

No Charge

REQUEST TO WAIVE/REDUCE/MODIFY/REMIT LEGAL FINANCIAL OBLIGATIONS PACKET

- *You would like to ask the Court to waive interest, reduce, modify or remit legal financial obligations in a Superior Court case.*

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PACKETS ARE NON-REFUNDABLE

PLEASE NOTE: The procedures and processes outlined in this packet are not a substitute for legal advice. The laws and court rules are complex and following the procedures contained herein will not guarantee you a favorable result. It is always advisable to talk to an attorney before filing your action.

*Heidi Percy, Snohomish County Clerk
3000 Rockefeller Avenue, MS 605
Everett, WA 98201
(425) 388-3466*



MOTION TO MODIFY/WAIVE/REDUCE INTEREST/REMIT LEGAL FINANCIAL OBLIGATIONS PACKET INSTRUCTIONS

**** READ ALL INSTRUCTIONS BEFORE FILLING OUT FORMS ****

IF YOU ARE IN NEED OF LEGAL ADVICE, YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY. The Clerk's Office staff cannot give legal advice, nor can they tell you how to complete the forms beyond what is provided in these instructions. If you choose to represent yourself in court, you will be held to the same standards as an attorney. The County Law Library is available for your use and is located on the basement floor of the Courthouse Building in room 0-051.

INFORMATION ABOUT DOCUMENT CAPTIONS

All forms filed with the Clerk's Office must have the proper caption and case number on the front page of each document and be in the correct format per Washington State Courts General Rule 14. The caption consists of the plaintiff/petitioner and defendant/respondent names in the upper left side of the front page; and the case number is written to the right of the party names. If you do not know the correct case caption or case number you may search for the case at <https://odysseyportal.courts.wa.gov/odyportal> or contact the Snohomish County Clerk's Office at accountingclerk@snoco.org, or (425) 388-3466.

All forms must be filled out using blue or black ink.

If you are requesting the Court to waive/reduce/modify/remit legal financial obligations on multiple cases, you must do the following for each case.

1. OBTAIN CASE FINANCIAL HISTORY REPORT

- Contact the Clerk's Office and request a copy of the Financial Detail Report for each case you are asking the court to modify, waive, remit, or reduce interest on legal financial obligations. You can request one by emailing accountingclerk@snoco.org, or you can request one in person at our office.
- The Financial Detail report will show how much is owed, what has been paid, and any interest accrued.

2. COMPLETE THE PETITION

- Insert the correct caption and case number. Your case caption will be: State of Washington (Plaintiff) vs your name (Defendant).
- Complete sections 1, 2, and 3 by selecting all that apply.
 - **Note:** If you are requesting **Additional Time**, Clerk's Office Collection's staff will work with you to revise your payment plan without completing this packet and going to court. Contact them at 425-388-3230.
- Sign, date, print your name, and provide your contact information on page 3.

- Attach a copy of the Financial Detail report obtained from the Clerk's Office to the back of the petition document.

3. COMPLETE THE DECLARATION

This form is not required, but it gives you the opportunity to tell the Court, in your own words, why you feel your request should be granted. If more than one page is needed, photocopy the sheet as many times as needed.

- Insert the correct caption and case number.
- Write your declaration in the large blank area of the form using more than one page if necessary. ***Print as clearly as possible.***
- Complete the verification section on the bottom of the page. Date and sign the form.

4. COMPLETE THE CALENDAR NOTE

- Insert the correct caption and case number.
- Fill out Section B "Post-Conviction Motions Calendar" on the Criminal Calendar Note. Hearings on Motions to Modify/Waive/Reduce Interest on Legal Financial Obligations are set on the Post-Conviction Motions Calendar on Tuesdays in Courtroom 1A in front of the criminal hearings judge. All matters set on this calendar are heard without oral argument. **DO NOT APPEAR FOR THIS HEARING.**
 - Select a Tuesday hearing date which allows time for you to provide at least five court days' notice (Saturday, Sunday and court holidays excluded) to the Prosecuting Attorney's Office and the Court. Make sure the date selected does not fall on a court holiday.
 - Insert the date of the hearing as well as the nature of the hearing (what you are requesting the Court to consider).
 - All matters set on this calendar are automatically court-confirmed and are heard without oral argument.
- Complete the declaration on the last page of the Calendar Note indicating which documents and parties were served. Sign, date, and complete the bottom of the form.
- Matters set on the Post-Conviction Motions Calendar are heard without oral argument and are automatically court confirmed. No further confirmation is necessary.

5. COMPLETE THE PROPOSED ORDER

- Insert the correct caption and case number.
- Sign and print the defendant's name in the "Presented By" section on the last page of the order and fill in your address and phone number. The Court will complete the rest of the order.

- Include the original order in your packet of working copies to the Court (see section 6 below).

6. FILE THE DOCUMENTS

Make at least three (3) sets of copies of all **completed** forms (Motion, Declaration, Calendar Note and Proposed Order).

- One (1) set is for your records;
- One (1) set is for the Court (called the “**Working Copy**”). Write “Working Copy” and the date and time of the hearing in the top right corner in **RED** ink. Attach the original proposed order from section #5 above and deliver the complete set to Court Administration, Room 5-620 on the 5th floor of the Courthouse Building.
- One (1) set is used to serve the Prosecutor’s Office as they represent the State of Washington. The prosecutor must be served a set of all documents at least 5 court days (Saturday, Sunday and holidays excluded) in advance of the hearing date. Documents may be served by delivering a copy to the front desk of the Prosecutor’s Office, located on the first floor of the Mission Building, Room M-106.
- File the **ORIGINAL** set of documents at the Customer Service window in the Clerk’s Office, located on the 2nd floor of the Mission Building, Room M-206 or you can mail the original documents for filing to:

Snohomish County Clerk
3000 Rockefeller Ave. M/S 605
Everett, WA 98201

7. COMPLETE THE RETURN OF SERVICE

Once the Prosecutor’s Office has been served with the documents outlined in Step 6, the Return of Service (included in the packet) must be filled out and filed as outlined below.

- Insert the case caption and the case number
- The person who serves the documents on the Prosecuting Attorney’s Office must complete the rest of the form by inserting the appropriate information and checking the boxes that apply. Service of documents should be completed no less than five court days (Saturdays, Sundays, and court holidays excluded) before the hearing date.
- **File the original Return of Service with the Clerk’s Office immediately. Without proof of service, the matter may not be heard.**

8. YOUR HEARING

- Matters scheduled on the Tuesday morning Post-Conviction Motions Calendar are heard without oral argument and are automatically court confirmed – no confirmation is necessary.
- **DO NOT APPEAR FOR THE HEARING** - Legal Financial Obligation Motions are heard without oral argument. If the Court needs additional information, you will be contacted by the law clerk and a time will be scheduled for oral argument. Make sure your personal contact information has been provided to the Court by filling out the “Presented by” sections on the last page of the documents.
- You can contact the Clerk’s Office at least 10 business days after the hearing date to inquire about the results of the hearing. It can take up to 10 – 20 days for all matters to be ruled on and orders filed to be filed with the Clerk’s Office. Once the original order signed by the Judge has been filed and scanned, a copy can be purchased through the Clerk’s Office.

I am receiving one of the following types of public assistance: temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid (for example, Apple Health), or supplemental security income. (RCW 10.101.010(3)(a); GR 34(a)(3)(A).) I am receiving the following forms of public assistance:

I am involuntarily committed to a public mental health facility. (RCW 10.101.010(3)(b).)

I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.101.010(3)(c); GR 34(a)(3)(B).)

I am receiving an annual income, after taxes, of more than 125% of the federally established poverty level but I have recurring basic living expenses making me unable to pay the LFOs imposed. (GR 34(a)(3)(C).) Details:

Other compelling circumstances exist that demonstrate my inability to pay fees and/or charges. (GR 34(a)(3)(D).) Details:

I am homeless. (RCW 9.94A.6333(3)(d); RCW 9.94A.760(11); RCW 10.01.180(1)(c).)

I have not paid my LFOs in a timely manner. However, my late payment(s) or failure to pay was/were not willful because:

I have attached my financial case history report from the court clerk.

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 Defendant

Print Name

Address

City, State Zip

(_____) _____
Phone

email

Dated: _____

Defendant's Attorney/WSBA No.

Print Name

**SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY**

Plaintiff,

vs.

Defendant,

CASE NO. _____

CRIMINAL CALENDAR NOTE: (NTC)

A Calendar Note must be filed with the Clerk, served on all parties, and (for matters that will be heard by a criminal hearings courtroom judge) emailed to the criminal hearings email address (criminalhearings@snoco.org). Matters set on a judge's personal calendar must be scheduled through the judge's law clerk. All matters must be noted not less than five (5) working days preceding the hearing date requested.

A. JUDGE'S PERSONAL CALENDAR

(Motions heard by a specific judge)

****Note: Hearings must be pre-scheduled through the Judge's law clerk before this note is filed****

Date requested: _____ Time: _____

Judge: _____ Dept: _____

Nature of hearing: _____

B. POST-CONVICTION MOTIONS CALENDAR

(See Page 2 for motion types and additional information)

- **No in-court appearances required**
- Heard without oral argument
- Automatically court confirmed

Tuesday at 8:30 a.m.

Courtroom 1A, 1st floor of Courthouse

Date requested: _____

(must be a Tuesday)

Name of motion: _____

DO NOT APPEAR ON THE DATE & TIME NOTED ABOVE

C. CRIMINAL HEARINGS CALENDAR

(Motions requiring less than 10 minutes of court time)

Monday-Wednesday at 10:00 and 11:00 a.m.

Courtroom 1A, 1st floor of Courthouse

**** Note: Hearings must be pre- scheduled through law clerk at criminalhearings@snoco.org ****

Date requested: _____ Time: _____

Nature of Motion: _____

D. CRIMINAL MOTIONS CALL CALENDAR

(Motions requiring more than 10 minutes of court time; e.g., motions brought pursuant to CrR 3.5, and CrR 3.6)

See Page 2 for additional information.

Motions will be heard in assigned Judge's courtroom

Motions must be confirmed by e-mail or as otherwise set forth on Page 2

Date requested: _____

(must be a Friday)

Name of Motion: _____

List, in order of preference, the dates & times during the week *following* the calendar date noted above that the parties and all necessary witnesses are available for the substantive hearing (be specific); motions will be heard Monday-Thursday at 1:00pm, 2:00pm, and 3:00pm

Preferred Date & Time: _____

Alternate Date & Time: _____

Length of time required for hearing: _____

NOTE: When picking a hearing date, DO NOT schedule your hearing on a court holiday. A list of court holidays can be found at <http://www.snohomishcountywa.gov/354/County-Holidays>

WHERE TO NOTE VARIOUS MATTERS

THIS FORM CANNOT BE USED FOR TRIAL SETTINGS. SCLMAR 2.1 AND SCLCR 40(b).

****NOTICE**** For the most current information regarding court operations, refer to the Court's Emergency Orders at <https://www.snohomishcountywa.gov/5643/Emergency-Orders>

JUDGE'S PERSONAL CALENDAR: All matters set on a judge's personal calendar must be scheduled through the judge's law clerk. Find judicial law clerk information on the court's website: <https://www.snohomishcountywa.gov/1345/Judicial-Officers>

POST-CONVICTION MOTIONS CALENDAR: The following types of motions are noted on the Post-Conviction Motions calendar: motion to seal; motion to vacate conviction; certificate of restoration; certificate of discharge; motions preceding the setting of a RALJ hearing date; motions to waive/reduce/remit legal financial obligations.

All post-conviction matters are heard without oral argument. Parties should not appear in court for the Post-Conviction Motions Calendar. If a judge requests oral argument, the parties will be contacted by the judge's law clerk after the Post-Conviction Motions Calendar.

CRIMINAL HEARINGS CALENDAR: For criminal motions requiring less than 10 minutes of court time. Hearings must be pre-scheduled through the criminal hearings law clerk at criminalhearings@snoco.org. Hearings that are not pre-scheduled appropriately will be stricken and not heard.

CRIMINAL MOTIONS CALL CALENDAR: Extended criminal motions will be scheduled as follows: An attorney or party who has a motion that will require more than 10 minutes of court time shall complete a Criminal Calendar Note that will place the matter on a Friday Criminal Motions Call Calendar. If Friday is a holiday, the Motions Call Calendar will be heard on the last court day of the week. The Calendar Note will identify a preferred *and* an alternate date and time for the motion to be heard the week following the Criminal Motions Call Calendar. The Calendar Note must be filed and served on all parties and sent to the criminal hearings email (criminalhearings@snoco.org) not less than 5 days before the Friday Criminal Motions Call Calendar. The law clerk monitoring the criminal hearings email will tentatively schedule matters into a requested hearing slot. Where there are scheduling conflicts, the law clerk will notify the affected attorneys/parties. The requested date, time and location for a hearing will not be confirmed until the moving party has confirmed their hearing following the confirmations process outlined below.

Motions on this calendar will be assigned to a specific motion hearing date & time the following week. This Calendar Note must list a minimum of two dates & times when all parties and necessary witnesses are available for the motion hearing.

Extended Criminal Motions assigned out from the Criminal Motions Call Calendar will be heard the following week M-Th at the scheduled time in the courtroom of the assigned judge. Review the Criminal Hearings and Motions Schedule that is posted on the Superior Court Website at <https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules> for specific hearing start times and restrictions.

HEARING CONFIRMATIONS

Matters special set on a judge's personal calendar and motions scheduled on the Post-Conviction Motions Calendar are automatically court confirmed. No further confirmation is necessary. Failure to notify the Court of a continuance or strike of a matter on this calendar may result in sanctions and/or terms. SCLCR 7.

Matters set on the Friday Criminal Motions Call calendar must be confirmed by the moving party by sending an e-mail to criminal.workingcopies@snoco.org between 8:00 a.m. and 12:00 p.m. the day of the motions call calendar. Opposing counsel and any other person entitled to notice of the hearing shall be included in the confirmation e-mail. The subject line shall indicate that the e-mail is for an extended motion confirmation and shall include the case name and cause number. The moving party's working copies shall be attached to the e-mail in a single .pdf file or other electronic format. The document name shall be consistent with electronic working copy document naming requirements. The date and time of the hearing should be the date and time of the applicable criminal motions call calendar. The body of the e-mail shall include confirmation of the following: (a) All briefing has been filed and electronic working copies are attached to the email, (b) All necessary witnesses are available for the hearing, and (c) Opposing counsel has not indicated they are unavailable. If the moving party is not able to confirm (a)-(c) as detailed above, or the opposing party has indicated, by email, an objection to the Court confirming this motion, the attorneys shall appear at the 3:00 p.m. motions call calendar. Parties confirming by email will receive an e-mail that the court has confirmed the hearing and will provide the date and time of the hearing. All matters not confirmed by e-mail will be heard on the motions call calendar. A party's or attorney's subsequent failure to appear for the scheduled hearing, or request that the scheduled hearing be stricken or rescheduled, may result in sanctions and/or terms. SCLCR 7.

I HEREBY DECLARE, under penalty of perjury under the laws of the State of Washington that I am over the age of 18, and that I provided a copy of this document and all the documents listed below to the following parties requiring notice at the following e-mail, physical or mailing address:

- Deputy Prosecuting Attorney
 - By e-mail to the following address: _____
 - By mail/ hand delivery to the following address: _____
- Defense Attorney
 - By e-mail to the following address: _____
 - By mail/ hand delivery to the following address: _____
- Pro Se Defendant
 - By e-mail to the following address: _____
 - By mail/ hand delivery to the following address: _____
- Other (list name and role): _____
 - By e-mail to the following address: _____
 - By mail/ hand delivery to the following address: _____

List all documents provided: _____

Signed at _____ (city) _____ (state) on _____ (date).

Signature _____
Print Name

- Of:
- Office of the Prosecuting Attorney, 3000 Rockefeller Ave., Everett, WA 98201; 425-388-3333
 - Public Defender Association, 2722 Colby Ave., Suite 200, Everett, WA 98201; 425-339-6300
 - Other: _____

**SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY**

Petitioner/Plaintiff,

vs.

Respondent/Defendant

No. _____

Return of Service

**THIS FORM MUST BE FILED WITH SUPERIOR COURT CLERK'S OFFICE
DIRECTLY FOLLOWING SERVICE TO THE NAMED PARTY**

1. Statement:

The undersigned states:

I am _____
(Insert your name above)

I served _____ with the following documents:
(Insert the name of the party served)

- Motion to _____
- Declaration(s)
- Calendar Note
- Other: _____

Place of Service: _____

Date: _____ Time: _____ AM / PM (circle one)
(Insert date) (Insert time)

Service was made as indicated below:

- Delivery to the party by a Peace Officer.
- Delivery to the party by the undersigned, who is not a party, who is over the age of 18 and who is competent to be a witness in this action.
- By (check all that apply)
 - Regular Mail
 - First Class Mail
 - Certified Mail (attach proof of mailing)
 - Registered Mail (attach proof of mailing)

2. Certificate of Statement:

I certify under penalty of perjury under the laws of the State of Washington that I have read the above statements, know their contents and believe them to be true and correct.

Signed in _____, on _____.
(City) (State) (Date)

Signature

Printed name

The Court orders:

- [] **LFO Interest.** All interest that is not restitution on the defendant's LFO's is waived. RCW 10.82.090(2)(a).
- [] **Restitution Interest Waiver.** Because the defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs, all restitution interest is waived. RCW 10.82.090(2)(b).
- [] **Restitution Interest Reduction.** Because the defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs, restitution interest is reduced to _____. RCW 10.82.090(2)(b).
- [] **Remission.** All discretionary LFOs that are not restitution, including all costs or fees attendant to private debt collection efforts, are waived. RCW 9.94A.6333(3)(f); RCW 10.01.160(3), (4) (relating to costs); RCW 10.01.180(5); RCW 46.63.190; RCW 36.18.190. The following mandatory LFOs shall remain:

- [] **Reduction.** RCW 9.94A.6333(3)(f); RCW 10.01.180(5). All discretionary LFOs that are not restitution are reduced as follows:

- [] **Additional Time.** RCW 9.94A.6333(3)(f); RCW 10.01.180(5); RCW 10.82.090(2)(b); RCW 10.01.170; RCW 46.63.190. All remaining LFOs may be paid according to the following schedule:

Next payment due date: _____

Minimum monthly payment: _____

Payments shall be made to: _____

- [] A review hearing is set for (date) _____

- [] **Other** _____
- _____

Dated: _____ Judge _____

Presented by:

Signature of Defendant/Attorney WSBA No.

Print Name

Address:

City, State Zip

email

(_____) _____

Phone