

Filing a Motion for Waiver of Your Filing Fee

A. Is this packet for me?

Yes, if:

- you are going to file a civil case AND
- you cannot afford to pay all of the filing fee

This packet will help you ask the court to waive the fee. Our publication [Filing Fee Waiver](#) has more information.

◆ You can use this packet for all cases except for habeas corpus petitions and domestic violence protection order petitions (DVPOs). It is always free to file those.

B. Words you may need to know:

- Ex parte: Going before the court without notifying the other party. Sometimes also refers to the courtroom where you see a judge without notifying the other party.
- Filing: Giving court papers to the Court Clerk to place in the case file.
- Petition: The document that starts a case and asks the court for a decree, judgment, or final order.
- Waive: Asking a court to waive a fee means asking the court to not collect a fee from you.

C. What forms will I need?

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

D. Summary of steps to take:

1. 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 your original set of forms plus one set of copies to the court clerk, along with a postage-paid envelope addressed to you.
3. Do as the clerk or facilitator advises. OR, if you have mailed the motion in, call the clerk to find out how long it will take to get your Order mailed back to you.
4. Check to see whether the judge signed the order.
5. File your petition. Pay the fee if the judge orders payment of the fee.

E. General Instructions

Read these instructions before you begin to fill out any of the forms

1. **THE CAPTION.** The caption is the name of your case. It appears at the top of the first page of every form.

◆ **If you are using one of our Do-It-Yourself packets,** follow the instructions in the main packet you are using to fill in the caption.

2. **CASE NUMBER.** When you file your case, the court clerk will give you a case number. Your case number must appear on every form you use. As soon as you get a case number, write 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 s/he has a docket number stamp or if you should write the number in yourself.
3. **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."
4. **THE CONTENTS.** Fill out each form according to the instructions for that form. Whether you print or type, it must be readable and you must use **BLACK INK**. After filling out each form, re-read it. Be sure you have correctly filled in all the blanks you need to. 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.

F. Instructions for Motion for fee Waiver Forms

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

◆ 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.

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. Check the box showing who the other party is.

II. Basis for Motion

After “dated,” write the date that you are filling out the form. Above “Signature of Lawyer,” sign your name. Type or neatly print your name in the space below that.

III. Declaration

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

Check the last box on page 2 if you are filing your motion for fee waiver by mail.

In the first blank after “signed at,” write the town or city you are currently in. In the second blank, write what state you are in. In the third blank, 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.

2. Financial Statement (WPF GR 34.0300)

In the blank after “Case Name,” write the caption of your case. Write in the case number in the blank provided.

- a. Write your name the same way it appears in the case caption.
- b. If anyone who lives in your household depends on you for support, check the box. Write in how many people depend on you. Write their ages.
- c. Under “My Monthly Income:”
 - Check to show whether you have a job.
 - If you are working, write in your employer’s name.
 - After “Gross pay per month,” write in your pay before taxes.
 - After “Take home pay per month,” write in your pay after taxes.
- d. Under “Other Sources of Income Per Month in my Household:”

If you have any other income besides pay from work, write that in here. Next to “Source,” write where you get the income from. (Example: “veterans’ benefits.”) Write the amount you get next to the dollar sign. If you have income from more than one source, add all your income up. Put the amount in 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.

- e. Under “My Household Assets:”

Fill in the blanks showing the amounts that apply to your current situation. Add up all your assets at the bottom in the blank after “Total Household Assets.”

◆ If there is a blank that does not apply to you, you should put a “zero” in it.

- f. Under “My Monthly Household Expenses:”

Fill in the blanks showing the amounts that apply to your current situation. Add up all your expenses at the bottom in the blank next to “Sub-Total.”

- g. Under “My Other Monthly Household Expenses:”

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

h. My Other Debts with Monthly Payments:

Examples of debts to list 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.

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

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

◆ Do not check the “granted” box on the right-hand side of the caption. Leave that for the judge.

I. Basis

Check the box showing which party you are.

II. Findings

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

2.2 Do not check this box.

2.3 Leave this blank. The judge may use this to make any other orders about any unique circumstances of your case.

III. Order

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

G. What should I do next?

When you get your papers back: Review the box that the judge marked.

- If the judge denied your motion, you cannot file your court action until you can pay the filing fee in full.
- If the judge granted your motion, take the order with your other paperwork to the clerk's office and file your court action.
- If the judge did not waive all of the required fees, **get help from a lawyer right away. Contact CLEAR or your local legal aid office. Check here for the office nearest you: <http://nwjustice.org/contact-northwest-justice-project>.**

H. What if I have more questions?

- Apply online with **CLEAR*Online** - <http://nwjustice.org/get-legal-help>

Or

- Call CLEAR at 1-888-201-1014

**This publication provides general information concerning your rights and responsibilities.
It is not intended as a substitute for specific legal advice.
This information is current as of May 2013.**

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

No. _____

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

I. Motion

- 1.1 I am the [] petitioner/plaintiff [] respondent/defendant in this action.
- 1.2 I am asking for a waiver of all filing fees and surcharges.

II. Basis for Motion

- 2.1 GR 34 allows the court to waive “filing 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 filing 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):	\$	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 Filing Fees
and Surcharges**

Granted (ORPRFP)

Denied (ORDYMT)

Clerk's Action Required 3.1

I. Basis

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

II. Findings

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

2.1 The moving party is indigent based on the following: He or she:

is represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or

receives benefits from one or more needs-based, means-tested assistance programs; and/or

has household income at or below 125% of the federal poverty guideline; and/or

has household income above 125% of the federal poverty guideline but cannot meet basic household living expenses and pay the fees and/or surcharges; and/or

other: _____

_____.

2.2 [] The moving party is not indigent.

2.3 [] Other: _____

_____.

III. Order

Based on the findings the court orders:

3.1 [] The motion is granted, and

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

[] other: _____

_____.

3.2 [] The motion is denied.

3.3 If there is a material change in financial circumstances, the ruling can be revisited by the court or the moving party.

If the motion was granted and the court, upon review, later finds that either the petitioner or another responsible party to this proceeding has sufficient resources to pay the waived filing fees or surcharges, the Court may modify this order and require the moving party or another party to pay the filing fees and/or surcharges that have been waived by this order.

Dated: _____

Judge/Commissioner

Presented by:

Signature of Party or Lawyer/WSBA No.

Print or Type Name Date

Filing a Motion to Waive Filing Fee 5/13
EVALUATION FORM

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 West 8th Street, Suite 275
Vancouver, WA 98660

1. Where did you get this packet? _____
2. What is your primary language? _____
3. Are you a *low-income person? yes no
[*\$1800 for household of 1; \$2400 for 2; \$3000 for 3; \$3000 for 4; \$3675 for 5]
4. What is the last grade you completed in school? _____
5. Did you read the instructions? yes no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your court action? yes no
6a. If yes, what agency or individual helped you? _____
7. Did you use the legal forms? yes no
8. Did you find anything difficult to understand? yes no
8a. If yes, please tell us what. _____

9. Did you find any mistakes? yes no
If yes, what mistakes were found? _____

10. Today's Date: _____
11. Other Comments or Suggestions: _____
