

IMPORTANT INFORMATION ABOUT COURT CALENDARS DURING THE COVID-19 PANDEMIC

PLEASE READ

Due to the COVID-19 pandemic, the Court has reduced operations and limited in-person hearings. The instructions in this packet may not be the most current information or process being used by the court. Please refer to Superior Court's Emergency Orders for the most current information on court processes and calendars.

<https://snohomishcountywa.gov/197/Superior-Court>

Because the Court is continually adjusting their calendars and schedules, do not use the calendar note in this packet to schedule a hearing. When scheduling a hearing, please print use the calendar notes listed under Emergency Calendar Notes located at <https://snohomishcountywa.gov/5523/Snohomish-County-Superior-Court-Forms>.

For general additional information about court calendars please see <https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules>

For additional information regarding Commissioner Calendars, including telephonic appearance information; confirming your hearing; and how to determine if oral argument is requested for your hearing please see <https://www.snohomishcountywa.gov/5657/Commissioner-Hearings>

For questions about criminal motions and calendars, email hearings.ssc-criminal@co.snohomish.wa.us

No Charge

REQUEST TO WAIVE INTEREST ON LEGAL FINANCIAL OBLIGATIONS PACKET

- *You would like to ask the Court to waive interest accrued on outstanding legal financial obligations in a Superior Court case*

59

PACKETS ARE NON-REFUNDABLE

PLEASE NOTE: The procedures and processes outlined in this packet are not a substitute for legal advice. The laws and court rules are complex and following the procedures contained herein will not guarantee you a favorable result. It is always advisable to talk to an attorney before filing your action.

*Heidi Percy, Snohomish County Clerk
3000 Rockefeller Avenue, MS 605
Everett, WA 98201
(425) 388-3466*

MOTION TO MODIFY/WAIVE/REDUCE INTEREST ON LEGAL FINANCIAL OBLIGATIONS PACKET INSTRUCTIONS

**** READ ALL INSTRUCTIONS BEFORE FILLING OUT FORMS ****

IF YOU ARE IN NEED OF LEGAL ADVICE YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY. The Clerk's Office staff cannot give legal advice nor can they tell you how to complete the forms beyond what is provided in these instructions. If you choose to represent yourself in court you will be held to the same standards as an attorney. The County Law Library is available for your use and is located in the basement of the Courthouse Building.

INFORMATION ABOUT DOCUMENT CAPTIONS

All forms filed with the Clerk's Office must have the proper caption and case number on the front page of each document and be in the correct format per Washington State Courts General Rule 14. The caption consists of the plaintiff/petitioner and defendant/respondent names in the upper left side of the front page; and the case number is written to the right of the party names. If you do not know the correct case caption or case number you may search for the case at <http://dw.courts.wa.gov/> or contact the Snohomish County Clerk's Office at (425) 388-3466.

All forms must be filled out using blue or black ink.

If you are requesting the Court to waive/reduce/modify interest on legal financial obligations for multiple cases, you must do the following for each case.

1. OBTAIN CASE FINANCIAL HISTORY REPORT

- Contact the Clerk's Office and request a copy of the Financial Detail Report for each case you are asking the court to modify, waive, or reduce interest on legal financial obligations.
- The Financial Detail report will show how much is owed, what has been paid, and the interest accrued.

2. COMPLETE THE MOTION

- Insert the correct caption and case number.
- In section 1 (Motion) date, sign and print your name.
- In section 2 (Declaration) insert what you are asking the Court to consider.
- Attach a copy of the Financial Detail report obtained from the Clerk's Office to the back of the motion document.
- Date, sign and complete the information at the bottom of the form.

3. COMPLETE THE DECLARATION

This form is not required, but it gives you the opportunity to tell the Court, in your own words, why you feel your request should be granted. If more than one page is needed, photocopy the sheet as many times as needed.

- Insert the correct caption and case number.
- Write your declaration in the large blank area of the form using more than one page if necessary. ***Print as clearly as possible.***
- Complete the verification section on the bottom of the page. Date and sign the form.

4. COMPLETE THE CALENDAR NOTE

- Insert the correct caption and case number.
- Hearings on Motions to Modify/Waive/Reduce Interest on Legal Financial Obligations are set on the Post-Conviction Motions Calendar on Tuesdays at 8:30 a.m. in Courtroom 1A in front of the criminal hearings judge. All matters set on this calendar are heard without oral argument. **DO NOT APPEAR FOR THIS HEARING.**
- Select a Tuesday hearing date which allows time for you to provide at least five court days' notice (Saturday, Sunday and court holidays excluded) to the prosecuting attorney's office and the Court. Make sure the date selected does not fall on a court holiday. ****NOTE – When a court holiday falls on a Monday or Tuesday the Legal Financial Obligations Calendar will not be heard****
- Fill out Section B “Legal Financial Obligation Motions” on the Criminal Calendar Note. Insert the date and time of the hearing; as well as the nature of the hearing (what you are requesting the Court to consider). All matters set on this calendar are automatically court confirmed and are heard without oral argument. **DO NOT APPEAR FOR THIS HEARING.**
- Fill out the information in the “Noted By” section on page two. Be sure to include your contact information so the court can contact you if necessary.

5. COMPLETE THE PROPOSED ORDER

- Insert the correct caption and case number.
- Sign and fill in the information in the “presented by” section on the last page of the order. The Court will complete the rest of the order.
- Include the original order in your packet of working copies to the Court (see section 6 below).

6. FILE THE DOCUMENTS

Make at least three (3) sets of copies of all ***completed*** forms (Motion, Declaration, and Calendar Note and Proposed Order).

- One (1) set is for your records;

- One (1) set is for the Court (called the “**Working Copy**”). Write “Working Copy” and the date and time of the hearing in the top right corner in RED ink. Attach the original proposed order from section #5 above and deliver the complete set to Court Administration, Room 5620 on the 5th floor of the Courthouse Building.
- One (1) set is used to serve the Prosecutor’s Office as they represent the State of Washington. Service must be completed by someone other than you, who is not an involved party in the case, and who is 18 years of age or older. The prosecutor must be served a set of all documents 5 court days (Saturday, Sunday and holidays excluded) in advance of the hearing date. Documents may be served by delivering a copy to the front desk of the Prosecutor’s Office, located on the first floor of the Mission Building, Room M-106.
- File the **ORIGINAL** set of documents at the GENERAL INFORMATION WINDOW in the Clerk’s Office, located on the 2nd floor of the Mission Building, Room M-206 or you can mail the original documents for filing to:

Snohomish County Clerk
3000 Rockefeller Ave. M/S 605
Everett, WA 98201

7. COMPLETE THE RETURN OF SERVICE

Once the Prosecutor’s Office has been served with the documents outlined in Step 6, the Return of Service (included in the packet) must be filled out and filed as outlined below.

- Insert the defendant’s name and the case number
- The person who serves the documents on the Prosecuting Attorney’s Office must complete the rest of the form by inserting the appropriate information and checking the boxes that apply. Service of documents should be completed no less than five court days (Saturdays, Sundays, and court holidays excluded) before the hearing date.
- File the original Return of Service with the Clerk’s Office immediately. Without proof of service, the matter may not be heard.

8. CONFIRMING YOUR HEARING

- Hearings scheduled on the Tuesday morning Post-Conviction Motions Calendar are done without oral argument and are automatically court confirmed – no confirmation is necessary. **DO NOT APPEAR FOR THE HEARING.**

9. DO NOT ATTEND THE HEARING

- Legal Financial Obligation Motions are done without oral argument. **DO NOT APPEAR AT THE HEARING.** If the Court needs additional information, you will be contacted by the law clerk and a time will be scheduled for oral argument. Make sure your personal contact information has been provided to the Court by filling out the “Presented by” sections on the last page of the documents.

- To find out if your motion was granted or to request a copy of the order, contact the Clerk's Office 5 business days after the scheduled hearing date.

**Superior Court of Washington
County of Snohomish**

State of Washington, Plaintiff,

vs.

Defendant.

DOB

No. _____

**Motion for Order Waiving or Reducing
Interest on Legal Financial Obligations
(MTAF)**

I. Motion

The undersigned requests the court to grant an order that waives or reduces interest on legal financial obligations. This motion is based on RCW 10.82.090 and the declaration below.

Dated: _____

Signature of Defendant/Defendant's Attorney/WSBA No.

Print Name

II. Declaration

I am the defendant in the above action and declare that:

- 2.1 I am asking the court to waive interest on the non-restitution legal financial obligations that accrued before June 7, 2018 pursuant to RCW 10.82.090(2)(a).

I left total confinement on (date): _____

Amount of non-restitution LFO: \$ _____

Interest that accrued before June 7, 2018: \$ _____

Basis for calculation of interest:

I calculated interest as follows: _____

_____.

I have attached my financial case history report from the court clerk.

- 2.2 I am asking the court to reduce interest on restitution. I have paid the restitution amount in full.

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 of Defendant

Print Name

Address

Phone Number

E-mail Address

**SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY**

Plaintiff,

vs.

Defendant,

CASE NO. _____

CRIMINAL CALENDAR NOTE: (NTC)

A Calendar Note must be filed with the Clerk, served on all parties, and (for matters that will be heard by a criminal hearings courtroom judge) emailed to the criminal hearings email address (hearings.ssc-criminal@co.snohomish.wa.us). Matters set on a judge's personal calendar must be scheduled through the judge's law clerk. All matters must be noted not less than five (5) working days preceding the hearing date requested.

A. JUDGE'S PERSONAL CALENDAR

(Motions heard by a specific judge)

Note: Hearings must be scheduled through the Judge's law clerk

Monday - Friday at 1:00 p.m.

Date requested: _____ Time: _____

Judge: _____ Dept: _____

Nature of hearing: _____

**B. POST-CONVICTION MOTIONS
CALENDAR**

(Motions to Seal; Vacate Conviction; for Certificate of Discharge; Motions relating to the setting of RALJ hearings; Motions to Waive/Reduce/Remit Legal Financial Obligations)

- Heard without oral argument
- Automatically court confirmed
- No in-court appearances required

**Tuesday at 8:30 a.m.
Courtroom 1A, 1st floor of Courthouse**

Date requested: _____
(must be a Tuesday date)

Name of motion: _____

DO NOT APPEAR ON THE DATE & TIME NOTED ABOVE

C. CRIMINAL MOTIONS CALL CALENDAR

(Motions requiring more than 10 minutes of court time; e.g., motions brought pursuant to CrR 3.5, and CrR 3.6)

Motions on this calendar will be assigned to a specific motion hearing date & time the following week. This Calendar Note must list a minimum of two dates & times when all parties and necessary witnesses are available for the motion hearing. Additional instructions are on page 2.

The defendant is not required to appear for the Friday Motions Call Calendar.

**Friday at 3:00 p.m.
Courtroom 1A, 1st floor of Courthouse**

Date requested: _____
(must be a Friday date)

Name of Motion: _____

List, in order of preference, the dates & times during the week *following* the calendar date noted above that the parties and all necessary witnesses are available for the substantive hearing (be specific):

Preferred Date & Time: _____

Alternate Date & Time: _____

Length of time required for hearing: _____

NOTE: When picking a hearing date, DO NOT schedule your hearing on a court holiday. A list of court holidays can be found at <http://www.snohomishcountywa.gov/354/County-Holidays>

WHERE TO NOTE VARIOUS MATTERS

THIS FORM CANNOT BE USED FOR TRIAL SETTINGS. SCLMAR 2.1 AND SCLCR 40(b).

****NOTICE**** Due to the Public Health Emergency and the Emergency Court Operations currently in effect, most hearings are being conducted telephonically, remotely or without oral argument. For the most current information regarding court operations, refer to the Court’s Emergency Orders at <https://www.snohomishcountywa.gov/5643/Emergency-Orders>

JUDGE’S PERSONAL CALENDAR: All matters set on a judge’s personal calendar must be scheduled through the law clerk.

POST-CONVICTION MOTIONS CALENDAR: All post-conviction matters are heard without oral argument. Parties should not appear in court for the Post-Conviction Motions Calendar. If a judge requests oral argument, the parties will be contacted by the judge’s law clerk after the Post-Conviction Motions Calendar.

The following types of motions are noted on the Post-Conviction Motions calendar: motion to seal; motion to vacate conviction; certificate of restoration; certificate of discharge; motions preceding the setting of a RALJ hearing date; motions to waive/reduce/remit legal financial obligations.

CRIMINAL MOTIONS CALL CALENDAR: Beginning the week of May 18, 2020, extended criminal motions will be scheduled as follows: An attorney or party who has a motion that will require more than 10 minutes of court time shall complete a Criminal Calendar Note that will place the matter on a Friday 3:00 p.m. Criminal Motions Call Calendar in Dept 1A. The Calendar Note will identify a preferred *and* an alternate date and time for the motion to be heard the week following the Criminal Motions Call Calendar. The Calendar Note must be filed and served on all parties and sent to the criminal hearings email (hearings.ssc-criminal@co.snohomish.wa.us) not less than 5 days before the Friday Criminal Motions Call Calendar. By filing a Calendar Note, the attorney/party represents to the Court that all briefing necessary for the matter has been filed, that all parties and witnesses necessary for the hearing are available, and that the attorney/party will provide working copies of all briefing to the Court at the Criminal Motions Call Calendar. The law clerk monitoring the criminal hearings email will tentatively schedule matters into a requested hearing slot. Where there are scheduling conflicts, the law clerk will notify the affected attorneys/parties. The requested date, time and location for a hearing will not be confirmed until the Friday 3:00 p.m. Criminal Motions Call Calendar. Unless otherwise directed, a defendant is not required to appear at the Criminal Motions Call Calendar, but defense counsel must notify the defendant when and where to appear for the subsequent motion hearing.

Extended Criminal Motions assigned out from the Criminal Motions Call Calendar will be heard the following week M-F at a variety of times in Courtroom 3E or 3F on the 3rd floor of the courthouse. Review the Criminal Hearings Restart Calendar that is posted on the Superior Court Website at <https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules> for specific hearing start times and restrictions.

WARNING: THE HEARING CONFIRMATION PROCESS HAS CHANGED.

Matters special set on a judge’s personal calendar and motions scheduled on the Post-Conviction Motions Calendar are automatically court confirmed. No further confirmation is necessary. Failure to notify the Court of a continuance or strike of a matter on this calendar may result in sanctions and/or terms. SCLCR 7.

Matters set on the Friday Criminal Motions Call calendar do not need to be confirmed. However, once the Court assigns a motion from the Criminal Motions Call calendar to a department to be heard on a subsequent date and time, the matter is considered to be Court Confirmed. A party’s or attorney’s subsequent failure to appear for the scheduled hearing, or request that the scheduled hearing be stricken or rescheduled, may result in sanctions and/or terms. SCLCR 7.

Noted by: _____ Date: _____
Signature WSBA#

- [] Office of the Prosecuting Attorney, 3000 Rockefeller Ave., Everett, WA 98201; 425-388-3333
- [] Public Defender Association, 2722 Colby Ave., Suite 200, Everett, WA 98201; 425-339-6300
- [] _____

By signing above, the attorney or party certifies that all parties of record have been provided notice of the motion(s) designated on page 1 in accordance with the Court Rules.

**SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY**

Petitioner/Plaintiff,

vs.

Respondent/Defendant

Cause No.

Return of Service

**THIS FORM MUST BE FILED WITH SUPERIOR COURT CLERK'S OFFICE
DIRECTLY FOLLOWING SERVICE TO THE NAMED PARTY**

1. Statement:

The undersigned states:

I am _____
(Insert your name above)

I served _____ with the following documents:
(Insert the name of the party served)

- Motion to _____
- Declaration(s)
- Calendar Note
- Other: _____

Place of Service: _____

Date: _____ Time: _____ AM / PM (circle one)
(Insert date) (Insert time)

Service was made as indicated below:

- Delivery to the party by a Peace Officer.
- Delivery to the party by the undersigned, who is not a party, who is over the age of 18 and who is competent to be a witness in this action.
- By (check all that apply)
 - Regular Mail
 - First Class Mail
 - Certified Mail (attach proof of mailing)
 - Registered Mail (attach proof of mailing)

2. Certificate of Statement:

I certify under penalty of perjury under the laws of the State of Washington that I have read the above statements, know their contents and believe them to be true and correct.

Signed in _____, _____ on _____.
(City) (State) (Date)

Signature

Printed Name: _____

**Superior Court of Washington
County of Snohomish**

State of Washington, Plaintiff,

vs.

Defendant.

DOB _____

No. _____

**Order to Waive or Reduce Interest on
Legal Financial Obligations
(ORWILFO)**

I. Basis

The court considered the defendant's Motion for Order Waiving or Reducing Interest on Legal Financial Obligations, declaration(s), testimony, if any, and reviewed the relevant court records.

II. Findings

- 2.1 The calculation of interest on non-restitution legal financial obligations that accrued before June 7, 2018 is is not correct.
- 2.2 The defendant has has not paid restitution in full. Reducing interest would would not be an incentive for the defendant to meet other legal financial obligations.
- 2.3 Other: _____

III. Order

- 3.1 The Court waives all remaining interest on non-restitution legal financial obligations that accrued before June 7, 2018.
- 3.2 Restitution has been paid in full, therefore the Court reduces interest accrued on restitution to \$ _____.
- 3.3 Other: _____

Interest on restitution will continue to accrue after this order is entered unless the court has ordered otherwise.

The defendant shall remain under the jurisdiction of the court until the remaining balance, if any, is paid in full.

Dated: _____

Judge/Print Name

Presented by:

Signature of Defendant

Print Name

Address

Phone Number

E-mail Address