

Ask the Court to Waive Your Filing Fee



Part 1. Important Info

Should I use this?

Yes, if both these are true:

- You are about to file a case in a Washington state Superior Court.
- You cannot pay the filing fee OR paying would be hard for you.

Or use our do-it-yourself interview program, [Washington Forms Online](http://WashingtonFormsOnline.org), to complete the forms at WashingtonLawHelp.org.

Most people must pay a filing fee ranging from \$36 to \$320 to start, for example, a family law case. You can file a motion asking the court to waive (forgive) this fee.

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- ❖ The fee amount depends on the county and type of case. You can use this packet or the Washington Forms Online interview for all types of cases **except for** habeas corpus petitions and domestic violence protection order petitions (DVPOs). Those are free to file.
-

Can I get a fee waiver?

Yes, if any of these is true:

You get:

- TANF (Temporary Assistance for Needy Families)
- HEN (Housing and Essential Needs)
- SSI
- Federal poverty-related veteran's benefits
- Food Stamps

OR

Your income is at or below 125% of the federal poverty guidelines (see [aspe.hhs.gov/poverty-guidelines](https://www.aspe.hhs.gov/poverty-guidelines))

OR

Your large regular basic living expenses keep you from paying the filing fee and other required charges. "Basic living expenses" is the average monthly amount you spend for living costs such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations. RCW 10.101.010(4)(d).

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- ❖ Even if none of these describes you, you may still want to file a fee waiver if your situation is unusual. Talk to a lawyer.
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Can I get the other fees involved in a court case waived too?

Maybe. You can ask the court to waive other fees that are required. ("A condition precedent to securing access to judicial relief" means required.) These fees include but are not limited to

- Family Court facilitator filing fee surcharge
- Judicial Trust Account filing fee surcharge
- Domestic violence prevention filing fee surcharges
- Mandatory family law orientation class fee
- Fees for any mandatory review by a Family Law Facilitator before presenting final orders Any ex parte presentation fee

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- ❖ The court must waive any required fee. The state Supreme Court in *Jafar v. Webb* confirmed this.
-

Fees for optional services are probably NOT waivable. These include but are not limited to

- Fees for meetings you choose to have with the Family Law Facilitator
- Deposition fees
- Cost of copies
- Cost of mediation
- Guardian ad Litem (GAL) fees

What does Rule 34 say?

Washington state courts' General Rule 34 ([GR 34](#)) says who can get the civil case filing fee and other mandatory charges waived. It

- applies to all courts statewide
- forbids courts from even charging a small fee to file a fee waiver request

What are some words and expressions I should know?

- **Ex parte:** Going before the court without notifying the other party, or giving them very short notice. Can also refer to the courtroom where you see a judge without notifying the other party (or giving them very short notice).
- **Filing:** Giving court papers to the court clerk to put in the case file.
- **Petition:** The document that starts a court case and asks the court for a decree, judgment, or final order.
- **Waive:** Asking a court to waive a fee means asking it to forgive the fee.

What if I have more questions?

- If you have a family law case: Some counties have family law facilitators who can help fill out forms or free legal clinics where you can get legal advice about your case.
- Do you live in King County? Call 211, weekdays 8:00 a.m. - 6:00 p.m. From a pay or public phone, call 1-800-621-4636. They will refer you to the appropriate legal aid provider.
- Apply online with [CLEAR*Online](#) - nwjustice.org/get-legal-help
- Call the CLEAR Legal Hotline at 1-888-201-1014.



Part 2. Checklist of Steps

- 1.** Read the instructions carefully and fill out the forms completely.
- 2.** Ask the Superior Court clerk or facilitator about the procedure for getting your Motion in front of a judge for review. **OR mail** the court clerk your original set of forms plus one set of copies, with a postage-paid envelope addressed to you.
- 3.** Do what the clerk or facilitator says. **OR, if you have mailed the motion in,** ask the clerk how long it will take to get your Order mailed back.
- 4.** Check if the judge signed the order waiving your fees.
- 5.** If the judge **granted** your motion, take the order with your other paperwork to the clerk's office. File your court case.

If the judge **denied** your motion, you cannot file your court case until you can pay the filing fee in full.

If the judge **did not waive all fees**, get help from a lawyer right away. Contact CLEAR or your local legal aid office. Visit nwjustice.org for locations.



Part 3. Court forms in this packet

You need three forms to ask the court to waive a filing fee. They are in this packet.

Court Form Title	Court Form Number
1. Motion and Declaration for Waiver of Civil Filing Fees and Surcharges	WPF GR 34.0100
2. Financial Statement	WPF GR 34.0300
3. Order Re Waiver of Civil Filing Fees and Surcharges	WPF GR 34.0500



Part 4. General instructions for filling out forms

Read these before you start filling out any forms.

THE CAPTION. The caption is the name of your case. It is a section appearing at the top of the first page of every form. Here is a sample:

Superior Court of Washington, County of _____

In re the marriage of:

Petitioner (*person who started this case*):

Jane Brown

And Respondent (*other spouse*):

John Brown

No. _____

Notice of Hearing (NTHG)

Clerk's action required: **1**

This **case type** is for a divorce. Yours may be different.

Put the **county** where you are filing this form.

Put the **case number**. The court clerk assigns this number when Petitioner files the case.

This is the form's **title**.

Case Number. When you file your case, the court clerk gives you a case number. This number must appear on **every** form you use. As soon as you get a case number, put it near the top on the right-hand section of the page after "No." The case number is on the right, above the title.

❖ Some counties have stamps with the case numbers on them. This is faster and makes the case number more readable. Ask the clerk if there is a docket number stamp or if you should put the number yourself.

Title. Each form has a title. The title of the form you will be filing has already been filled in: "Motion and Declaration for Waiver of Civil Filing Fees and Surcharges."

The Contents. Fill out each form according to its instructions. You can print or type. It must be readable. You must use **BLACK INK**. After filling out each form, re-read it. Be sure you have correctly filled in all blanks needed. If you have to make corrections, use a new,

blank form. If the correction is only one or two words, use “white out.” The corrections must be neat and readable.

A. Motion and Declaration for Waiver of Civil Filing Fees and Surcharges (MTAF) (WPF GR 34.0100)

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- ❖ Use this form only if you do not have a lawyer to represent you. If a lawyer is representing you, STOP. Do not use this packet.
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Fill in the caption. See “General Instructions” above and/or your main filing packet.

I. Application

1.1: Check the box showing which party you are.

II. Basis for Motion

After “dated,” put the date you are filling this form out. Above “Signature of Requesting Party,” sign your name. Type or **neatly** print your name in the space below.

III. Declaration

Fill out **3.2** with any info unique to your case that does not fit anywhere in the financial statement.

Check the **last box on page 2** if you are filing this motion by mail.

In the first blank after “signed at,” put the town or city you are currently in. In the second blank, put which state you are in. In the third, write the date you filled out the forms.

In the bottom left-hand blank, sign your name. In the bottom right-hand blank, type or neatly print your name.

B. Financial Statement (WPF GR 34.0300)

After “Case Name,” put your case caption. Put the case number in the blank provided.

- 1.** Put your name the same way it appears in the case caption.
- 2.** If anyone living in your household depends on you for support, check the box. Put how many people depend on you. Put their ages.
- 3.** Under “My Monthly Income:”
 - a.** Check to show if you have a job.

- b. If you are working, put your employer's name.
- c. After "Gross pay per month," put your pay before taxes.
- d. After "Take home pay per month," put your pay after taxes.

4. Under "Other Sources of Income Per Month in my Household:"

If you have other income besides pay from work, put that here. Next to "Source," put where the income comes from. (**Example:** "veterans' benefits.") Next to the dollar sign, put how much you get. If you have income from more than one source, add all your income up. Put the amount next to "Sub-Total." Check the box underneath if you get food stamps.

Total Income, lines 3 (take home pay) and 4:

Add up your take-home pay plus any income you listed in 4. Put the sum here.

5. Under "My Household Assets:"

Put the amounts that apply to your current situation. Add up all your assets at the bottom after "Total Household Assets."

❖ If a blank does not apply to you, put a "zero" in it.

6. Under "My Monthly Household Expenses:"

In the blanks, put the amounts that apply to your current situation. Add up all your expenses next to "Sub-Total."

7. Under "My Other Monthly Household Expenses:"

Use this for any monthly household expenses there was not a space for in number 6, above.

8. My Other Debts with Monthly Payments:

Examples of debts to put here: car payment; credit card payment; loan payment.

"Total Household Expenses and Debts," Lines 6, 7, and 8:

Add up the numbers from your subtotals in 6, 7, and 8. Put the sum here.

Sign and date at the bottom in the boxes provided.

C. Order Re Waiver of Civil Filing Fees and Surcharges (WPF GR 34.0500)

Fill out the caption. See “General Instructions” above and/or your main filing packet.

❖ Leave the “granted” box on the right-hand side of the caption for the judge.

I. Basis

Check the box showing which party you are.

II. Findings

2.1 Check the box showing which proof you provided in your motion.

2.2 Do not check this.

2.3 Leave this blank. The judge may use this to make other orders.

III. Order

3.1 Check the first box. Check the box under it. Leave the second box blank.

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<p style="text-align: center;">_____ Court of Washington</p> <p>For _____</p>	
<p style="text-align: center;">_____</p> <p style="text-align: center;">Petitioner/Plaintiff,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Respondent/Defendant.</p>	<p style="text-align: center;">No.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Motion and Declaration For Waiver of Civil Fees and Surcharges (MTWVF)</p>

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 <input type="checkbox"/>	Unemployed <input type="checkbox"/>	Rent/Mortgage:	\$
Employer's Name:		Food/Household Supplies:	\$
Gross pay per month (salary or hourly pay):	\$	Utilities:	\$
Take home pay per month:	\$	Transportation:	\$
4. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$
Source:	\$	Ordered Child Support actually paid:	\$
Source:	\$	Clothing:	\$
Source:	\$	Child Care:	\$
Source:	\$	Education Expenses:	\$
Sub-Total:		Insurance (car, health):	\$
<input type="checkbox"/> I receive food stamps.		Medical Expenses:	\$
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):	\$		\$
Auto #2 (Value less loan):	\$	Sub-Total:	
Home (Value less mortgage):	\$	\$	
Other:	\$	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, and 8:	
		\$	
Date:		Signature:	

_____ Court of Washington For _____
_____ Petitioner/Plaintiff, vs. _____ Respondent/Defendant.

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: _____

EVALUATION FORM – How was this 3204EN ASK THE COURT TO WAIVE YOUR FILING FEE packet? Your comments are appreciated and will help to make this packet more useful to others. Please take a moment to complete this form and return it to:

LeeAnn Friedman
Northwest Justice Project
500 W. 8th, Suite 275
Vancouver, WA 98660
Or email to webmaster@nwjustice.org

1. Where did you get this packet?
 CLEAR washingtonlawhelp.org Court Clerk or Facilitator
 Other: _____
2. What is your primary language? _____
3. Are you low-income? yes no
4. What is the last grade you finished in school? _____
5. Did you read the instructions? yes no
6. Did you need the help of an agency, court facilitator, or advocate to complete your case? yes no
If yes, what agency or individual helped you? _____
7. Did you find anything hard to understand? yes no
If yes, please tell us what. _____

8. Did you find any mistakes? yes no
Describe mistakes. Include the page #. _____

9. Additional Comments [use back if you need to]: _____

10. Today's Date: _____