_____Court of Washington, County/City of_____

County/City of _____, vs. _____, Defendant. DOB:	**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), the defendant's declaration, and any testimony, and has reviewed the relevant court records.

1. Jurisdiction

The Court finds:

[ ] **Time Since Conviction:** Ten years have passed since the defendant was convicted in this case (entry of the judgment and sentence). RCW 3.66.120(3); RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

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

The Court orders:

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

[ ] **Expiration of Restitution Jurisdiction:** The court is no longer authorized to collect restitution and restitution interest. RCW 3.66.120(3); RCW 6.17.020(4)(a); RCW

9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

The Court finds:

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

The Court orders:

[ ] **Collection**. The defendant's LFOs are removed from collections and all collection fees are waived. RCW 19.16.500(1)(b); RCW 36.18.190.

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

[ ] **DNA Fee.** The DNA fee is waived. RCW 43.43.7541(2).

[ ] **Restitution Interest Waiver After Payment of Principal.** Because the defendant has paid restitution principal in full, all restitution interest is waived. RCW 10.82.090(3)(b).

B. LFO Relief Due to Inability to Pay

The Court finds:

[ ] **Inability to Pay**. The defendant is indigent and payment of LFOs will impose a manifest hardship on the defendant or their family. The defendant's failure to timely pay LFOs was not willful. RCW 7.68.035(5); RCW 10.01.160 (3), (4); RCW 10.01.185; RCW 9.94A.6333(3)(c); RCW 10.01.180(5); RCW 10.73.160(4).

[ ] **Release from Total Confinement.** The defendant was released from total confinement in this matter.

Entry date: _____ Release date:_____

[ ] **Notice to Party Entitled to Restitution.** The prosecuting attorney made reasonable efforts to provide notice of the date and time of the hearing to the victim entitled to the restitution interest and considered the victim's input regarding financial hardship caused to the victim if interest is reduced or waived, if any.

The Court orders:

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

_____

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

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

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

3. Process for Paying Any LFOs That Will Remain

The Court finds:

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

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

[ ] Child support payments; RCW 6.15.010.

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

The Court orders:

[ ] **Additional Time and Payment Plan.** The defendant shall be placed on a payment plan through the clerk for all remaining LFOs. Payments shall be made directly to the clerk. The defendant shall pay $_____ per month. RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5).

[ ] **Payment through Community Service.** All discretionary LFOs that are not restitution are converted to community restitution hours through a community restitution program at the rate of $_____ per hour for each hour of community restitution, if available. RCW 9.94A.6333(3)(f); RCW 10.01.180(5); RCW 46.63.190.

[ ] **Protected Source of Income.** Because the defendant's only source of income is from a protected source, the clerk shall not engage in any active efforts to collect any remaining LFOs. The defendant shall not be required to make any LFO payments, the clerk shall not mail the defendant any LFO billing materials, and the defendant's account shall not be sent to collections. *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016).

4. Other Relief

The Court orders:

[ ] _____

_____

_____

To be filled out by Judge:

Dated:_____ _____

Judge

To be filled out by person filling out this form:

Presented by:

Signature of Defendant/Attorney WSBA No.

Print Name