

## **REQUEST TO WAIVE OR REDUCE INTEREST OWING ON LEGAL FINANCIAL OBLIGATIONS (LFOs)**

The Legislature has passed a law found in RCW 10.82.090(2). The law sets forth the circumstances under which an offender can file a motion with Spokane County Superior Court to have interest owing on the “restitution” and/or “non restitution” portions of an offender’s outstanding legal financial obligations reduced and / or waived under certain circumstances.

RCW 10.82.090(2) provides as follows:

### **RCW 10.82.090 Interest on judgments — Disposition of non restitution interest.**

....(2) The court may, on motion by the offender, following the offender’s release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued during the term of total confinement for the conviction giving rise to the financial obligations, provided the offender shows that the interest creates a hardship for the offender or his or her immediate family;

(b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full;

(c) The court may otherwise reduce or waive the interest on the portions of the legal financial obligations that are not restitution if the offender shows that he or she has personally made a good faith effort to pay and that the interest accrual is causing a significant hardship. For purposes of this section, "good faith effort" means that the offender has either (i) paid the principal amount in full; or (ii) made at least fifteen monthly payments within an eighteen-month period, excluding any payments mandatorily deducted by the department of corrections;

(d) For purposes of (a) through (c) of this subsection, the court may reduce or waive interest on legal financial obligations only as an incentive for the offender to meet his or her legal financial obligations. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest.

### **WAIVER OR REDUCTION OF NON RESTITUTION PORTIONS OF LEGAL FINANCIAL OBLIGATIONS:**

- Interest owing on non restitution portions of your legal financial obligations may be waived or reduced by the court only upon a showing that you have made a good faith effort to pay and the interest is causing a significant hardship. A good faith effort requires either that you pay the principal amount in full or have made at least fifteen monthly payments within an eighteen month period.
- Interest owing on non restitution portions of your legal financial obligations during the term of total confinement for the conviction giving rise to the legal financial obligations shall be waived provided you show that the interest creates a hardship for you or your immediate family. To review your claim of financial hardship, you will need to (1) fill out a financial declaration (attached) and provide any supporting documents (such as tax returns, award letters, paycheck stubs, utility bills, rent receipts, cable/interest access statements, cell phone/phone bills, loan payment receipts, etc.), (2) have the Spokane County Clerk’s Office

review the financial declaration prior to your scheduled hearing, and (3) respond under oath truthfully and honestly to all questions asked by the Spokane County Clerk's Office concerning your earning capabilities and the location and nature of all your property or financial assets.

**WAIVER OR REDUCTION OF RESTITUTION PORTIONS OF LEGAL FINANCIAL OBLIGATIONS:**

- Interest owed on the restitution portion of your legal financial obligations cannot be waived completely. The interest owed on the restitution portion of your LFOs may only be reduced if the principal has been paid in full.

**MOTION PROCESS TO REDUCE OR WAIVE INTEREST ON NON RESTITUTION AND / OR RESTITUTION PORTIONS OF LEGAL FINANCIAL OBLIGATIONS:**

You are required to file a Note for Hearing form and written Motion along with any supporting documents you would like the court to consider to request a waiver or reduction of the interest on your outstanding LFOs. You must also file a financial declaration and proof that you paid the principal restitution amounts in full.

- You must set the Motion on Note for Hearing form for a Friday at 2:30 p.m., allowing enough notice to the other side consistent with court rules (at least a week prior to the hearing).
- You must make three (3) additional copies of the Note for Hearing form and written Motion and provide the copies in the following order:
  - Serve a copy of everything on the Spokane County Prosecuting Attorney's Office located 721 North Jefferson (3<sup>rd</sup> Floor). Please have them stamp your original and other copies – this is your proof of service.
  - Provide a copy of everything to the Court (Criminal Coordinator).
  - File original documents with the Clerk in Room 300 of the Spokane County Courthouse.
  - Retain a copy for yourself.
- You must call the Chief Criminal Department (477-6373) and the Criminal Coordinator (477-4403) before noon the Wednesday prior to the hearing to indicate if you are still ready to proceed with the hearing. Failure to call will result in your motion being struck from the court's calendar and not heard.
- You must appear in Court at the scheduled time and place. Failure to appear will result in your motion being struck from the court's calendar and not heard.
- You must bring with you to court any evidence supporting your income or financial resources. This should include the last 2 years' tax returns, paystubs for the last 6 months, or any award letters for social security, food stamps, TANF, or other benefits.