

**Municipal Court of Washington
City of Gig Harbor**

CITY OF GIG HARBOR _____,

vs.

Defendant.

DOB: _____

No.

**Order re: Legal Financial Obligations
(ORWILFO)**

Clerk Action Required

Order re: Legal Financial Obligations

You should fill out this document after you fill out the “Petition re: Legal Financial Obligations.” This document will tell the judge exactly what you are asking them to do. There are instructions in each section of the form. Please fill out any sections that apply to what you are asking the court to do by checking the boxes next to those sections. This should mostly match what you are asking for in your petition.

This Court has considered the defendant’s Motion for Order re: Legal Financial Obligations (LFOs), the defendant’s declaration, and any testimony, and has reviewed the relevant court records.

1. Jurisdiction

The Court finds:

You should only fill out this section if it has been more than 10 years since you were convicted in this case. If it has been more than 10 years since your conviction, you should check the box “Time Since Conviction.”

You should also check the box, “Time Since Release from Jail/Prison or Extension” of the Judgment, if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing or you were not sentenced to jail or prison time in this case. You can check this box even though you likely don’t know whether the court extended the judgment in your case.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney. You should refer to the instruction packet for more information.

- ☐ **Time Since Conviction:** Ten years have passed since the defendant was convicted in this case (entry of the judgment and sentence). RCW 3.66.120(3); RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).
- ☐ **Time Since Release from Jail/Prison or Extension of the Judgment:** Ten years have elapsed since the defendant was released from total confinement or extension of the criminal judgment, whichever is later. RCW 3.66.120(3); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

The Court orders:

If you checked either of the boxes above, you should check the two boxes below. It is possible the court may still be allowed to collect LFOs or restitution. If that is the case, the judge will uncheck the boxes below before signing the order.

- ☐ **Expiration of LFO Jurisdiction:** The Court is no longer authorized to collect all LFOs and LFO interest. The court may continue to collect any restitution and restitution interest, unless the box labeled "Expiration of Restitution Jurisdiction" is checked below. RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).
- ☐ **Expiration of Restitution Jurisdiction:** The Court is no longer authorized to collect restitution and restitution interest. RCW 3.66.120(3); RCW 6.17.020(4)(a); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

The Court finds:

You should check the box below if you have paid off your restitution principal (the original restitution amount imposed by the court) and all that remains of your restitution obligation is interest.

- ☐ **Restitution Interest After Payment of Principal.** The defendant has paid restitution in full. RCW 10.82.090(3)(b).

The Court orders:

You can check multiple boxes in this section.

You should check the first box if you would like your LFOs removed from collections and any collections fees to be waived.

You should check the second box if you would like all interest, except restitution interest, to be waived. The court is required to waive non-restitution interest if you make this request. This will not affect whether you can request restitution interest waiver in other sections of the form.

You should check the third box if you were convicted in Superior Court and would like the court to waive the DNA fee. The court is required to waive the DNA fee if you make this request.

You should check the fourth box if you have paid off your original restitution amount (restitution principal) ordered by the court and would like your restitution interest waived.

- ☐ **Collection.** The defendant's LFOs are removed from collections and all collection fees are waived. RCW 19.16.500(1)(b); RCW 36.18.190.
- ☐ **LFO Interest.** All unpaid interest, except restitution interest, is waived. RCW 10.82.090(3)(a).
- ☐ **DNA Fee.** The DNA fee is waived. RCW 43.43.7541(2).
- ☐ **Restitution Interest Waiver After Payment of Principal.** Because the defendant has paid restitution principal in full, all restitution interest is waived. RCW 10.82.090(3)(b).

B. LFO Relief Due to Inability to Pay

The Court finds:

You can check multiple boxes in this section.

You should only fill out this section if you are unable to pay your LFOs. You are unable to pay your LFOs if, in the Petition, you checked any of the boxes in the section titled "Declaration of Inability to Pay (Indigency)." If you are unable to pay your LFOs, you should check the first box below.

You should also check the second box in this section if you are unable to pay your LFOs and are also seeking waiver of restitution interest that accrued while you were in jail or prison.

- ☐ **Inability to Pay.** The defendant is indigent and payment of LFOs will impose a manifest hardship on the defendant or their family. The defendant's failure to timely pay LFOs was not willful. RCW 7.68.035(5); RCW 10.01.160 (3), (4); RCW 10.01.185; RCW 9.94A.6333(3)(c); RCW 10.01.180(5); RCW 10.73.160(4).
- ☐ **Release from Total Confinement.** The defendant was released from total confinement in this matter.
Entry date: _____ Release date: _____
- ☐ **Notice to party entitled to restitution.** The prosecuting attorney made reasonable efforts to provide notice of the date and time of the hearing to the victim entitled to the restitution interest and considered the victim's input regarding financial hardship caused to the victim if interest is reduced or waived, if any.

The Court orders:

You can check multiple boxes in this section.

You should check the first box if you are requesting waiver of your LFOs. You do not need to list which required (mandatory) LFOs (if any) will remain. The judge will fill in that information.

You should check the second box if you owe restitution to an insurer or state agency (other than the Department of Labor & Industries) and would like it to be waived. This would eliminate all remaining restitution (the initial amount imposed and interest) in your case.

You should check the third box if you would like restitution interest that was added to the original amount ordered (accrued) while you were in jail or prison to be waived.

☐ **Waiver of LFOs.** Because the defendant is unable to pay, all discretionary LFOs, except restitution, are waived. RCW 7.68.035(5) (includes Crime Victims Penalty Assessment); RCW 9.94A.6333(3)(f); RCW 10.01.160(3), (4) (relating to costs); RCW 10.01.180(5); RCW 36.18.190. The following LFO's are **NOT** waived: _____

☐ **Waiver of Restitution Owed to an Insurer or State Agency.** Because the defendant is unable to pay and owes restitution to an insurer or state agency (other than the Department of Labor & Industries), the restitution owed is waived. RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.

☐ **Waiver of Restitution Interest During Total Confinement.** Because the defendant has been released from total confinement and is unable to pay, all restitution interest accrued during the defendant's period of confinement is waived. RCW 10.82.090(3).

☐ **Waiver of Appellate and/or Other Costs.** The court waives costs, including appellate costs, if applicable. RCW 10.73.160(4); 10.01.160(4).

3. Process for Paying Any LFOs That Will Remain

You should fill out this section if you filled out Section 3 in the Petition (also titled "Process for Paying Any LFOs That Will Remain").

The Court finds:

Instructions: You should fill out this section if your only source of income is Social Security benefits, child support payments, or benefits from the Department of Veterans Affairs. Please indicate which type of benefits you receive.

☐ **Protected Source of Income.** The defendant's only source of income is:

☐ Social Security benefits (retirement, disability, etc.); 42 U.S.C.A. § 407

☐ Child support payments; or RCW 6.15.010

☐ Benefits from the Department of Veterans Affairs; 38 U.S.C.A. § 1562

The Court orders:

You should check the first box below if you requested additional time to pay your LFOs in Section 4 of the Petition. Please fill in the monthly payment amount you included in your petition.

You should check the second box if your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs payments. In this situation, you will continue to owe your LFOs, but the Court will not require you to make payments or send your account to collections. In the future, if you receive income from another source, you will be required to pay your remaining LFOs.

Instructions for Judges: If a defendant's only source of income is from Social Security, child support, or the Department of Veterans Affairs, federal law and caselaw prohibit the Clerk from taking any active efforts to collect that money. City of Richland v. Wakefield, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016).

- [] **Additional Time and Payment Plan.** The defendant shall be placed on a payment plan through the Clerk for all remaining LFOs. Payments shall be made directly to the Clerk. The defendant shall pay \$_____ per month. RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5).
- [] **Payment through Community Service.** All discretionary LFOs that are not restitution are converted to community restitution hours through a community restitution program at the rate of \$_____ per hour for each hour of community restitution, if available. RCW 9.94A.6333(3)(f); RCW 10.01.180(5); RCW 46.63.190.
- [] **Protected Source of Income.** Because the defendant's only source of income is from a protected source, the Clerk shall not engage in any active efforts to collect any remaining LFOs. The Defendant shall not be required to make any LFO payments, the Clerk shall not mail the Defendant any LFO billing materials, and the Defendant's account shall not be sent to collections. *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016).

4. Other Relief

If you asked for other relief in Section 5 of the Petition, please include the relief you asked for below.

The Court orders:

[] _____

To be filled out by Judge:

Dated: _____

Judge

To be filled out by person filling out this form:

Presented by:

Signature of Defendant/Attorney WSBA No.

Print Name