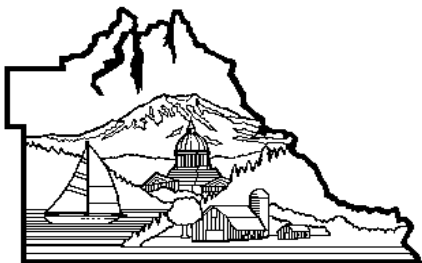


**NO CHARGE FORMS**

# **WHAT TO DO IF YOU CANNOT PAY THE FILING FEE**

# **8-6**

*✓ How to Get Your Filing Fee Waived*



**THURSTON COUNTY**

**WASHINGTON**

**SINCE 1852**

*Linda Myhre Enlow, Thurston County Clerk  
Family and Juvenile Court  
2801 - 32<sup>nd</sup> Avenue SW  
Tumwater, WA 98512  
(360) 709-3274 or (360) 709-3269*

# HOW TO GET A FILING FEE WAIVED

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You want to file a Petition for a new case or a modification action under RCW Chapter 26 (Domestic Relations). Inquire at the Clerk's office for the current filing fee amount for:

Dissolution of Marriage (children/no children)...	\$314.00
Challenge/Rescission to Ack... of Paternity...	\$260.00
Legal Separation (children/no children)...	\$314.00
Invalidity of Marriage (children/no children)...	\$314.00
Establishment of Parentage	\$260.00
Establishment of Parenting Plan/Child Support	\$260.00
Minor Guardianship...	\$260.00
Modification (Thurston County Order)	
- Child Support...	\$ 56.00
- Custody Decree/Parenting Plan...	\$ 56.00
- Relocation	\$ 56.00
Modification (Out of County Order)	
- Child Support...	\$260.00
- Custody Decree/Parenting Plan...	\$260.00
- Relocation	\$260.00

- ✓ You believe you can have your court fees and/or costs deferred or waived due to your current financial situation.

**READ ME:** It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document or get involved with a court case, it is important that you carefully read the document to make sure you are doing the right thing. You may also want to contact a lawyer for legal advice and help with those issues you do not understand. If you need help with the forms, procedures and rules of the court, there is a Family Court Facilitator available to assist you.

# HOW TO GET YOUR FILING FEE WAIVED

## *Forms and Instructions*

<b>STEP ONE COMPLETING FORMS</b>	
1. Motion and Declaration to Proceed In Forma Pauperis	
2. Order to Proceed In Forma Pauperis	
<b><u>Instruction:</u></b> Follow ex parte instructions included in this packet.	
<b>STEP TWO SEEING A JUDGE</b>	
Ex-Parte Hearing Times & Procedures	

The Court will ask you for a filing fee to begin your case. If you cannot pay the filing fee right now, or if your current financial situation may make it difficult for you to pay the fee now or later, you can ask the Court to waive the filing fee - or to allow you to file your case without paying a filing fee.

To make this request, you need to fill out the Motion, Order and Declaration to Proceed In Forma Pauperis and present it to a Judge for approval. Do this **AFTER** your petition and other papers are completed, but **BEFORE** you file your documents.

## ALL FORMS

Every document must be completed as follows:

*Enter your names here. You are the petitioner if this is a new case, or enter your names as they appeared on your original case.*

<b>SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY FAMILY AND JUVENILE COURT</b>	
In Re the Marriage of:	Petitioner,
And	Respondent.

*A case number will be assigned once you file your case, or enter the case number from your original case.*

(Sample number)  
NO. 03-3-00111-1

DOCUMENT TITLE

*This will show the title of the form you are filling out*

- **The contents of the document:** All forms must be completed in ink or be typewritten. Make sure every section is completed. Read through each option for every paragraph and answer each question the best you can. If none of the choices apply to you mark "other" or "does not apply." Most sections will allow space for you to write in the answer if none of the choices apply to your situation.
- **Dates & Signatures:** Many of the forms require your signature. On some forms you will have to sign twice. On the last page of most forms there is a place to fill in the date you are signing and a place for your signature. Be sure you sign, date and complete any other information it asks for such as address, phone number and printed name. (*See Sample on next page.*)

*Enter the date you are signing here*

**Sample:**

*Sign your usual signature*

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Petitioner**

*List your address where you can receive mail and phone number where you can be reached during the day on weekdays*

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Phone Number**

\_\_\_\_\_  
**Print or Type name**

*Print your name clearly*

In some instances there will be the following declaration and place for you to fill in the city and state where you are signing. This is called a “verification” signature block. Even though this may appear to be duplicating the above signature, it is necessary, so be sure you fill in the information it asks for and sign it.

**Sample:**

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_ on \_\_\_\_\_.  
(City and State) (Date)

Enter the date you  
are signing here

Enter city and state  
where you are at the  
time of signing

Sign your usual  
signature

Signature

Print or Type Name

Print your name  
clearly

- **NOTE:** On those pages where there is a date line and signature line for the judge to sign, **do not sign or date** in the space provided for the judge.

**Sample:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Court Commissioner/Judge

**Presented by:** *You will be signing the papers as the person presenting them to the judge. Fill in any other information requested such as address, phone, printed name, etc.*

**Presented by:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Print Name

**Approved for Entry  
and Notice of Presentation Waived:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Print Name

*Approved for entry (Notice of presentation waived): This is where the other party will sign approving the papers for entry with the court, and it also means the other party may not require notice of the date or time you will be presenting these papers to the judge. Fill in other information requested.*

## **STEP ONE**

Read all the instructions in this packet, then complete the following documents:

- 1. Motion and Declaration to Proceed In Forma Pauperis**
- 2. Order to Proceed In Forma Pauperis**

*(Document 1)* **Motion and Declaration to Proceed In Forma Pauperis.** On the first page, complete the caption and case number as shown on the pleading instruction forms.

Date and sign the Motion section on the first page and on the second page.

On the third page, complete the financial statement. Be sure to total your assets and obligations. The information in this section must be completed as fully and accurately as possible. If you need more space you may attach another page. Date and sign the bottom of this page.

*(Document 2)* **Order to Proceed In Forma Pauperis.** Complete the caption on the first page. Sign, print and date on page 2 of this document where it says "Presented by". Do not fill out anything else on this document. The judge will complete the rest.

## **STEP TWO**

**FILING YOUR MOTION:** When you have your papers completed you will be ready to see a Judge. Please be sure to have all the paperwork necessary to open the case prior to going to court to ask for the fee waiver.

**SEEING A JUDGE:** Please follow the ex parte instructions included in this packet. There is no check in required. You will take your motion and order to an 8:45am 'ex parte' hearing (Monday thru Friday). Check the monitors in the courthouse to find the appropriate courtroom. The Judge will decide based solely on your written statement whether or not to grant your request.

**FILING YOUR NEW CASE:** Once the Judge has signed your Order waiving the filing fee you may open your case at the Clerk's Office. **You must have all your documents ready to file to open your case and have copies ready to serve on the other party, if necessary.** Take your paperwork down to the clerks office and let them know you had a fee waiver signed and are ready to open your case. The clerk in the courtroom may or may not hand you back your Motion and the Order waiving the filing fee for you to take down to the clerks office and file with your other paperwork. If the clerk in the courtroom keeps your paperwork, then go downstairs and check in with the clerk at the front counter.

## **Family & Juvenile Court Ex Parte Information & Instructions**

### **What is Ex Parte?**

*Ex parte is a way for you to present an order to a judicial officer for signature, without the need to schedule a hearing, and possibly without the other parties present. Ex parte requests can be agreed or non-agreed.*

### **When Can I Come to Ex Parte?**

*Monday through Friday at the following times:*

*8:45 a.m.: Agreed matters only. These include:*

*Fee Waivers*

*Motions and Orders to serve by mail*

*Motions and Orders to Show Cause (Go to Court)*

*Orders Directing Post Placement Report (Adoption cases)*

*No check-in is required for the morning ex parte calendar. Take your motion and order to court with you at 8:45am.*

*4:00 p.m.: Ex Parte – Emergency Motions*

*You must file your paperwork and the notice of hearing by 12:00pm the day you are going to court.*

### **Ex Parte Requirements.**

- All Ex parte requests must contain a written motion and a proposed order.*
- Parties who do not have an attorney must have their paperwork reviewed by a legal professional before presenting to a judicial officer. Legal professional means a private attorney, volunteer attorney, legal aid volunteer, Limited License Legal Technician, or courthouse facilitator.*

*\*\*If you are only requesting to have your filing fee waived, you do not need to have your paperwork reviewed before you present it to the judicial officer.*

*You may arrange for an appointment ahead of time with the facilitator by inquiring at the Clerk's Office or calling 360-709-3269 or 360-709-3274. A \$25.00 appointment fee will be charged.*



#### **4:00 Non-Agreed Ex Parte Hearings**

*If you are asking the court to sign an order ex parte (without the other party present), and all parties are not in agreement, you must give notice to the other parties, or their attorney(s). The notice must state the time and date that you will be asking for the order, and the location of the court and/or information on how to appear. You must also state, in writing, what efforts you have made to give notice, if any.*

*You may not be required to give the other party notice if it appears clear from your written statement that immediate harm, injury, loss, or damage will result if the order is not entered right away, and your statement supports your claim that notice to the other party should not be required. CR 65(b).*

*What does that mean?*

*If you think that there will be immediate and unfixable injury, harm, loss or damage (something that cannot be undone), you do not need to give notice to the other party.*

**HOWEVER...**

*You must tell the court in your written statement why you think this harm or damage will happen if the order is not signed, and why the other party should not be notified BEFORE getting your order. Otherwise, you MUST give the other party as much notice as possible that you plan to come to court to see the judicial officer to get your order.*

#### **The Judicial Officer May Not Sign Your Order If . . .**

*your papers are not completed correctly, if you have the wrong papers, or if you have not notified the other party (if required).*

#### **IF YOU ARE UNABLE TO PRESENT AGREED ORDERS IN PERSON**

*Mail your motion and order(s) to the Clerk's Office at 2000 Lakeridge Drive SW, Olympia, WA 98502. The order(s) must be signed by all parties, if agreed. Include a cashier's check or money order in the amount of \$30.00, along with a self-addressed stamped envelope, and any copies you would like returned to you. Include any additional fees for copies, if you wish to purchase copies of your order after it is entered.*

*Copies cost \$0.50 per page for regular copies, or \$5 for the first page and \$1 for each additional page for certified copies.*

**Superior Court of Washington,  
Thurston County, Family & Juvenile  
Court**

\_\_\_\_\_  
Petitioner/Plaintiff,  
vs.  
\_\_\_\_\_  
Respondent/Defendant.

No. \_\_\_\_\_

**Motion and Declaration For Waiver of  
Civil Fees and Surcharges  
(MTWVF)**

**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:

\_\_\_\_\_  
\_\_\_\_\_

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[ ] (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: \_\_\_\_\_

<b>Financial Statement (Attachment)</b>			
1. My name is:			
2. <input type="checkbox"/> I provide support to people who live with me: How many?      Age(s):			
<b>3. My Monthly Income:</b>		<b>6. My Monthly Household Expenses:</b>	
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:	\$
<b>4. Other Sources of Income Per Month in my Household:</b>		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:	\$
<b>Total Income, lines 3 (take home pay) and 4:</b>		Sub-Total:	\$
<b>5. My Household Assets:</b>		<b>7. My Other Monthly Household Expenses:</b>	
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):	\$	<b>8. My Other Debts with Monthly Payments:</b>	
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$	Sub-Total:	\$
<b>Total Household Assets:</b>		<b>Total Household Expenses and Debts, lines 6, 7, and 8:</b>	
\$		\$	
<b>Date:</b>		<b>Signature:</b>	

Hearing date: \_\_\_\_\_

Hearing time: \_\_\_\_\_

Judge/Calendar: \_\_\_\_\_

**Superior Court of Washington  
For Thurston County, Family and  
Juvenile Court**

\_\_\_\_\_  
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: \_\_\_\_\_  
\_\_\_\_\_

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 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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge/Commissioner**

Presented by:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date