

Superior Court of Washington
County of Kitsap

vs/and Petitioner/Plaintiff,

Respondent/Defendant.

No. _____

**Motion and Declaration To Defer or
Waive Payment of Civil Filing Fees
and Surcharges
(MTWVF)**

I. Motion

- 1.1 I am the petitioner/plaintiff respondent/defendant in this action.
- 1.2 I am asking to defer payment of all filing fees and surcharges in order to secure access to judicial relief. If ordered to do so, I would be able to make monthly payments of \$25 \$50 \$_____ beginning on (date)_____, or I would be able to pay the filing fee in full before the entry of a final Order, Judgment or Decree.
- 1.3 I am asking for a waiver of all filing fees and surcharges. I acknowledge that if I am granted relief in the Order Re Waiver/Deferral of Civil Filing Fees and Surcharges, that the Court reserves the right to require payment of any and all fees and surcharges prior to finalization.

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 and/or my ability to secure access to judicial relief is limited because I cannot pay all of the filing fees and surcharges at this time.

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:

(If the other party resides in your household, include their income on the attached Financial Statement; otherwise complete this section.) The other party is is not employed and their monthly net income is estimated to be is \$ _____.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing and the attached Financial Statement are true and correct.

Signed at (city) _____, (state) _____ on (date) _____.

Signature of Requesting Party

Print or Type Name

Financial Statement

1. My name is: _____ Date of birth: _____
 Marital Status: Single Married Separated Divorced

2. I provide support to people who live with me: How many? _____ Age(s): _____
 I live with or I am supported by another/others. Their relationship to me is: _____

3. My Monthly Income	6. My Monthly Household Expenses
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<input type="checkbox"/> Employed <input type="checkbox"/> Unemployed	Rent/Mortgage	\$
Occupation:	Food/Household Supplies	\$
Length of Employment :	Transportation	\$
Take home pay per month: (Deduct mandatory federal withholding, social security and retirement from gross pay, but not savings allotments, loan payments or other voluntary deductions)	Ordered Child Support actually paid	\$
\$	Ordered Spousal Maintenance actually paid	\$

4. Other Sources of Income Per Month In my Household	Utilities	\$
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Source:	\$	Clothing	\$
Source:	\$	Child Care	\$
Source:	\$	Education Expenses	\$
Source:	\$	Insurance (car, health)	\$
Sub-Total:		Medical Expenses	\$

<input type="checkbox"/> I receive food stamps.	Recreation	\$
Total Household Income: (your take home + all other sources)	Sub-Total:	
\$	\$	

5. My Household Assets:	7. My Other Monthly Household Expenses
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Cash on hand	\$	(describe)	\$
Checking Account Balance	\$	(describe)	\$
Savings Account Balance	\$	(describe)	\$
Motor Vehicle (Value less loan)	\$	(describe)	\$
Motor Vehicle (Value less loan)	\$	Sub-Total:	
Home (Value less mortgage)	\$	\$	

8. My Other Debts with Monthly Payments
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Household Furnishings/Effects	\$	(describe)	\$	/mo
Personal Effects and Jewelry	\$	(describe)	\$	/mo
Professional Equipment/Tools	\$	(describe)	\$	/mo
Other:	\$	(describe)	\$	/mo
Other:	\$	Sub-Total:		
			\$	

Total Household Assets:	\$	Total Household Expenses and Debts:	\$
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Date:	Signature
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Superior Court of Washington	
County of Kitsap	
_____	Petitioner/Plaintiff,
vs/and	
_____	Respondent/Defendant.

No. _____

Order Re Deferral/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 or defer payment of filing fees and surcharges filed by or on behalf of the requesting party.

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 requesting party is not indigent, but is seeking to defer payment of said fees and surcharges, either by paying said fees and surcharges in monthly installments and/or by paying the filing fee and applicable surcharges in full before the entry of a final Order, Judgment, or Decree, in order to secure access to judicial relief.
- 2.2 The requesting party is indigent based on the following: He or she:
 - receives benefits from one or more needs-based, means-tested assistance programs (TANF, GA-U, GA-X, SSI, food stamps, poverty-related veteran's benefits, etc.) 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
 - is represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or
 - other: _____

- 2.3 The requesting party is not indigent, has not sought to defer payment of the filing fees and surcharges, and has the ability to pay the required filing fees and surcharges.

III. Order

Based on the findings the court orders:

- 3.1 The motion to defer payment of the filing fees and surcharges is granted. The requesting party shall pay the filing fee and applicable surcharges as follows:
- in full before the entry of a final Order, Judgment, or Decree in this case.
 - in monthly installments of \$25 \$50 \$ _____, beginning _____, and continuing until the fee and surcharges are paid in full.

The Court reserves the right to require payment in full prior to entry of the final orders.

- 3.2 The motion is granted, and the 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 today; however, **the court reserves the right to require payment of any and all fees and surcharges prior to finalization. If 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 requesting party or another party to pay the filing fees and surcharges that have been waived by this order prior to entering a final Order, Judgment, or Decree in this case.**

- 3.3 The motion to waive or defer payment of the filing fees and/or surcharges is denied.

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

Dated: _____

Judge/Commissioner

Presented by:

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name

Date