Ask the court for a fee waiver

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If you're about to file a case in a Washington State Superior Court, you'll be asked to pay a filing fee ranging from $36 to $320 to start your case. If you can't afford the filing fee or paying it would be hard for you, learn how you can file a motion asking the judge to **waive (forgive)** this fee under Washington Courts General Rule (GR) 34.

1. Fast facts

Fill out forms online

- Fee waiver forms

I'm about to file a court case. Should I ask a judge to waive the filing fee?

You can ask for a filing fee waiver in any type of civil case in any Washington court. You're eligible for a fee waiver if any of these are true for you:

- You get TANF (Temporary Assistance for Needy Families) (https://www.dshs.wa.gov/esa/community-services-offices/temporary-assistance-needy-families), HEN (Housing and Essential Needs) (https://www.dshs.wa.gov/esa/community-services-offices/housing-and-essential-needs-referral-program), SSI (https://www.ssa.gov/ssi), federal

poverty-related veteran's benefits (https://www.military.com/benefits/va-pension-available-low-income-veterans-and-survivors.html), or food stamps (https://www.dshs.wa.gov/esa/community-services-offices/basic-food)

or

- Your income is at or below 125% of the federal poverty guidelines, **or** your big 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 on living costs such as shelter, food, utilities, health care, transportation, clothing, loan payments, child support, and court-imposed obligations.

Even if none of these describes you, you may still want to ask for a fee waiver if paying the fee would be a hardship or would stop you from filing your case. Try to talk to a lawyer.

Can I also get the other fees involved in a court case waived?

If you're found eligible for a filing fee waiver, the judge must also waive **all required fees**. The GR 34 court rule talks about fees and surcharges that are "a condition precedent to securing access to judicial relief." (https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_34_00_00.pdf) This means all required fees and surcharges. The state Supreme Court in Jafar v. Webb (https://caselaw.findlaw.com/court/wa-supreme-court/1632296.html) confirmed this. Courts may not charge even a small fee to file a fee waiver request.

Here are some examples of required fees that the judge must waive if you're eligible for a filing fee waiver. This isn't a complete list:

- 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

In a name change case, the court must also order the county auditor to waive all fees related to your name change (https://app.leg.wa.gov/RCW/default.aspx?cite=4.24.130) if you qualify to have the

court filing fee waived.

Fees for optional services are probably **not** waivable. These include but aren't 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

When don't I need a waiver of the filing fee?

You don't need to ask for a fee waiver for most protection order petitions. Those are free to file, except for anti-harassment protection orders in some situations.

If you're trying to become guardian for a child who is a relative of yours, the judge should waive your fee automatically. You shouldn't need to file this motion. You can check the box on the data-entity-type="media" data-entity-uuid="705c3bf3-a649-486d-a8bd-8b9a85c70571" data-entity-substitution="media" title="Minor Guardianship Petition">Minor Guardianship Petition to say that you're a relative and the court shouldn't charge a fee. "Relatives" include people related by blood, marriage, or adoption.

2. Step-by-step

1. Fill out the forms. You can fill out the forms online or print them.

2. Ask the Superior Court clerk or facilitator (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils) 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've mailed the motion in**, call the clerk to ask when they will mail your order back.

4. 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 can't file your court case until you can pay the filing fee in full. If the judge **didn't waive all fees**, try to get legal help right away.

3. Forms

Form attached:
Motion and Declaration for Waiver of Civil Fees and Surcharges (GR 34.0100)

Form attached:
Financial Statement (GR 34.0300)

Form attached:
Order Re Waiver of Civil Fees and Surcharges (GR 34.0500)

Follow the general rules to format and fill out court documents.

Tips for filling out Motion and Declaration for Waiver of Civil Filing Fees and Surcharges

Use this form only if you don't have a lawyer to represent you.

Form section III. Declaration: Fill out 3.2 with any information unique to your case that doesn't fit anywhere in the financial statement. If you're filing for a name change, you should put in this section that you're also asking the court to waive the auditor's fees involved in filing and recording a name change (https://app.leg.wa.gov/RCW/default.aspx?cite=4.24.130) under RCW 4.24.130 (https://app.leg.wa.gov/RCW/default.aspx?cite=4.24.130).

Tips for filling out Financial Statement

If a blank doesn't apply to you, put a "zero" in it.

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.

My Other Debts with Monthly Payments: You can list here debts such as, for example, a car payment, credit card payment, or loan payment.

Tips for filling out Order Re Waiver of Civil Filing Fees and Surcharges

Fill out the caption but leave the "granted" box on the right-hand side of the caption for the judge.

Form section II. Findings

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

2.2 Don't check this.

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

Form section III. Order

3.1 Check the first box. Check the box under it.

If you're filing a name change, you should also check **other**. In the blank next to it, put "All county auditor's fees related to the filing and recording of this name change are waived. RCW 4.24.130 as amended by Substitute House Bill 1961."

_____ Court of Washington **For _____**	
_____ Petitioner/Plaintiff, vs. _____ Respondent/Defendant.	**No**. _____ **Motion and Declaration for Waiver of Civil Fees and Surcharges (MTWVF)**

Motion and Declaration for Waiver of Civil Fees and Surcharges

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. [ ] I provide support to people who live with me: How many? Age(s):				
3. My Monthly Income:			**6. My Monthly Household Expenses**:	
Employed [ ] Unemployed [ ]			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):	$
[ ] 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 Fees and Surcharges** ☐ **Granted (ORPRFP)** ☐ **Denied (ORDYMT)** ☐ **Clerk's Action Required 3.1**

Order Re Waiver of Civil Fees and Surcharges

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: They:

- ☐ are represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or
- ☐ receive benefits from one or more needs-based, means-tested assistance programs; and/or
- ☐ have household income at or below 125% of the federal poverty guideline; and/or
- ☐ have 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