



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**APPLICABILITY
FIELD**

REVISION DATE
2/22/23

PAGE NUMBER
1 of 4

NUMBER
DOC 200.380

POLICY

TITLE

LEGAL FINANCIAL OBLIGATIONS

REVIEW/REVISION HISTORY:

Effective: 7/8/99
Revised: 4/6/05
Revised: 3/30/07
Revised: 8/6/08
Revised: 6/21/09
Revised: 1/28/11
Revised: 10/1/11
Revised: 6/22/15
Revised: 7/1/22
Revised: 2/22/23

SUMMARY OF REVISION/REVIEW:

Attachment 3, Policy Statement I., Directive I.A.2., II.A.2., II.A.4., and III.A. - Adjusted language for clarification
I.A.1. and II.A.3. - Removed unnecessary language
Added I.A.3. that case managers will document the payment schedule
I.B. - Added clarifying language
Added II.A.1. that copies of any orders related to bankruptcy filings will be forwarded to the Headquarters LFO Unit
Added IV.A. that failure to pay LFO violations will only be addressed in conjunction with other violation behavior(s)


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

1/24/23

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 7.68.035](#); [RCW 9.94A](#); [RCW 9.94B.040](#); [RCW 9.94B.100](#); [RCW 10.82.090](#); [United States Code, Title 11](#)

POLICY:

- I. Case managers are responsible for monitoring Legal Financial Obligations (LFOs), as defined in RCW 9.94A.030 while an individual under the Department's jurisdiction is on active supervision in the community.

DIRECTIVE:

- I. Legal Financial Obligation Payments and Payment Schedule
 - A. Case managers will encourage individuals to make restitution to the victims of their crime(s) and/or to the community and pay other court ordered LFOs. Case managers will:
 1. Set an individual's payment schedule if not set by the court,
 2. Submit DOC 09-124 Court - Special to modify a court-ordered payment schedule when there is a major change to the individual's financial status, and
 3. Document the payment schedule on DOC 07-024 Conditions, Requirements, and Instructions and in the individual's electronic file.
 - B. Employees will not accept or receive LFO payments. Individuals will make LFO payments directly to the county clerk of the sentencing county, as appropriate.
- II. Bankruptcy
 - A. Upon receipt of bankruptcy filings regarding LFOs, case managers will continue the routine supervision of the individual.
 1. Copies of any orders related to bankruptcy filings will be forwarded to the Headquarters LFO Unit.
 2. Restitution and other LFOs are non-dischargeable under Chapters 7 and 13 of United States Code, Title 11, and no action will be taken by the case manager that could be perceived as an attempt to collect, bill, or coerce payment of LFOs.

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3. The Headquarters LFO Unit will initiate a billing interrupt to stop automatic billings and violation letters.
4. The case manager may submit DOC 09-124 Court - Special notifying the court about payment status. The case manager will not recommend any action or sanction for non-payment.

III. Income Withholding

- A. Case managers may issue income withholding documents, as outlined in Attachments 1-3, for individuals sentenced for a felony offense under RCW 9.94A who are non-compliant with their scheduled payment amount (i.e., more than 30 days past due in LFO payments in an amount equal to or greater than the scheduled payment amount due for one month).
- B. Income withholding documents will be issued in addition to, not as a substitute for, the appropriate Notice of Violation.

IV. Failure to Pay

- A. Violations for failure to pay LFOs will only be addressed in conjunction with other violation behavior(s).

DEFINITIONS:


Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

Notice of Payroll Deduction (NOPD) (Attachment 1)
Order to Withhold and Deliver (OWD) (Attachment 2)
Wage Assignment (Attachment 3)

DOC FORMS:

DOC 05-530 Notice of Payroll Deduction
DOC 05-531 Termination of Notice of Payroll Deduction
DOC 05-532 Answer to Notice of Payroll Deduction
DOC 05-533 Order to Withhold and Deliver - Entity
DOC 05-534 Order to Withhold and Deliver - Employer
DOC 05-535 Answer to Order to Withhold and Deliver
DOC 05-536 Additional Answer to Order to Withhold and Deliver
DOC 05-537 Notice of Debt
DOC 05-538 Notice of Right to Petition for Judicial Review

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DOC 05-539 Notice of Potential Withholding and Right to File Petition
 DOC 07-024 Conditions, Requirements, and Instructions
 DOC 09-124 Court - Special
 DOC 09-042 Petition for Mandatory Wage Assignment
 DOC 09-043 Wage Assignment Order
 DOC 09-044 Answer to Wage Assignment Order