

## **Petition re: Legal Financial Obligation Instructions**

Use the petition to ask the Court to waive or reduce the amount you owe, or to remove your Legal Financial Obligations (LFOs) from collections. Please fill out any sections that might apply to your case. After you fill out the petition, you should also fill out a proposed order for the judge to sign. That form is called "Order re: Legal Financial Obligations" and instructions for completing that document follow the petition instructions in this document. You must fill out a separate copy of the petition and order for each case you have.

Each section, below, includes instructions for filling out the matching section in the petition.

### **1. Jurisdiction**

Instructions: If it has been more than 10 years since you were convicted in this case or completed the jail/prison term imposed at your sentencing, the court may be required to cancel some or all of your LFOs. By completing this section, you are asking the court to review whether it is required to cancel any of your LFOs.

You should check the first box in this section if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing. If you were sent back to jail or prison for violating probation or community custody, this does not restart the 10 year period. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the first box.

You should check the second box in this section if you were not sentenced to jail or prison time in this case. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the second box.

You should check the third box in this section if it has been fewer than 10 years since you completed the jail/prison term imposed at your sentencing.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney.

### **2. Reduce or Waive LFOs**

#### **A. LFO Relief Available Regardless of Ability to Pay**

Instructions: Anyone filling out this form may ask for relief in Part A.

#### **B. LFO Relief Due to Inability to Pay (Indigency)**

##### **i. Inability to Pay**

Instructions: You can complete this section regardless of whether you completed Part A. However, you may only ask for relief in this section if you are unable to pay. If you don't know whether you are considered unable to pay, you can review the criteria in Section ii of the Petition (Declaration of Inability to Pay (Indigency)). If you check one of the boxes in that section, you are considered unable to pay.

ii. Declaration

Instructions: You should complete this section if you completed the previous section—"i) Waive or Reduce LFOs Due to Inability to Pay (Indigency)". You only need to meet one of the listed criteria to be considered unable to pay. However, in order to give a full picture of your inability to pay to the court, please check all boxes that apply to your life.

**4. Process for Paying Any LFOs That Will Remain**

Instructions: You should fill out this section if you might have LFOs remaining even if the court offers you the relief you have asked for in this petition. For example, if you owe restitution or a mandatory LFO (Victim Penalty Assessment, DNA Fee, etc.) you may have LFOs remaining after the court rules on your motion. If you aren't sure if you will have LFOs remaining, please fill out this section.

You should check the box requesting additional time if you don't believe you could immediately pay whatever LFOs that remain in a single payment. When filling out this section, you can list any amount that you can afford to pay each month.

If your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs (VA) payments, you are not required to pay any remaining LFOs. 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 obtain income from another source, you will be required to pay your remaining LFOs. If your only source of income is from Social Security, child support, or VA payments, you should *not* check the box in this section titled "Additional Time and Payment Plan."

**5. Other Relief**

Instructions: Please fill out this section if you would like to request any other relief not included in other sections of the petition.

**6. Hearing**

Instructions: You can ask the court to hold a hearing with you present or to decide this motion without a hearing. Please select either box A or box B, but not both. If you check box B, please check which type of hearing you would be able to attend.

**7. Declaration of Service**

Instructions: You must deliver a copy of the petition and the form titled, "Order re: Legal Financial Obligations" to the prosecutor. If your case is in Superior or District Court, the prosecutor will be the county prosecuting attorney's office (for example, Pierce County Prosecuting Attorney's Office). If your case is in municipal court, the prosecutor will be the city attorney's office (for example, Tacoma City Attorney's Office).

You should contact the prosecutor or city attorney's office, explain that you are filing a motion to reduce your legal financial obligations, and ask them how to send them ("serve") the forms. After you send them the forms, you can complete this section. Next, you should then call the

court and ask them how to file your forms with the court. You should then file your forms with the court.

## **Order re: Legal Financial Obligation Instructions**

You should fill out the order after you fill out the "Petition re: Legal Financial Obligations." The order will tell the judge exactly what you are asking them to do. Please fill out all sections that apply to what you're asking the court to do by checking the boxes next to those sections. This should mostly match what you're asking for in your petition.

Each section, below, includes instructions for filling out the matching section in the order.

### **1. Jurisdiction**

#### **The Court finds:**

Instructions: 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 titled "Time Since Conviction."

You should also check the box titled "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 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.

#### **The Court orders:**

If you checked either of the boxes in this previous section ("Time Since Conviction" or "Time Since Release from Jail/Prison or Extension of the Judgment"), you should check the two boxes in this section. 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 in this section before signing the order.

### **2. Reduce or Waive LFOs**

#### **A. LFO Relief Available Regardless of Ability to Pay**

##### **The Court finds:**

Instructions: You should check the box in this section 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.

##### **The Court orders:**

Instructions: 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.*

## **B. LFO Relief Due to Inability to Pay**

### **The Court finds:**

Instructions: 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 in this section.

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.

### **The Court orders:**

Instructions: You can check multiple boxes in this section.

You should check the first box in this section 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 in this section 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 in this section 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.

## **3. Process for Paying Any LFOs That Will Remain**

Instructions: You should fill out this section if you filled out Section 4 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.

### **The Court orders:**

Instructions: You should check the first box in this section 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 in this section 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.

#### **4. Other Relief**

Instructions: If you asked for other relief in Section 5 of the Petition, please include the relief you asked for in this section.