October 5, 2022

Via Email

Members of the Washington State Supreme Court Rules Committee
Members of the Washington Pattern Forms Committee
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

RE: Pattern Forms Committee Proposed Changes to GR 39 LFO Forms

Dear Members of the Pattern Forms Committee & Supreme Court Rules Committee,

We write to express our concern about proposed changes to the GR 39 mandatory legal financial obligation (LFO) forms.[1] GR 39 was established to "simplify and streamline the process for requesting LFO relief."[2] The Pattern Forms Committee's proposal does the opposite. The proposed forms create significant access to justice barriers and foreclose relief provided by statute. These issues are a direct result of a drafting process that has excluded impacted voices, people of color, and those with subject matter expertise.

A. Background

For the second consecutive year, the Pattern Forms Committee has excluded those with the greatest expertise from the form drafting process. In November 2021, after the Committee approved the first set of GR 39 forms without any involvement from impacted individuals or groups of color, many of our organizations wrote a letter expressing concern.[3] In response to that letter, the Supreme Court requested Judge Keenan work with impacted groups to revise the GR 39 forms. That collaboration resulted in significant improvements, increasing access to justice and aligning the forms with statute and controlling caselaw. The Supreme Court approved the modified forms on December 3, 2021.[4]

In March 2022, the legislature passed House Bill (HB) 1412, which expanded LFO relief, requiring an update to the GR 39 forms. Many of the organizations signing this letter were

[1] The Pattern Forms Committee proposed forms are attached as Appendix 2.
[2] District and Municipal Court Judges' Association Comment in Support of GR 39, attached as Appendix 3.
[3] This letter is attached as Appendix 4.
[4] Appendix 5.

centrally involved in drafting and supporting HB 1412. In March, Civil Survival Project (CSP) reached out to the Administrative Office of the Courts (AOC), seeking to collaborate on the GR 39 form revision process. As permitted in the Order establishing the Pattern Forms Committee, CSP requested that Kelly Olson, an individual with lived experience who helped lead the drafting and passage of HB 1412, participate in the form revision process.[5] The Pattern Forms Committee denied this request.

Instead, AOC told Civil Survival that public input could be provided when the forms were published for public comment. Upon reviewing the original form drafts, CSP identified numerous access to justice barriers and inconsistencies with statute and caselaw. CSP shared the forms with many of the signatories on this letter and decided to send proposed revisions to the Committee prior to the forms being published for public comment. Although the Committee accepted several of the proposed revisions, many important changes were rejected. Additionally, the Committee made further revisions to the forms, creating significant new access to justice barriers. After making these changes, the Committee decided the forms would not be published for public comment before going into effect.

The Committee currently plans to vote on two sets of forms on October 24th. The first set of forms, included in Appendix 2, would go into effect on January 1, 2023 (hereafter "first set of forms"). The second set of forms, included in Appendix 2, would potentially permit public comment, and would go into effect at some future date (hereafter "second set of forms").

B. Improvements Needed to Draft GR 39 Forms

The Committee's proposed forms create unprecedented barriers to LFO relief and foreclose important avenues of relief provided under statute. The forms' access to justice barriers include:

- **Inaccessible sealing procedures**
    - The second set of forms requires petitioners to include financial information, and to file it under seal. The Committee claims that this requirement is to protect petitioners. However, our organizations, which file thousands of LFO motions each year, are unaware of a single instance where a sealing procedure was necessary to protect petitioner information. The only effect of this change will be to dramatically reduce the number of people able to obtain LFO relief. Filing under seal is a complicated and burdensome process, with different procedures

[5] The Washington Supreme Court Order establishing the Pattern Forms Committee states, "Other groups may provide a representative to the committee when specific knowledge is required." Appendix 6.

in every court. Instructions are rarely posted online. Pro se petitioners will not be able to navigate these processes and pro se petitions will largely disappear. Compounding this problem, attorneys will have to spend several additional hours on each LFO case, forcing legal aid attorneys to reduce LFO caseloads by thousands of cases each year.

- **Unnecessary pleading requirements**
    - Both sets of forms needlessly increase the burden on petitioners by requiring them to explain why payments impose a manifest hardship. This is unnecessary. State law says that manifest hardship exists when someone is indigent, and the forms already require petitioners to demonstrate indigency.[6]
- **Requirement that petitioners include information they cannot readily access**
    - Both sets of forms add a new requirement that petitioners include the exact date that they were released from total confinement. This information is rarely available in court records. As a result, petitioners who do not remember the exact date would have to figure out how to file a public records request with the local jail or the Department of Corrections. Even if petitioners figured out how to file these requests, they would have to wait months to receive information from already backlogged systems. In the meantime, they would be subject to LFO payments they cannot afford to pay.
    - In the second set of forms, petitioners must include the date of their offense and their sentencing date. To obtain this information, petitioners will need to figure out which filing in their case docket contains this information and, in many jurisdictions, show up in person and pay for the needed records. In contrast, in the minority of cases where this information will even be relevant, the judge could locate this information in seconds using a simple JABS or court records search.

The forms also foreclose relief provided under statute:

- **Full LFO relief would be unavailable in tens of thousands of cases**
    - The first set of forms does not allow petitioners to request LFO waiver when the court has lost jurisdiction. HB 1412 creates new jurisdiction limits in all criminal cases that will cause LFO jurisdiction to expire 10 or 20 years after release from total confinement. Since petitioners are required to use GR 39 forms in all LFO motions, the committee's decision to omit waiver due to expired jurisdiction

[6] RCW 10.01.185.

effectively overrules the legislature's decision that such waiver should be available.

- **Individuals on Supplemental Security Income and other protected sources of income are subject to prohibited LFO collection efforts**
    - As it did with expired jurisdiction, the Committee foreclosed protections afforded under statute in the first set of forms. Federal law prohibits state and local governments from using legal process to direct Supplemental Security Income (SSI) and benefits from the Department of Veteran Affairs, among other types of benefits, to pay LFO debt.[7] For individuals, whose sole source of income is protected benefits, the only way to remedy a court-imposed payment plan or more aggressive collection agency actions is to file an LFO motion with the court. However, by excluding this option from the mandatory GR 39 forms, the Pattern Forms Committee has prevented individuals from ensuring their income is not subject to illegal collection methods.

Finally, in order to improve access to justice, the proposed forms should include instructions. Instructions will greatly improve the public's ability to understand how to accurately fill out the forms, benefitting not just petitioners but also clerks and judges. AOC had previously expressed openness to working with us in developing instructions. We hope that commitment remains.

C. Requested Actions

We are troubled that the Pattern Forms Committee has repeatedly excluded impacted individuals, people of color, and those with subject matter expertise from the form drafting process. The exclusion of community expertise has resulted in draft forms that do not reflect current law and create unprecedented access to justice barriers. GR 39 should increase access to justice, but the committee's proposals would do the opposite.

We have included proposed revisions to the GR 39 forms as Appendix 1.[8] We ask the Pattern Forms Committee and Supreme Court to approve these forms, as drafted, which have broad support from impacted groups, civil legal aid, and public defense. If the Pattern Forms Committee has any questions or proposed changes, we request that these be discussed at the Committee's next meeting, in a forum open to the public.

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[7] *City of Richland v. Wakefield,* 186 Wn.2d 596, 609, 380 P.3d 459, 465-66 (2016).

[8] Note regarding the proposed forms: To improve access to justice, the petition draft, by default, requests the court to review LFO jurisdiction. Most pro se petitioners won't be able to access the necessary information to determine whether to request that the court review jurisdiction. As a result, by having this review occur automatically, required LFO relief will be provided more frequently. In cases where petitioners know the court still has jurisdiction, they would be able to uncheck the box requesting the court review jurisdiction.

We also wish to work with the Supreme Court to ensure impacted voices are included in the drafting process as forms are developed in the future. The Committee's actions have further damaged trust in the legal system. The exclusion of our voices—many of which are voices of color—reminds us that injustices faced by people of color are not relics of the past. As the Supreme Court shared with the legal community, "We are capable of taking steps to address [injustice], if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all."[9]

We want to be a part of the solution. We ask the Court to convene a discussion with impacted communities on how to improve the pattern forms process. Whether it is a domestic violence protection order or LFO relief, pattern forms are often the front door to the legal system for our communities. We want to make sure that door remains open.

Sincerely,

Tarra Simmons
Founding Director
Civil Survival

Kurtis Robinson
Executive Director
I Did The Time

Mark Cooke
Policy Director
ACLU of Washington

Deborah Espinosa
Project Administrator
Living with Conviction

Kathleen Kyle
Executive Director
Snohomish County Public Defender Association

Chanel Rhymes
Director of Advocacy
Northwest Community Bail Fund

Christie Hedman
Executive Director
Washington Defender Association

Jane Pak
Executive Director
Snohomish County Legal Services

Prachi Dave
Policy & Advocacy Director
Public Defender Association

Carly Roberts
Executive Director
Tacomaprobono

Camerina Zorrozua
Legal Director
The Way to Justice

Judy Lin
Pro Bono Services Director – King County Bar Association

[9] Appendix 7.

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Columbia Legal Services

Abigail Daquiz
Director of Advocacy
Northwest Justice Project

Enclosures:

Appendix 1: Coalition Proposed Forms
Appendix 2: Pattern Forms Committee Proposed Forms
Appendix 3: District and Municipal Court Judges' Association GR 39 Letter
Appendix 4: Coalition 2021 Letter Re: GR 39 Forms
Appendix 5: GR 39 Forms Washington Supreme Court Order
Appendix 6: Washington Supreme Court Order Establishing the Pattern Forms Committee
Appendix 7: Washington Supreme Court Letter Re: Racial Injustice

Appendix 1

_____ Court of Washington, County/City of _____

_____, Plaintiff, vs. _____, Defendant. DOB PCN/TCN: SID:	**No**. **Petition re: Legal Financial Obligations (PT)**

Petition re: Legal Financial Obligations

Use this form to request that your legal financial obligations (LFOs) be waived, reduced, pulled from collections, converted to community restitution hours, or to modify a payment plan.

The undersigned requests that the sentencing court grant an order that will (check the boxes that apply):

1. Jurisdiction to Collect Legal Financial Obligations

[X] I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 9.94A.760(5); RCW 6.17.020(4), RCW 3.66.120)

2. Interest *(Check all that apply)*

[ ] **LFO Interest**. Waive all unpaid interest on my LFOs that are not restitution. (RCW 10.82.090(3)(a))

[ ] **Restitution Interest after payment of principal**. I have paid the principal of my restitution in full. All that remains of my restitution obligation is interest. I ask that the court waive or reduce the remaining interest on my restitution. (RCW 10.82.090(2)(b) (adult defendants only)

[ ] **Restitution Interest during incarceration.** I have been released from total confinement. I ask that restitution interest that accrued during my confinement be reduced or waived. (RCW 10.82.090)

3. LFOs and Restitution *(Check all that apply)*

[ ] **Remission or Reduction**. Waive or reduce all unpaid discretionary LFOs. (RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5))

[ ] **Additional Time**. Grant me additional time to pay my unpaid LFOs. (RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5))

[ ] **Collection**. Remove my unpaid LFOs from collection and waive all collection fees. (RCW 19.16.500(1)(b); RCW 36.18.190)

[ ] **Community Restitution.** Convert any unpaid discretionary LFOs that are not restitution to community restitution/service hours through a community restitution program. (RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5))

[ ] **Restitution.** Waive or reduce restitution and accrued interest paid to an insurer or a state agency (not Labor and Industries). (RCW 3.66.120, RCW 9.94A.750, .753, RCW 9.92.060, 760, RCW 9.95.210)

4. Declaration

I am the defendant in the above action and declare that: *(Check all that apply)*

[ ] I am indigent and payment of my LFOs will impose a manifest hardship on me or my immediate family because

[ ] I am receiving one of the following types of public assistance: (*Check all that apply)*

[ ] Food stamps or food stamp benefits transferred electronically (EBT);

[ ] Medicaid (for example, Apple Health);

[ ] Supplemental Security Income (SSI);

[ ] Temporary Assistance for Needy Families (TANF);

[ ] Aged, Blind, or Disabled assistance benefits (ABD);

[ ] Pregnant women assistance benefits;

[ ] Poverty-related veterans' benefits;

[ ] Refugee resettlement benefits; or

[ ] Medical care services under RCW 74.09.035;

[ ] I am homeless. (RCW 10.101.160(3)(b));

[ ] I have an acute, chronic, or serious mental illness. (RCW 10.101.160(3)(b)).

[ ] I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.101.160(3)(a)).

[ ] 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. (RCW 10.101.160(3)(c)) Details:

_____

_____

_____

[ ] Other compelling circumstances exist that demonstrate my inability to pay fees and/or charges. (RCW 10.101.160(3)(d)) Details:

_____

_____

_____

_____

[ ] I have been released from total confinement on this matter. It [ ] has [ ] has not been 10 years since I have been released from total confinement in this matter.

[ ] I have paid my restitution in full.

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

_____

_____

_____

[ ] My only income is funds that cannot be subject to legal process to pay a debt. My only income is:

[ ] Social Security benefits (retirement, disability, etc.);

[ ] Child support payments;

[ ] Benefits from the Department of Veterans Affairs; or

[ ] Other funds that cannot be subject to legal process to pay a debt (details):

_____

_____

_____

[ ] **OPTIONAL**: I have attached my financial case history report from the court clerk.

5. I request:

[ ] the court rule without a hearing.

[ ] a hearing by [ ] telephone [ ] video conference [ ] in court appearance.

6. **DECLARTION OF SERVICE:** I mailed or delivered this Petition, Declaration and proposed Order to the Court on *(date)* _____ and to the Prosecuting Attorney on *(date)*_____

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form (including any attachments) are true.

Signed at *(City)* _____, *(State)* _____ on *(Date)*_____

_____ _____

Signature of Defendant Print Name

The following is my contact information:

_____ _____

Email Phone

_____

Street Address or PO Box City State Zip

Lawyer (if any) fills out below:

▶ _____

Lawyer signs here | Print name and WSBA No. | Date

_____

Lawyer's Street Address or PO Box | City | State | Zip

_____ _____

Email | Phone

_____ Court of Washington, County/City of _____

_____, Plaintiff, vs. _____, Defendant. DOB PCN/TCN: SID:	**No**. **Order re: Legal Financial Obligations (ORWILFO)** **Clerk Action Required**

Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order re: Legal Financial Obligations (LFOs) pursuant to GR 39, the defendant's declaration, and any testimony, and has reviewed the relevant court records.

The Court finds (*Check all that apply)***:**

[ ] The defendant has been released from total confinement in this matter.

[ ] **Jurisdiction in Superior Court (Offenses Committed On or After July 1, 2000):** Ten years have elapsed since the defendant was released from total confinement, entry of the judgment and sentence or extension of the criminal judgment, whichever is later. The court no longer has jurisdiction to collect LFOs and LFO interest, except restitution. RCW 9.94A.760(5).

[ ] **Jurisdiction in Courts of Limited Jurisdiction (All Offense Dates) and Superior Court (Offenses Committed Prior to July 1, 2000):** Ten years have elapsed since the defendant was released from total confinement, entry of the judgment and sentence or extension of the criminal judgment, whichever is later. The court no longer has jurisdiction to collect LFOs and LFO interest, including restitution and restitution interest. RCW 9.94A.760(5); RCW 6.17.020(4), RCW 3.66.120.

[ ] The defendant has paid restitution in full. RCW 10.82.090(2)(b).

[ ] The defendant is indigent. RCW 10.101.160.

[ ] The payment of LFOs will impose a manifest hardship on the defendant or their family. RCW 10.01.185.

[ ] The defendant's failure to timely pay LFOs was not willful. RCW 9.94A.6333(3)(c); RCW 10.01.180(5).

[ ] Other:_____

_____

_____

The Court orders *(Check all that apply)***:**

[ ] **Jurisdiction in Superior Court (Offenses Committed On or After July 1, 2000).** All LFOs and LFO interest, *except* restitution and restitution interest, are waived. RCW 9.94A.760(5).

[ ] **Jurisdiction in Courts of Limited Jurisdiction (All Offense Dates) and Superior Court (Offenses Committed Prior to July 1, 2000).** All LFOs and LFO interest, *including* restitution and restitution interest, are waived. RCW 6.17.020(4); 9.94A.760(5), RCW 3.66.120.

[ ] **LFO Interest.** All interest, except restitution interest, is waived. RCW 10.82.090(3)(a).

[ ] **Restitution Interest Waiver**.

[ ] Because the defendant has paid restitution in full, all restitution interest is waived. RCW 10.82.090(2)(b).

[ ] Because the defendant has been released from total confinement and lacks the ability to pay, all restitution interest accrued during the defendant's period of incarceration is waived. RCW 10.82.090(3).

[ ] **Restitution Interest Reduction**.

[ ] Because the defendant has paid restitution in full, restitution interest is reduced to $ _____. RCW 10.82.090(2)(b).

[ ] Because the defendant has been released from total confinement and lacks the ability to pay, restitution interest accrued during the defendant's period of incarceration is reduced by _____. RCW 10.82.090(3).

[ ] **Restitution.** Because the defendant lacks the ability to pay and owes restitution to an insurer or state agency (not 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.

[ ] reduced to $_____. RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.

[ ] **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 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:

_____

_____

[ ] **Community Restitution**. 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. RCW 9.94A.6333(3)(f); RCW 10.01.180(5).

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

Next payment due date:_____

Minimum monthly payment: _____

Payments shall be made to:_____

_____

_____

[ ] **Collection**. The remaining LFOs are removed from a third-party collection agency and payments shall now be made to the Clerk's Office. RCW 36.18.190.

[ ] **Efforts to Collect.** The Defendant's only source of income is Social Security benefits, child support, benefits from the Department of Veterans Affairs, or other funds that cannot be subject to legal process to pay a debt. The Clerk shall not require payment from the Defendant or refer the Defendant's LFOs to a collections agency.

[ ] **Other**_____

_____

Dated:_____ _____

Judge

Presented by:

_____

Signature of Defendant/Attorney WSBA No.

_____

Print Name

Appendix 2

_____ Court of Washington, County/City of _____

_____, Plaintiff, vs. _____, Defendant. DOB PCN/TCN: SID:	**No**. **Petition re: Legal Financial Obligations (PT)**

Petition re: Legal Financial Obligations

Use this form to request that your legal financial obligations (LFOs) be waived, reduced, pulled from collections, converted to community restitution hours, or to modify a payment plan.

The undersigned requests that the sentencing court grant an order that will (check the boxes that apply):

1. Interest *(Check all that apply)*

[ ] **LFO Interest**. Waive all unpaid interest on my LFOs that are not restitution. (RCW 10.82.090(3~~2~~)(a))

[ ] **Restitution Interest**. I have paid the principal of my restitution in full. All that remains of my restitution obligation is interest. I ask that the court waive or reduce the remaining interest on my restitution ~~as an incentive for me to pay my remaining LFOs~~ (RCW 10.82.090(2)(b) (adult defendants only)

[ ] **Restitution Interest.** I have been released from total confinement. I ask that restitution interest that accrued during my confinement be reduced or waived. (RCW 10.82.090)

2. LFOs and Restitution *(Check all that apply)*

[ ] **Remission or Reduction**. Waive or reduce all unpaid discretionary LFOs. (RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5); ~~RCW 46.63.190~~.)

[ ] **Additional Time**. Grant me additional time to pay my unpaid LFOs. (RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5)~~; RCW 46.63.190~~.)

[ ] **Collection**. Remove my unpaid LFOs from collection and waive all collection fees. (RCW 19.16.500(1)(b); RCW 36.18.190.)

[ ] **Community Restitution.** Convert any unpaid discretionary LFOs that are not restitution to community restitution/service hours through a community restitution

program. (RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5); RCW 46.63.190.)

[ ] **Restitution.** Waive or reduce restitution and accrued interest paid to an insurer or a state agency (not Labor and Industries). (RCW 3.66.120, RCW 9.94A.750, .753, RCW 9.92.060, 760, RCW 9.95.210

3. Declaration

I am the defendant in the above action and declare that: *(Check all that apply)*

[ ] I have been released from total confinement on this matter. I was released on *(date)* _____.

[ ] I have paid my restitution in full.

[ ] I am indigent because

[ ] I am receiving one of the following types of public assistance: (*Check all that apply)*

[ ] Food stamps or food stamp benefits transferred electronically (EBT);

[ ] Medicaid (for example, Apple Health);

[ ] Supplemental Security Income (SSI);

[ ] Temporary Assistance for Needy Families (TANF);

[ ] Aged, Blind, or Disabled assistance benefits (ABD);

[ ] Pregnant women assistance benefits;

[ ] Poverty-related veterans' benefits;

[ ] Refugee resettlement benefits; or

[ ] Medical care services under RCW 74.09.035;

[ ] I am homeless. (RCW 10.101.160(3)(b));

[ ] I have an acute, chronic, or serious mental illness. (RCW 10.101.160(3)(b)).

[ ] I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.101.160(3)(a)).

[ ] 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. (RCW 10.101.160(3)(c)) Details:

_____

_____

_____

[ ] Other compelling circumstances exist that demonstrate my inability to pay fees and/or charges. ~~(GR 34(a)(3)(D).~~RCW 10.101.160(3)(d)) Details:

_____

_____

_____

_____

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

[ ] I am not able to complete community restitution hours because:

_____

_____

_____

[ ] The payment of my LFOs will impose a manifest hardship on me or my immediate family because: (10.01.185)

_____

_____

_____

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

_____

_____

_____

[ ] **OPTIONAL**: I have attached my financial case history report from the court clerk.

4. I request:

[ ] the court rule without a hearing.

[ ] a hearing by [ ] telephone [ ] video conference [ ] in court appearance.

5. I mailed or delivered this Petition, Declaration and proposed Order to the Court on *(date)* _____ and to the Prosecuting Attorney on *(date)* _____

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form (including any attachments) are true. [ ] I have attached *(#):* _____ pages.

Signed at *(City)* _____, *(State)* _____ on *(Date)* _____

_____ _____

Signature of Defendant Print Name

The following is my contact information:

Email: _____ *Phone:* _____

_____

Street Address or PO Box *City* *State* *Zip*

Lawyer (if any) fills out below:

▶ _____

Lawyer signs here *Print name and WSBA No.* *Date*

_____

Lawyer's Street Address or PO Box *City* *State* *Zip*

Email *(if applicable):* _____

_____ Court of Washington, County/City of _____	
_____, Plaintiff, vs. _____, Defendant. DOB PCN/TCN: SID:	**No**. **Order re: Legal Financial Obligations (ORWILFO)** **Clerk Action Required**

Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order re:~~Waiving Interest and Granting Remission or Reduction of~~ Legal Financial Obligations (LFOs) pursuant to GR 39, the defendant's declaration, and any testimony, and has reviewed the relevant court records.

The Court finds:

[ ] The defendant has been released from total confinement in this matter.

[ ] The defendant has paid restitution in full~~ and reducing interest on restitution would be an incentive for the defendant to pay other LFOs~~. RCW 10.82.090(2)(b).

[ ] The defendant is indigent. RCW 10.101.160~~10(3); RCW 9.94A.6333(3)(c); RCW 10.01.180(5); GR 34(a)(3); *State v. Blazina*, 182 Wn.2d 827, 839, 344 P.2d 827 (2015) (instructing courts to look to GR 34 for guidance concerning ability to pay).~~

~~[ ] The defendant is homeless. RCW 9.94A.6333(3)(d); RCW 9.94A.760(11); RCW 10.01.180(1)(c).~~

[ ] The 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 9.94A.6333(3)(c); RCW 10.01.180(5).

[ ] The defendant [ ] has [ ] has not requested the opportunity for community restitution.

[ ] Other:_____

_____

_____

The Court orders:

[ ] **LFO Interest.** All interest that is not restitution on the defendant's LFOs is waived. RCW 10.82.090(3)(a).

[ ] **Restitution Interest Waiver**.

[ ] Because the defendant has paid restitution in full, all restitution interest is waived. RCW 10.82.090 (2)(b).

[ ] Because the defendant has been released from total confinement and lacks the ability to pay, all restitution interest accrued during the defendant's period of incarceration is waived. RCW 10.82.090(3)(c).

[ ] **Restitution Interest Reduction**.

[ ] Because the defendant has paid restitution in full, restitution interest is reduced to $ _____. RCW 10.82.090(2)(b).

[ ] Because the defendant has been released from total confinement and lacks the ability to pay, restitution interest accrued during the defendant's period of incarceration is reduced by _____. RCW 10.82.090(3)(c).

[ ] **Restitution.** Because the defendant lacks the ability to pay and owes restitution to an insurer or state agency (not L & I), the restitution owed is [ ] reduced to $_____ [ ] waived. (RCW 3.66.120, RCW 9.94A.750, .753, RCW 9.92.060, 760, RCW 9.95.210)

[ ] **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:

_____

_____

[ ] **Community Restitution**. 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. RCW 9.94A.6333(3)(f); RCW 10.01.180(5); ~~RCW 46.63.190.~~

[ ] **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: _____

_____

_____

[ ] **Collection**. The remaining LFOs are removed from a third-party collection agency and payments shall now be made to the Clerk's Office. RCW 36.18.190.

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

[ ] **Other** _____

_____

Dated: _____ _____
Judge

Presented by:

_____
Signature of Defendant/Attorney WSBA No.

_____
Print Name

_____ Court of Washington, County/City of _____

_____, Plaintiff, vs. _____, Defendant. DOB PCN/TCN: SID:	**No**. **Petition re: Legal Financial Obligations (PT)**

Petition re: Legal Financial Obligations

Use this form to request that your legal financial obligations (LFOs) be waived, reduced, pulled from collections, converted to community restitution hours, or to modify a payment plan.

The undersigned requests that the sentencing court grant an order that will (check the boxes that apply):

1. Interest *(Check all that apply)*

[ ] **LFO Interest**. Waive all unpaid interest on my LFOs that are not restitution. (RCW 10.82.090(3~~2~~)(a))

[ ] **Restitution Interest**. I have paid the principal of my restitution in full. All that remains of my restitution obligation is interest. I ask that the court waive or reduce the remaining interest on my restitution ~~as an incentive for me to pay my remaining LFOs~~ (RCW 10.82.090(2)(b) (adult defendants only)

[ ] **Restitution Interest.** I have been released from total confinement. I ask that restitution interest that accrued during my confinement be reduced or waived. (RCW 10.82.090)

2. LFOs and Restitution *(Check all that apply)*

[ ] **Remission or Reduction**. Waive or reduce all unpaid discretionary LFOs. (RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5); ~~RCW 46.63.190~~.)

[ ] **Additional Time**. Grant me additional time to pay my unpaid LFOs. (RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5)~~; RCW 46.63.190~~.)

[ ] **Collection**. Remove my unpaid LFOs from collection and waive all collection fees. (RCW 19.16.500(1)(b); RCW 36.18.190.)

[ ] **Community Restitution.** Convert any unpaid discretionary LFOs that are not restitution to community restitution/service hours through a community restitution

program. (RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5); RCW 46.63.190.)

[ ] **Restitution.** Waive or reduce restitution and accrued interest paid to an insurer or a state agency (not Labor and Industries). (RCW 3.66.120, RCW 9.94A.750, .753, RCW 9.92.060, 760, RCW 9.95.210

3. Jurisdiction to Collect Legal Financial Obligations

I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 9.94A.760(5); RCW 6.17.020(4), RCW 3.66.120)

4. Declaration

I am the defendant in the above action and declare that: *(Check all that apply)*

[ ] I have been released from total confinement on this matter. I was released on *(date)* _____.

[ ] I was sentenced on *(date)* _____.

[ ] The crime I was convicted of was committed on *(date)* _____.

[ ] I have paid my restitution in full.

[ ] I am indigent because

[ ] I am receiving one of the following types of public assistance: (*Check all that apply)*

[ ] Food stamps or food stamp benefits transferred electronically (EBT);

[ ] Medicaid (for example, Apple Health);

[ ] Supplemental Security Income (SSI);

[ ] Temporary Assistance for Needy Families (TANF);

[ ] Aged, Blind, or Disabled assistance benefits (ABD);

[ ] Pregnant women assistance benefits;

[ ] Poverty-related veterans' benefits;

[ ] Refugee resettlement benefits; or

[ ] Medical care services under RCW 74.09.035;

[ ] I am homeless. (RCW 10.101.160(3)(b));

[ ] I have an acute, chronic, or serious mental illness. (RCW 10.101.160(3)(b)).

[ ] I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.101.160(3)(a)).

[ ] 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. (RCW 10.101.160(3)(c)) Details:

_____

_____

_____

[ ] Other compelling circumstances exist that demonstrate my inability to pay fees and/or charges. ~~(GR 34(a)(3)(D)~~.RCW 10.101.160(3)(d)) Details:

_____

_____

_____

_____

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

[ ] I am not able to complete community restitution hours because:

_____

_____

_____

[ ] The payment of my LFOs will impose a manifest hardship on me or my immediate family because: (10.01.185)

_____

_____

_____

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

_____

_____

_____

[ ] My ONLY income is Social Security, Social Security Disability, child support or other funds _____ that cannot be subject to legal process to pay a debt.

[ ] I have attached financial records regarding the source of my income or benefits using a Sealed Cover Sheet.

[ ] **OPTIONAL**: I have attached my financial case history report from the court clerk.

5. I request:

[ ] the court rule without a hearing.

[ ] a hearing by [ ] telephone [ ] video conference [ ] in court appearance.

6 4~~.~~ I mailed or delivered this Petition, Declaration and proposed Order to the Court on *(date)* _____ and to the Prosecuting Attorney on *(date)* _____

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form (including any attachments) are true. [ ] I have attached *(#):* _____ pages.

Signed at *(City)* _____, *(State)* _____ on *(Date)* _____

Signature of Defendant | Print Name

The following is my contact information:

Email: *Phone:*

Street Address or PO Box *City* *State* *Zip*

Lawyer (if any) fills out below:

Lawyer signs here *Print name and WSBA No.* *Date*

Lawyer's Street Address or PO Box *City* *State* *Zip*

Email *(if applicable):*

_____ Court of Washington, County/City of _____

_____, Plaintiff, vs. _____, Defendant. DOB PCN/TCN: SID:	**No**. **Order re: Legal Financial Obligations (ORWILFO)** **Clerk Action Required**

Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order re:~~Waiving Interest and Granting Remission or Reduction of~~ Legal Financial Obligations (LFOs) pursuant to GR 39, the defendant's declaration, and any testimony, and has reviewed the relevant court records.

The Court finds:

[ ] The defendant has been released from total confinement in this matter.

[ ] The defendant has paid restitution in full~~ and reducing interest on restitution would be an incentive for the defendant to pay other LFOs~~. RCW 10.82.090(2)(b).

[ ] The defendant is indigent. RCW 10.101.160~~010(3); RCW 9.94A.6333(3)(c); RCW 10.01.180(5); GR 34(a)(3); *State v. Blazina*, 182 Wn.2d 827, 839, 344 P.2d 827 (2015) (instructing courts to look to GR 34 for guidance concerning ability to pay).~~

~~[ ] The defendant is homeless. RCW 9.94A.6333(3)(d); RCW 9.94A.760(11); RCW 10.01.180(1)(c).~~

[ ] The 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 9.94A.6333(3)(c); RCW 10.01.180(5).

[ ] The defendant [ ] has [ ] has not requested the opportunity for community restitution.

[ ] Ten years have elapsed since the defendant was released from total confinement, entry of the judgment and sentence or extension of the criminal

judgment, whichever is later. The court no longer has jurisdiction to collect LFOs and LFO interest, except restitution. RCW 9.94A.760(5).

[ ] Ten years have elapsed since the defendant was released from total confinement, entry of the judgment and sentence or extension of the criminal judgment, whichever is later. The court no longer has jurisdiction to collect LFOs and LFO interest, including restitution. RCW 9.94A.760(5); RCW 6.17.020(4), RCW 3.66.120.

[ ] Other: _____

_____

_____

The Court orders:

[ ] **LFO Interest.** All interest that is not restitution on the defendant's LFOs is waived. RCW 10.82.090(3)(a).

[ ] **Restitution Interest Waiver**.

[ ] Because the defendant has paid restitution in full, all restitution interest is waived. RCW 10.82.090 (2)(b).

[ ] Because the defendant has been released from total confinement and lacks the ability to pay, all restitution interest accrued during the defendant's period of incarceration is waived. RCW 10.82.090(3)(c).

[ ] **Restitution Interest Reduction**.

[ ] Because the defendant has paid restitution in full, restitution interest is reduced to $ _____. RCW 10.82.090(2)(b).

[ ] Because the defendant has been released from total confinement and lacks the ability to pay, restitution interest accrued during the defendant's period of incarceration is reduced by _____. RCW 10.82.090(3)(c).

[ ] **Restitution.** Because the defendant lacks the ability to pay and owes restitution to an insurer or state agency (not L & I), the restitution owed is [ ] reduced to $ _____ [ ] waived. (RCW 3.66.120, RCW 9.94A.750, .753, RCW 9.92.060, 760, RCW 9.95.210)

[ ] **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:

_____

_____

[ ] **Community Restitution**. 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. RCW 9.94A.6333(3)(f); RCW 10.01.180(5); ~~RCW 46.63.190.~~

[ ] **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:_____

_____

_____

[ ] **Collection**. The remaining LFOs are removed from a third-party collection agency and payments shall now be made to the Clerk's Office. RCW 36.18.190.

[ ] The Defendant's only source of income is Social Security, Social Security Disability, child support, or other funds that cannot be subject to legal process to pay a debt. The Clerk shall not require payment from the Defendant or refer the Defendant's LFOs to a collections agency.

[ ] **Jurisdiction in Superior Court (Offenses Committed On or After July 1, 2000).** All LFOs and LFO interest, *except* restitution, are cancelled. RCW 9.94A.760(5).

[ ] **Jurisdiction in Courts of Limited Jurisdiction and Superior Court (Offenses Committed Prior to July 1, 2000).** All LFOs and LFO interest, *including* restitution, are cancelled. RCW 6.17.020(4); 9.94A.760(5), RCW 3.66.120.

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

[ ] **Other**_____

_____

Dated:_____ _____

Judge

Presented by:

_____

Signature of Defendant/Attorney WSBA No.

_____

Print Name

Appendix 3

District and Municipal Court Judges' Association

President
JUDGE MICHELLE K. GEHLSEN
King County District Court
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Redmond, WA 98052-3548
(206) 688-0418

President-Elect
JUDGE CHARLES D. SHORT
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Vice-President
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Past President
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Thurston County District Court
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Board of Governors

JUDGE THOMAS W. COX
Garfield County District Court
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JUDGE ANITA M. CRAWFORD-WILLIS
Seattle Municipal Court
(206) 684-8709

JUDGE ROBERT W. GRIM
Okanogan County District Court
(509) 422-7170

JUDGE DREW ANN HENKE
Tacoma Municipal Court
(253) 591-5357

JUDGE TYSON R. HILL
Grant County District Court
(509) 754-2011

JUDGE AIMEE MAURER
Spokane County District Court
(509) 477-2961

JUDGE KEVIN G. RINGUS
Fife Municipal Court
(253) 922-6635

JUDGE LAURA VAN SLYCK
Everett Municipal Court
(425) 257-8778

JUDGE KARL WILLIAMS
Pierce County District Court
(253) 798-3312

COMMISSIONER PAUL WOHL
Thurston County District Court
(360) 786-5562

April 30, 2021

VIA EMAIL

Honorable Charles W. Johnson
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

RE: Comment on Proposed New GR 39 [LFO]

Dear Justice Johnson and Members of the Rules Committee:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I am writing to support adoption of proposed new General Rule 39 addressing legal financial obligations (LFOs).

The DMCJA agrees with the proponents' statements in the GR 9 cover sheet that this rule change would simplify and streamline the process for requesting LFO relief already available under statute and rule. For this reason, the DMCJA supports the proposal, with the request that enough time be provided prior to adoption to allow for the development of a pattern form as required by the rule.

Thank you for your consideration.

Sincerely,

Judge Michelle K. Gehlsen
DMCJA President

cc: Judge Jeffrey Goodwin, DMCJA Rules Chair
Ms. J Benway, DMCJA Rules Staff

Appendix 4

November 12, 2021

Dear Washington Supreme Court Rules Committee,

We write to ask you to send the proposed mandatory legal financial obligation (LFO) petition and order back to the Pattern Form Committee for further outreach and development. We believe that the pattern forms could greatly improve access to justice for our neighbors in need of LFO relief. However, without further improvements, the proposed forms will fall short of the potential recognized by GR 39.

Since the pattern forms will be mandatory for all LFO remission filings, they should be able to provide relief in all cases where someone is legally eligible.[1] The Washington Supreme Court has consistently held that "'[I]f someone does meet the GR 34 standard for indigency, courts should seriously question that person's ability to pay LFOs.' This is true for both the imposition and enforcement of LFOs."[2] However, in determining financial eligibility, the proposed forms use a narrower set of criteria than GR 34. Most significantly, they do not offer relief where an individual's income is "above 125% of the federal poverty guideline and the applicant has recurring basic living expenses that render him or her without the financial ability to pay…"[3]

As a result, a single mother who makes $1,816/month but pays $1,400/month in rent, $450/month for food and medical expenses would be ineligible for LFO relief.[4] In counties like King County, where fair market rent for a one-bedroom apartment is $1,651, it is essential that a family of two be able to obtain LFO relief even if their income is above $1,815/month.[5] Accordingly, the Supreme Court should send the proposed forms back to the Pattern Form Committee to ensure they are consistent with the definition of indigency provided by *Blazina* and *Wakefield*.

The pattern forms should also be modified to ensure they are consistently and easily applied by judges and court clerks. Presently, the forms allow each motion and order to set a different community service reimbursement rate. As a result, depending on what hourly rate an individual requests or a judge grants, individuals will receive different reimbursement rates, even within the same jurisdiction. This will not only create inequities from case-to-case, but also create additional burdens for court clerks. Clerks will no longer be able to use an established reimbursement rate for all individuals. Instead, every time someone completes community service hours, the clerk will need to locate the LFO order for each specific case to determine the appropriate reimbursement rate.

---

[1] GR 39 ("The petitioner shall complete and file a mandatory pattern form petition, declaration of mailing and proposed order created by the Administrative Office of the Courts (AOC).")
[2] *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 464 (2016) *quoting State v. Blazina*, 182 Wn.2d 827, 839, 344 P.3d 680, 685 (2015) (internal citations omitted).
[3] GR 34.
[4] 86 Fed. Reg. 7732. The United States Department of Health and Human Services set the 2021 poverty guideline at $17,420 for a two-person household. Adjusted up to 125% the guideline equals $21,775, which amounts to $1,815 per month.
[5] The FY 2022 Seattle-Bellevue, WA HUD Metro FMR Area FMRs for All Bedroom Sizes, available at: http://www.huduser.gov/portal/datasets/fmr/fmrs/FY2022_code/2022summary.odn?&year=2022&fmrtype=Final&selection_type=county&fips=5303399999

The forms also do not clearly state whether collections fees should be waived, which will result in unequal and uncertain application. The order provides for cases to be removed from collections but does not specifically provide for collection fees to be waived when an individual is indigent. However, the order does state that all optional LFOs can be waived. As a result, it will be left to individual clerks to determine whether collection fees are considered LFOs—a point of different opinion across jurisdictions and even specific clerks. In order to reduce foreseeable inequities and administrative burden, the Supreme Court should send the proposed forms back to the Pattern Form Committee for further modification.

We commend the Washington Supreme Court's vision in approving GR 39. A pattern LFO motion and order, that can be easily applied in a manner consistent with caselaw, has the potential to significantly improve access to justice for our many neighbors in need of LFO relief. We would welcome the opportunity to work with the Pattern Form Committee to improve the proposed forms and ensure that vision becomes a reality.

Sincerely,

Corey Guilmette
Legal Services Director
Public Defender Association

Tarra Simmons
Director
Civil Survival

Kurtis Robinson
Executive Director
I Did The Time

Michele Storms
Executive Director
ACLU of Washington

Kathleen Kyle
Executive Director
Snohomish County Public Defender Association

Kurtis Robinson
Executive Director
Revive Center for Returning Citizens

Christie Hedman
Director
Washington Defender Association

Jane Pak
Executive Director
Snohomish County Legal Services

Nick Allen
Deputy Director of Advocacy
Columbia Legal Services

Carly Roberts
Executive Director
Tacomaprobono

Camerina Zorrozua
Legal Director
The Way to Justice

Larry Jefferson
Director
Washington State Office of Public Defense

Jefferson Coulter
Statewide Advocacy Counsel
Northwest Justice Project

Appendix 5

FILED
SUPREME COURT
STATE OF WASHINGTON
December 3, 2021
BY ERIN L. LENNON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED PETITION AND ORDER FOR NEW GENERAL RULE 39—LEGAL FINANCIAL OBLIGATIONS	)	**O R D E R**
	)	NO. 25700-A-1392

The Washington State Pattern Forms Committee, having approved the adoption of the suggested petition and order for new General Rule 39—Legal Financial Obligations, and the Court having considered the attached petition and order, and having determined that the petition and order will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the petition and order as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(j)(1), the suggested petition and order will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 3rd day of December, 2021.

González, C.J.

Johnson, J.

Gordon McCloud, J.

Madsen, J.

Yu, J.

Owens, J.

Montoya-Lewis, J.

Stephens, J.

Whitener, J.

[NEW]

GR 39
REMISSION OF LEGAL FINANCIAL OBLIGATIONS

(a) Definitions.

(1) Legal financial obligation (LFO), as referenced in this rule, means costs, fines, fees, penalties, assessments, and restitution imposed by a Washington court and does not include the RCW 9.94A.780 clerk's fee for collecting the LFO.

(2) "Indigent" is defined in RCW 10.101.010.

(b) Relief Available. An individual who has been required to pay LFOs may petition the sentencing court for a waiver of interest and remission or reduction of any unpaid portion of the LFOs, except restitution and mandatory LFOs not subject to remission or reduction, and may request any other relief as allowed by law. The petitioner may also request that the LFOs be removed from a collection agency; request additional time to pay the LFOs; and, excluding restitution and mandatory LFOs not subject to remission or reduction, request payment by community service or other forms of community restitution if available in the community.

(c) Indigence or Inability to Pay. A petition shall allege that the petitioner is indigent or lacks the financial ability to pay the LFO. Provided, a petitioner is not required to show indigence or the lack of ability to pay an LFO when making a request to waive interest on a nonrestitution LFO pursuant to RCW 10.82.090.

(d) Mandatory Form and Notice. The petitioner shall complete and file a mandatory pattern form petition, declaration of mailing and proposed order created by the Administrative Office of the Courts (AOC). The petitioner may attach appropriately redacted financial documents supporting the request. See GR 31(e). The petitioner shall also mail copies of the petition, declaration of mailing and proposed order to the appropriate prosecuting attorney.

(e) Submission of Petition; Fee. The court shall accept the petition submitted in person, by mail, or, where authorized by local court rule not inconsistent with GR 30, by electronic filing. All petitions shall be presented to a judicial officer for consideration in a timely manner and there shall be no fee imposed for filing and consideration of a petition.

(f) Hearings; Notice. The judicial officer may set the petition for a hearing, or may consider the petition ex parte without a hearing no sooner than three business days from filing of the petition and declaration of mailing or the filing of the declaration of mailing, if filed after the petition. Provided, when the appropriate prosecuting authority files a letter with a presiding judge requesting notice of all petitions filed pursuant to this rule, the court shall set all such petitions for hearing and send the notice of hearing to all parties. In the letter provided to the presiding judge, the prosecuting authority, however, may limit the notice requested to select cases, such as cases where the fine or costs are greater than a specified amount.

(g) Telephonic Hearing. Hearings by telephone or video conference improve access to the courts. If a petition is set for hearing, upon request, the court in its discretion may permit a telephone or video conference appearance by the petitioner subject to local court rule and/or local policies.

_____Court of Washington, County/City of _____

_____, Plaintiff, vs. _____, Defendant. DOB PCN/TCN: SID:	**No**. **Petition re: Legal Financial Obligations (PT)**

Petition re: Legal Financial Obligations

Use this form to request that your legal financial obligations (LFOs) be waived, reduced, pulled from collections, converted to community restitution hours, or to modify a payment plan.

The undersigned requests that the sentencing court grant an order that will (check the boxes that apply):

1. **Interest** *(Check all that apply)*

[ ] **LFO Interest**. Waive all unpaid interest on my LFOs that are not restitution. (RCW 10.82.090(2)(a).)

[ ] **Restitution Interest**. I have paid the principal of my restitution in full. All that remains of my restitution obligation is interest. I ask that the court waive or reduce the remaining interest on my restitution as an incentive for me to pay my remaining LFOs. (RCW 10.82.090(2)(b).)

2. **LFOs that are not restitution** *(Check all that apply)*

[ ] **Remission or Reduction**. Waive or reduce all unpaid discretionary LFOs. (RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5); RCW 46.63.190.)

[ ] **Additional Time**. Grant me additional time to pay my unpaid LFOs. (RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5); RCW 46.63.190.)

[ ] **Collection**. Remove my unpaid LFOs from collection and waive all collection fees. (RCW 19.16.500(1)(b); RCW 36.18.190.)

[ ] **Community Restitution.** Convert any unpaid discretionary LFOs that are not restitution to community restitution/service hours through a community restitution program. (RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5); RCW 46.63.190.)

3. Declaration

I am the defendant in the above action and declare that I have been released from total confinement on this matter: *(Check all that apply)*

[ ] I have paid my restitution in full.

[ ] I am indigent because:

[ ] 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 am not able to complete community restitution hours because:

_____

_____

_____

_____

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

_____

_____

_____

_____

[ ] **OPTIONAL**: I have attached my financial case history report from the court clerk.

I request:

[ ] the court rule without a hearing.

[ ] a hearing by [ ] telephone [ ] video conference [ ] in court appearance.

4. I mailed or delivered this Petition, Declaration and proposed Order to the Court on *(date)* _____ and to the Prosecuting Attorney on *(date)* _____.

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

Dated: _____ _____

Defendant's Attorney/WSBA No.

_____

Print Name

_____Court of Washington, County/City of _____

_____, Plaintiff, vs. _____, Defendant. DOB PCN/TCN: SID:	**No**. **Order re: Legal Financial Obligations (ORWILFO)** **Clerk Action Required**

Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order Waiving Interest and Granting Remission or Reduction of Legal Financial Obligations (LFOs) pursuant to GR 39, the defendant's declaration, and any testimony, and has reviewed the relevant court records.

The Court finds:

[ ] The defendant has been released from total confinement in this matter.

[ ] The defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs. RCW 10.82.090(2)(b).

[ ] The defendant is indigent. RCW 10.101.010(3); RCW 9.94A.6333(3)(c); RCW 10.01.180(5); GR 34(a)(3); *State v. Blazina*, 182 Wn.2d 827, 839, 344 P.2d 827 (2015) (instructing courts to look to GR 34 for guidance concerning ability to pay).

[ ] The defendant is homeless. RCW 9.94A.6333(3)(d); RCW 9.94A.760(11); RCW 10.01.180(1)(c).

[ ] The defendant's failure to timely pay LFOs was not willful. RCW 9.94A.6333(3)(c); RCW 10.01.180(5).

[ ] The defendant [ ] has [ ] has not requested the opportunity for community restitution.

[ ] Other: _____

_____

_____

The Court orders:

[ ] **LFO Interest.** All interest that is not restitution on the defendant's LFOs 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:

_____

_____

[ ] **Community Restitution**. 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. RCW 9.94A.6333(3)(f); RCW 10.01.180(5); RCW 46.63.190.

[ ] **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:_____

_____

_____

[ ] **Collection**. The remaining LFOs are removed from a third-party collection agency and payments shall now be made to the Clerk's Office. RCW 36.18.190.

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

[ ] **Other**_____

_____

Dated:_____ _____

Judge

Presented by:

_____
Signature of Defendant/Attorney WSBA No.

_____
Print Name

Appendix 6

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE
ESTABLISHMENT OF A
FORMS COMMITTEE.

NO. 25700-B-188
ORDER

FILED
SUPREME COURT
STATE OF WASHINGTON
DEC 19 PM 4:
CLERK

WHEREAS, considerable divergence has developed in the forms used in the trial courts of the various counties of the State of Washington; and,

WHEREAS, the Court recognizes the need to develop standardized forms to reflect new statutes and court rules; and,

WHEREAS, a central authority is necessary for the establishment of effective procedures for the use of standardized forms and overseeing subsequent revisions to be sure that a uniform set of forms, once drafted, is utilized and properly maintained; Now, therefore, it is hereby

ORDERED:

(a) That a permanent Washington State Forms Committee be established to implement the adoption of forms, to consider requests for the redrafting of adopted forms, and to oversee all necessary redrafting.

(b) The committee shall be chaired by a designee of the Chief Justice of the Washington State Supreme Court and shall consist of representatives from the following organizations:

Superior Court Judges' Association
Washington State Association of County Clerks
Washington State Bar Association
Washington State Prosecuting Attorneys' Association
Washington State Public Defenders' Association
Washington Judicial Council
Washington State Trial Court Administrators' Association
Washington State Magistrates Association

Other groups may provide a representative to the committee when specific knowledge is required.

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(c) For the purpose of carrying out the provisions of this order, the following persons and organizations are designated:

The Hon. George T. Shields, Chairman	Superior Court Judges' Association
Laura Brader	Washington State Association of County Clerks
Madelyn Botta	Washington State Association of County Clerks
Henry R. Dunn	Washington State Prosecuting Attorneys' Association
Syd Fernald	Washington State Forms Management Center
The Hon. William C. Goodloe	Superior Court Judges' Association
Myrth C. Miller	Washington State Court Administrators' Association
Dan Reaugh	Washington State Bar Association
Robin Trenbeath	Administrator for the Courts Information Systems Division
The Hon. Herbert E. Wieland	Superior Court Judges' Association
Lish Whitson	Seattle-King County Public Defenders' Association

DATED at Olympia, Washington this 11th day of December, 1978.

Appendix 7

The Supreme Court

State of Washington

June 4, 2020

Dear Members of the Judiciary and the Legal Community:

We are compelled by recent events to join other state supreme courts around the nation in addressing our legal community.

The devaluation and degradation of black lives is not a recent event. It is a persistent and systemic injustice that predates this nation's founding. But recent events have brought to the forefront of our collective consciousness a painful fact that is, for too many of our citizens, common knowledge: the injustices faced by black Americans are not relics of the past. We continue to see racialized policing and the overrepresentation of black Americans in every stage of our criminal and juvenile justice systems. Our institutions remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.

The legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all.

As judges, we must recognize the role we have played in devaluing black lives. This very court once held that a cemetery could lawfully deny grieving black parents the right to bury their infant. We cannot undo this wrong—but we can recognize our ability to do better in the future. We can develop a greater awareness of our own conscious and unconscious biases in order to make just decisions in individual cases, and we can administer justice and support court rules in a way that brings greater racial justice to our system as a whole.

As lawyers and members of the bar, we must recognize the harms that are caused when meritorious claims go unaddressed due to systemic inequities or the lack of financial, personal, or systemic support. And we must also recognize that this is not how a *justice* system must operate. Too often in the legal profession, we feel bound by tradition and the way things have "always" been. We must remember that even the most venerable precedent must be struck down when it is incorrect and harmful. The systemic oppression of black Americans is not merely incorrect and harmful; it is shameful and deadly.

Finally, as individuals, we must recognize that systemic racial injustice against black Americans is not an omnipresent specter that will inevitably persist. It is the collective product of each of our individual actions—every action, every day. It is only by carefully reflecting on our actions, taking individual responsibility for them, and constantly striving for better that we can address the shameful legacy we inherit. We call on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.

As we lean in to do this hard and necessary work, may we also remember to support our black colleagues by lifting their voices. Listening to and acknowledging their experiences will enrich and inform our shared cause of dismantling systemic racism.

We go by the title of "Justice" and we reaffirm our deepest level of commitment to achieving justice by ending racism. We urge you to join us in these efforts. This is our moral imperative.

Sincerely,

Debra L. Stephens, Chief Justice

Charles W. Johnson, Justice

Barbara A. Madsen, Justice

Susan Owens, Justice

Steven C. González, Justice

Sheryl Gordon McCloud, Justice

Mary I. Yu, Justice

Raquel Montoya-Lewis, Justice

G. Helen Whitener, Justice