

WHAT TO DO IF YOU CANNOT PAY THE FILING FEE

10

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 a lawyer about your problem before filing your action.

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

IMPORTANT INFORMATION ABOUT COURT CALENDARS DURING THE COVID-19 PANDEMIC

PLEASE READ

Due to the COVID-19 pandemic, the Court has reduced operations and limited in-person hearings. The instructions in this packet may not be the most current information or process being used by the court. Please refer to Superior Court's Emergency Orders for the most current information on court processes and calendars.

<https://snohomishcountywa.gov/197/Superior-Court>

Because the Court is continually adjusting their calendars and schedules, do not use the calendar note in this packet to schedule a hearing. When scheduling a hearing, please print use the calendar notes listed under Emergency Calendar Notes located at <https://snohomishcountywa.gov/5523/Snohomish-County-Superior-Court-Forms>.

For general additional information about court calendars please see <https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules>

For additional information regarding Commissioner Calendars, including telephonic appearance information; confirming your hearing; and how to determine if oral argument is requested for your hearing please see <https://www.snohomishcountywa.gov/5657/Commissioner-Hearings>

For questions about criminal motions and calendars, email hearings.ssc-criminal@co.snohomish.wa.us

Self-Help Center
Packet #10

MAKING A REQUEST TO WAIVE THE FILING FEE AND SURCHARGES

[RCW 36.18.022](#) & [GR34](#)

1. CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- You want to file a Petition or a new case under RCW Chapter 26 (Domestic Relations).
OR
- You want to file a civil law suit or a counterclaim, cross-claim or third-party claim in a civil action
OR
- You want to file a probate or estate action
AND
- You would like to request the court waive or defer those filing fees based on your current financial situation.

READ ME: The procedures and processes outlined in these instructions are not a substitute for legal advice. If you choose to represent yourself, it is important to carefully read all court documents to make sure you understand what they say. If you are confused, you may want to contact an attorney for legal advice and help. If you need a referral to a local family law attorney you can contact the Snohomish County Bar Association Lawyer Referral Service at 425-388-3018 to obtain a name and contact number. If you need someone to review your forms before you present them in court, or if you have questions about court procedures and rules, you may contact the Family Law Facilitator for assistance at 425-388-3795. The Family Law Facilitator cannot give legal advice or tell you how to proceed in your case.

2. INSTRUCTIONS

Filing fees and surcharges are required to be paid when filing a new case. If you cannot afford to pay the filing fees at the time you file your case, you can ask the Court to waive the fees or delay paying the fees until a later date.

When the Court is presented with a Motion to Waive Filing Fees and Surcharges the Court may:

- Waive all filing fees and surcharges;
- Deny your request to waive the fees; or
- May temporarily grant the motion to waive the filing fees and surcharges subject to later court review.

A. IF YOU ARE REPRESENTING YOURSELF, fill out the following documents (for assistance on filling out the forms see section 3 below)

- Motion and Declaration For Waiver of Civil Filing Fees and Surcharges (MTAF)
- Financial Statement (Attachment)
- Order Re Waiver of Civil Filing Fees and Surcharges

In addition to the above documents, the Court will request to see the Summons and Petition and/or Complaint, which must be filled out and completed prior to presenting documents to the Court. The Summons and Petition are the documents needed to start a new case.

B. IF YOU HAVE BEEN SCREENED BY A QUALIFIED LEGAL SERVICE PROVIDER (QLSP) AND HAVE BEEN FOUND ELIGIBLE FOR FREE CIVIL LEGAL AID SERVICES, have your attorney fill out the following documents from this packet.

- Motion and Declaration For Waiver of Civil Filing Fees and Surcharges (QLSP Filing)
- Order Re Waiver of Civil Filing Fees and Surcharges

3. COMPLETE THE FORMS

A. MOTION AND DECLARATION FOR WAIVER OF CIVIL FILING FEES AND SURCHARGES:

1. Complete the caption: Insert the parties' names and a cause number if you have one.
2. Paragraph 1.1: Check the box that applies to you - petitioner/plaintiff or respondent/defendant.
3. Paragraph 2.1: Insert the date, sign and print your name where indicated.
4. Paragraph 3.2: Write any information that you would like the court to consider in addition to the financial statement.
5. Sign and Date: Fill in the city, state, and the date you signed the motion. Sign and print your name where indicated.

B. FINANCIAL STATEMENT:

The Court reviews this document to determine whether or not the filing fees and surcharges should be waived. Complete the entire form. If something does not apply to your situation, write "N/A." If you do not know the answer, write "Unknown." Date and sign at the bottom. Staple the Financial Statement to the Motion and Declaration for Waiver of Civil Filing Fees and Surcharges.

C. ORDER RE WAIVER OF CIVIL FILING FEES AND SURCHARGES:

1. Complete the caption: Insert the parties names and a cause number if you have one.
2. Section I. Basis: Check the box that applies to you – petitioner/plaintiff or

- respondent/defendant.
3. **Section II & III:** Leave blank. The Court will fill out these two sections based on the Court's decision.
 4. **Sign and Date:** On page 3, sign and print your name where it says "Presented by". If you are working with a QLSP, your lawyer should sign where it says "Presented by".

D. MOTION AND DECLARATION FOR WAIVER OF CIVIL FILING FEES AND SURCHARGES (QLSP Filing)

This form should only be used if you have been screened by a qualified legal service provider (QLSP), have been found eligible for free civil legal aid services, and are represented by a free legal aid attorney.

1. Have your attorney fill out, sign and submit the motion, declaration and order.

4. FINALIZING YOUR REQUEST

Assemble and staple the following documents individually. Staple the Financial Statement to the back of the Motion and Declaration for Waiver of Civil Filing Fees and Surcharges.

- Motion and Declaration For Waiver of Civil Filing Fees and Surcharges
- Financial Statement (Attach to back of Motion)
- Order Re Waiver of Civil Filing Fees and Surcharges

In addition to the above documents, the Court will request to see the Summons and Petition and/or Complaint, which must be filled out and completed prior to presenting documents to the Court. The Summons and Petition are the documents needed to start a new case.

Due to the COVID-19 pandemic, the Court is not accepting in person requests to waive the filing fee, instead you may use the ex parte mail service offered through the Clerk's Office. Instructions on how to submit your documents through the Clerk's Ex parte Mail process can be found in section 5B below or online at: www.snohomishcountywa.gov/Clerk

5. SUBMITTING YOUR PAPERWORK TO THE COURT

Due to the coronavirus pandemic, the walk in ex-parte courtroom is closed. You may submit your request to waive the filing fee to the Clerk's Office by mailing it in or dropping it off. Please carefully read all instructions below.

All of the following items must be included with your request. Failure to provide any of the following will result in return/rejection of your submission. If you do not provide a self-addressed stamped envelope with your submission, your paperwork will not be mailed back to you.

- Original Motion and Declaration for Waiver of Civil Filing Fees and Surcharges
- Original Financial Statement
- Original Order Re Waiver of Civil Filing Fees and Surcharges
- Original, completed summons and petition or complaint and any other original paperwork needed to file your new case.
- 1 copy of the completed summons and petition or complaint
- A self-addressed stamped envelope (postage paid)
- A note containing your name, telephone number and an email at which you can be reached in case we have questions.

Upon receipt of the above, the Clerk's Office will submit your request to the Court. Be advised that it can take 7 to 10 business days to process your request.

If the Court approves your request, the Clerk's Office will file the original documents (listed above) and open your court case. If you have provided copies of the summons and petition or complaint and a self-addressed stamped envelope, the Clerk will date stamp the copies on the date they were filed and affix the assigned case number. The conformed copies will be mailed back to

you in the self-addressed stamped envelope provided.

If the Court denies your request, copies of the order denying your request and the original summons and petition or complaint will be mailed back to you in the self-addressed stamped envelope. All filing fees and surcharges must be paid at the time your new case is filed.

If the Court defers payment of the fees to a later date, pay the fees as directed in the order. These fees usually have to be paid prior to final orders entering in the case. Failure to pay the fees may result in the case being dismissed.

If the motion was granted and the court, upon review, later finds that either the petitioner or the respondent have sufficient resources to pay the previously waived filing fees and surcharges, the Court may modify its original order and could require the filing fees and or surcharges be paid prior to final orders entering in the case. Please be prepared to address any changes that may occur in your financial situation.

Always read the entire court order carefully so you understand what is required of you. Noncompliance may result in dismissal of your action.

TO SUBMIT YOUR REQUEST BY MAIL:

Send your ex parte mail request to:

Snohomish County Clerk's Office
3000 Rockefeller Ave. MS 605
Everett, WA 98201

TO DROP OFF YOUR MOTION AT THE CLERK'S OFFICE:

Drop off your documents through the door filing slot at:

Snohomish County Clerk's Office
Room M-206
2nd floor, Mission Building

**Superior Court of Washington
For Snohomish County**

Petitioner/Plaintiff,
vs.

Respondent/Defendant.

No. _____

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

I. Motion

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

II. Basis for Motion

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

Dated: _____

Signature of Requesting Party

Print or Type Name

III. Declaration

I declare that,

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

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

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

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

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

Signature

Print or Type Name

Case Name: _____ Case Number: _____

Financial Statement (Attachment)			
1. My name is:			
2. <input type="checkbox"/> I provide support to people who live with me: How many? Age(s):			
3. My Monthly Income:		6. My Monthly Household Expenses:	
Employed: Full time <input type="checkbox"/> Part time <input type="checkbox"/> Unemployed <input type="checkbox"/>		Rent/Mortgage:	\$
Employer's Name:		Housing/rent provided by other party <input type="checkbox"/> check if yes	
Dates of employment (to/from):		Food/Household Supplies:	\$
Gross pay/month (salary or hourly pay):	\$	Utilities (include cell phone):	\$
Take home pay per month:	\$	Transportation:	\$
4. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$
Source:	\$	Ordered Child Support paid:	\$
Source:	\$	Clothing:	\$
Source:	\$	Child Care:	\$
Source:	\$	Education Expenses:	\$
Sub-Total:		Insurance (car, health):	\$
<input type="checkbox"/> I receive food stamps.		Medical Expenses:	\$
<input type="checkbox"/> I receive SSI, SSD, GAU, AFDC, TANF or other government assistance: \$ _____/month		Other _____	\$
Total Income, lines 3 (take home pay) and 4:		Sub-Total:	
\$		\$	
5. My Household Assets:		7. My Other Monthly Household Expenses:	
Cash on hand:	\$		\$
Checking Account Balance:	\$		\$
Savings Account Balance:	\$		\$
Auto #1 (Value less loan):	\$		\$
Make/model:			
Auto #2 (Value less loan):	\$	Sub-Total:	
Make/model:		\$	
Home (Value less mortgage):	\$	8. My Other Debts with Monthly Payments:	
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$	Sub-Total:	
Total Household Assets:		Total Household Expenses and Debts, lines 6, 7, & 8:	
\$		\$	
Date:		Signature:	

Case Name: _____ Case Number: _____

Financial Statement (Attachment)			
1. My name is:			
2. <input type="checkbox"/> I provide support to people who live with me: How many? _____ Age(s): _____			
3. My Monthly Income:		6. My Monthly Household Expenses:	
Employed: Full time <input type="checkbox"/> Part time <input type="checkbox"/> Unemployed <input type="checkbox"/>		Rent/Mortgage:	\$ _____
Employer's Name:		Housing/rent provided by other party <input type="checkbox"/> check if yes	
Dates of employment (to/from):		Food/Household Supplies:	\$ _____
Gross pay/month (salary or hourly pay):	\$ _____	Utilities (include cell phone):	\$ _____
Take home pay per month:	\$ _____	Transportation:	\$ _____
4. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$ _____
Source:	\$ _____	Ordered Child Support paid:	\$ _____
Source:	\$ _____	Clothing:	\$ _____
Source:	\$ _____	Child Care:	\$ _____
Source:	\$ _____	Education Expenses:	\$ _____
Sub-Total:		Insurance (car, health):	\$ _____
<input type="checkbox"/> I receive food stamps.		Medical Expenses:	\$ _____
<input type="checkbox"/> I receive SSI, SSD, GAU, AFDC, TANF or other government assistance: \$ _____/month		Other _____	\$ _____
Total Income, lines 3 (take home pay) and 4:		Sub-Total:	\$ _____
5. My Household Assets:		7. My Other Monthly Household Expenses:	
Cash on hand:	\$ _____		\$ _____
Checking Account Balance:	\$ _____		\$ _____
Savings Account Balance:	\$ _____		\$ _____
Auto #1 (Value less loan):	\$ _____		\$ _____
Make/model:			
Auto #2 (Value less loan):	\$ _____	Sub-Total:	\$ _____
Make/model:			
Home (Value less mortgage):	\$ _____	8. My Other Debts with Monthly Payments:	
Other:	\$ _____		\$ _____ /mo
Other:	\$ _____		\$ _____ /mo
Other:	\$ _____		\$ _____ /mo
Other:	\$ _____		\$ _____ /mo
Other:	\$ _____	Sub-Total:	\$ _____
Total Household Assets:		Total Household Expenses and Debts, lines 6, 7, & 8:	\$ _____
Date:		Signature:	

Superior Court of Washington For Snohomish County
<div style="text-align: right; margin-right: 20px;">Petitioner/Plaintiff,</div>
vs.
<div style="text-align: left; margin-left: 20px;">Respondent/Defendant.</div>

No. _____

Order Re Waiver of Civil Fees and Surcharges

Granted (ORPRFP)

Denied (ORDYMT)

Clerk's Action Required 3.1

I. Basis

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

II. Findings

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

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

2.2 The moving party is not indigent.

2.3 Other: _____

_____.

III. Order

Based on the findings the court orders:

3.1 The motion is granted, and

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

other: _____

_____.

3.2 The motion is denied.

Dated: _____

Judge/Commissioner

Presented by:

Signature of Party or Lawyer/WSBA No.

Print or Type Name Date