

Superior Court of Washington, Island County/City of Coupeville

State of Washington,
Plaintiff.
vs.

Defendant.

No. _____
Petition re: Legal Financial Obligations (PT)

Petition re: Legal Financial Obligations

The undersigned requests that the sentencing court grant an order that will:

1. Jurisdiction

I declare, to the best of my knowledge, that more than 10 years have passed since I completed the jail or prison sentence (total confinement) imposed *in this case*. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. RCW 3.66.120; RCW 6.17.020(4); RCW 9.94A.753(4); RCW9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

I declare, to the best of my knowledge, that I did not receive a jail or prison sentence (total confinement) *in this case*. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

I declare, to the best of my knowledge, that fewer than 10 years have passed since I completed the jail or prison sentence (total confinement) imposed *in this case*. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. RCW 3.66.120; RCW 6.17.020(4); RCW9.94A.760(5); RCW 9.94A.753(4); *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 (Check all that apply)

Collection. I request that the court remove my unpaid LFOs from collection and waive all collection fees. RCW 19.16.500(1)(b); RCW 36.18.190; GR 39.

LFO Interest. I request that the court waive all unpaid interest on my LFOs that are not restitution. RCW 10.82.090(3)(a).

DNA Fee. I request that the court waive the DNA fee. RCW 43.43.7541(2).

Restitution Interest After Payment of Original Amount Owed (Principal Balance). I have paid the original amount owed (principal balance) of my restitution in full. All that remains of my restitution obligation is the added (accrued) interest. I ask that the court waive or reduce the remaining interest on my restitution. RCW 10.82.090(3)(b).

B. LFO Relief Due to Inability to Pay (Indigence)

Waiver or Reduction of LFOs. I request that all unpaid optional (discretionary) LFOs be waived or reduced. RCW 7.68.035(5); RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5).

Restitution Owed to an Insurer or State Agency. I request that the court waive or reduce restitution and added (accrued) interest owed to an insurer or a state agency (other than the Department of Labor and Industries). RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.

Restitution Interest After Release from Total Confinement. I declare that I have been released from jail or prison (total confinement). I ask that restitution interest that accrued during my confinement be reduced or waived. RCW 10.82.090.

Date I entered jail or prison in this case: _____

Date I was released from jail or prison in this case: _____

Appellate and Other Costs. I request the court waive appellate and other costs. My failure to pay was not willful and the payment of the costs imposes a manifest hardship on me or my family. RCW 10.73.160(4); 10.01.160(4).

3. Declaration of Inability to Pay (Indigence)

I declare that I have not had enough money to pay all my LFOs and, because of this, my failure to pay them has not been willful. I declare that I am indigent (do not have the ability to pay) because:

I am receiving one of the following types of public assistance (RCW 10.01.160(3)(a)):

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 10.01.160(3)(b).

- I have an acute, chronic, or serious mental illness. RCW 10.01.160(3)(b).
- I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. RCW 10.01.160(3)(a). *You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>; 125% of the federal poverty level can be found here: <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=82>.*
- I am receiving an annual income, after taxes, of *more than* 125% of the federally established poverty level but I have living expenses making me unable to pay the LFOs imposed. RCW 10.01.160(3)(c). *You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.*

Details: _____

- I am unable to pay my LFOs because of a manifest hardship or compelling circumstances that exist. RCW 10.01.160(3)(d),(4); RCW 13.40.192; RCW 10.73.160(4). Details: _____

4. Process for Paying Any LFOs That Will Remain

- Additional Time and Payment Plan.** I request additional time to pay any remaining LFOs and that I be placed on a payment plan that I can afford directly through the clerk. I can afford to pay \$ _____ per month. RCW 9.94A.6333(3)(f); RCW 10.01.170(1); RCW 10.01.180(5).
- Community Service to pay LFOs.** I request any unpaid discretionary LFOs that are **not** restitution be converted to community service (restitution) hours through a community restitution program, if available. RCW 9.94A.6333(3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180 (5); RCW 46.63.190.
- Protected Source of Income.** I do not have the ability to pay and request that the court not engage in any active efforts to collect any remaining LFOs. *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016). My only income is:
 - Social Security benefits (retirement, disability, etc.);
 - Child support payments; or
 - Benefits from the Department of Veterans Affairs.

5. Other Relief

- In addition to the relief requested above, I request that the court: _____

6. Hearing

[] **A. Hearing.** I request to appear at the hearing:

[] Via video conference or telephone; or
[] In-person.

7. Declaration of Service

I mailed or delivered this Petition and a Proposed Order 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 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 (if applicable): _____