON LEGAL FINANCIAL
OBLIGATIONS DURING PERIOD OF
TOTAL CONFINEMENT (RCW**

10.82.090)

Defendant.

[] Clerk's Action Required

This matter having come before the Honorable [JUDGE] in the above-entitled court pursuant to 10.82.090(2)(a), the court now makes the following:

I. Findings of Fact:

1. [NAME] was convicted of [OFFENSE] on [DATE], cause no. [CAUSE NO.].
2. Defendant's Judgment and Sentence and/or restitution hearing Order required [him/her] to pay [amount] of total principal Legal Financial Obligations.
3. The court orders described in paragraph 2 required the defendant to pay [AMOUNT] in non-restitution Legal Financial Obligations.
4. Defendant was released from total confinement on [DATE].

5. Defendant served [DAYS] in total confinement, from [DATE] to [DATE].
6. During the defendant's period of total confinement, [AMOUNT] of interest accrued on the non-restitution portion of [his/her] Legal Financial Obligations.
7. Defendant has shown that the interest that accrued on the non-restitution portion of [his/her] Legal Financial Obligations during the period of total confinement creates a hardship for the defendant or [his/her] immediate family.
8. Defendant has established that a waiver of the interest that accrued on [his/her] non-restitution Legal Financial Obligations during the period of total confinement will serve as an incentive for the defendant to pay off the outstanding balance on the defendant's Legal Financial Obligations.

II. Conclusions of Law

1. Defendant has fulfilled the statutory requirements for a mandatory waiver of interest during the period of total confinement pursuant to RCW 10.82.090(2)(a).
2. Defendant has shown the court that the current interest accrual is causing the defendant or [his/her] immediate family a hardship.
3. Defendant is more likely to pay the full principal and any interest thereon, if the interest on non-restitution that accrued during the period of total confinement is 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 and the Clerk's Office shall Waive Interest in this Case as follows:

2. The following payment schedule and amount is established:

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

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

**Signature of Party or Lawyer/WSBA No.
Lawyer/WSBA No.**

Signature of Party or

Print or Type Name

Print or Type Name

**USE THE FOLLOWING MOTION FORM FOR SEEKING WAIVER OR
REDUCTION OF INTEREST OTHER THAN THAT ACCRUED DURING
TOTAL CONFINEMENT**

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

- a.C. The defendant has paid (amount) of Legal Financial Obligations.
- a.D. The defendant has been released from total confinement and has either paid 15 monthly payments within an 18 month period 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 RCW 10.82.090.
- a.E. Defendant has provided evidence that the current interest accrual is causing a significant 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.
- a.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 15 monthly payments within an 18 month period 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 a significant hardship.
4. Defendant is more likely to pay the full principal and interest thereon if the interest is reduced or waived.

-

II. Proposed Order

[] A proposed Order accompanies this motion.

Date: _____

Lawyer/WSBA No.

Signature of Moving Party or

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 15 payments within an 18 month period, excluding any payments mandatorily deducted by the department of corrections.

6. Defendant has shown that the amount of interest accrual is causing a significant hardship.
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 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 and the Clerk’s Office shall Waive/Reduce Interest in this Case as follows:

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.
No.

Signature of Party or Lawyer/WSBA

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: _____

*NOTICE OF HEARING RE MOTION FOR ORDER
WAIVING OR REDUCING INTEREST ON LEGAL FINANCIAL OBLIGATIONS - Page 43 of*

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:

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

A.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