



## BENTON COUNTY DISTRICT COURT

7122 W. OKANOGAN PLACE, SUITE A110

KENNEWICK, WA 99336-7689

(509) 735-8476

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### **BENTON COUNTY DISTRICT COURT APPEAL INSTRUCTIONS**

PLEASE DO NOT ASK THE CLERK FOR ADVICE. They are not permitted by law to give legal advice. These instructions are intended to give you an overview of the procedures to follow to appeal your case. You should also consult the Washington Court Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). These Rules govern the appeal process. If you have further questions regarding this process, you should consult an attorney.

#### **I. WHAT YOU MAY APPEAL: (RALJ 2.2)**

The final decision of a District Court Judge may be appealed in the following types of cases: Criminal Matters, Civil Matters, and Contested Hearing on an Infraction. ***The law does not provide for a right to appeal after a mitigation hearing on an infraction.***

#### **II. STARTING AN APPEAL: (RALJ 2.4-5)**

A Notice of RALJ Appeal must be filed with the District Court within 30 days after the decision of the District Court. The purpose of the Notice of Appeal is to inform the Court and the Prosecuting Attorney, or in the case of a civil matter, the other party, that you are asking the Superior Court to review your case.

#### **III. NOTICE OF APPEAL: (RALJ 2.6)**

Use the attached Notice of RALJ Appeal form to start your appeal. You will need the following information to complete this form:

- The identity of the plaintiff and defendant in the case you are appealing.
- Your name (as appellant), the case number, name of the court, and date of the decision you are appealing.
- The type of case you are appealing with a description of the charge.
- A description of each decision you want reviewed.
- Your address and telephone number and the name, address, and telephone number of your attorney (if you have one) and the prosecuting attorney involved in your case.

***This information is available from the court where your case was decided.***

#### **IV. FILING AN APPEAL: (RALJ 2.4)**

When you have filled out the Notice of RALJ Appeal form, take the original and two (2) copies to the District Court where your case took place and do the following:

- File the original Notice of RALJ Appeal with the District Court.
- Pay the court filing fee (see below).
- Serve one copy of the Notice of RALJ Appeal to the prosecuting attorney's office or your opponent or opponent's attorney in the case of a civil matter. (Have your copy stamped "received" while you are there.)
- Keep one copy of the Notice of Appeal for your records

**There is a filing fee of \$280.00 for appeals.**

- For Infractions and Civil Matters this fee is payable when the appeal is filed
- For a criminal case, no filing fee is due at the time the criminal case is appealed, but the filing fee may be assessed later.
- If the appellant is requesting the fees to be waived due to indigency they must petition the District court by filling out the Motion/Affidavit and Order Re: In Forma Pauperis form.

Once you have filed the Notice of Appeal and paid the filing fee, the District Court will send a copy of the Notice to the Clerk of the Superior Court.

#### **V. GETTING THE APPEAL RECORD TO THE SUPERIOR COURT: (RALJ 2.4, 6.2 (a))**

No later than 14 days after you file the Notice of RALJ Appeal, you must complete the attached Designation of the Record on Appeal form. This form tells the District Court which portions of the record you want sent to the Superior Court. You must be specific in your designation as to the hearing(s) and dates(s). Make two (2) copies of the completed Designation form.

- Take the original of the Designation of the Record on Appeal to the District Court.
- Pay the District Court the appeal-processing fee of **\$40.00** at that time or within 10 days after the court tells you the record is ready to send to Superior Court.
- Take a copy of the Designation to the city prosecutor's office. (Have your copy stamped "received" while you are there.)
- Keep the second copy for your records.

The processing fee is \$40.00 and covers the costs of preparing and transmitting the Court record to Superior Court and copying the audiotapes for you for transcription purposes. You are responsible for having the recording of the proceedings transcribed and must file this transcription with the Benton County Superior Court. If additional tapes are required, they are available for a fee of \$10.00 each.

**PLEASE NOTE: If you do not complete the Designation of the Record on Appeal and pay the necessary fees, your appeal will not be sent to the Superior Court.**

A cash bail or bond may also be required if you want to prevent enforcement of the judgment in your case. See Section VI.

## VI. STAY OF ENFORCEMENT OF JUDGMENT: (RALJ 4.3)

Once a final decision has been made in the District Court, the sentence or judgment will be carried out unless a stay of enforcement of sentence or judgment is entered. The posting of an appeal bond may be required by the District Court Judge in any civil, traffic, or criminal case to assure the timely execution of the appeal and to stay (stop) the enforcement of the District Court sentence or judgment.

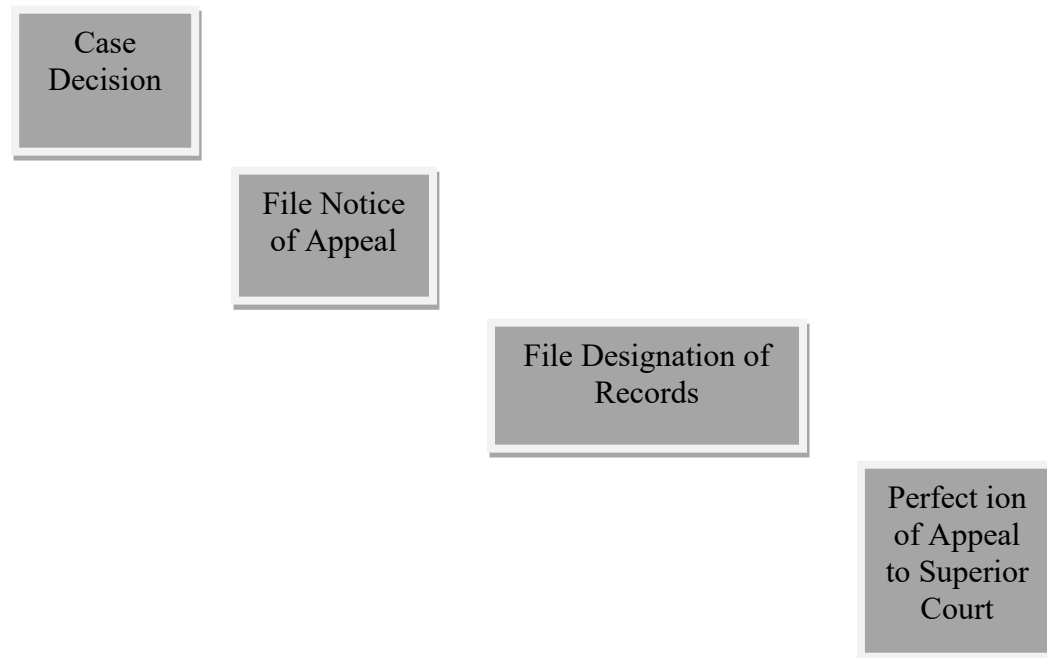
In a civil case, including Small Claims, the bond to stay enforcement of judgment is double the judgment amount. If the bond is not posted, you are required to comply with the judgment.

## VII. NOTICES:

After the case has been transmitted to Superior Court, all questions and further proceedings will be carried out by the Clerk of the Superior Court. They will notify you of your hearing dates at the address you have provided the District Court. This notice will include the number given your appeal by the Superior Court. Include this number on all documents you file in the Clerk's Office.

Failure to complete the above process will result in a notice to Superior Court that the appellate process is unperfected and incomplete.

If you do not file your paperwork with the court or the opposing party on time, your appeal may be dismissed.



**DISTRICT COURT OF WASHINGTON  
COUNTY OF BENTON**

\_\_\_\_\_,  
Plaintiff,

v.

\_\_\_\_\_,  
Defendant(s).

D.O.B.:

NO:

**NOTICE OF APPEAL TO SUPERIOR  
COURT**

1.) Appellant \_\_\_\_\_, the named (plaintiff)(defendant) above seeks review by the Superior Court of Benton County of the decision in cause number \_\_\_\_\_ entered on the date of \_\_\_\_\_.

2.) Specific errors of law claimed are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3.) Within 14 days the appellant will file and serve on all other parties a designation of the record that needs to be transmitted to the Superior Court. Appellant shall pay for the cost (\$40.00) of preparing the record to the Clerk of the District Court within 10 days of notification by the Clerk that the record is ready unless payment has been waived by the District Court (RALJ6.2(a)).

4.) Appellant shall transcribe the electronic recording of proceedings in accordance with RALJ 6.3.1a, and shall file the transcript of the record with the Superior Court Clerk in accordance with LRALJ4.1(a). (Not applicable to small claims cases.)

5.) Copies of the notice must be served on all the other parties.

**Certification of Status**

July 24, 2025

This is designated:

\_\_\_\_\_ A criminal appeal for which no filing fee is required (RCW10.10.060)

\_\_\_\_\_ A civil, small claims, infraction, parking or contempt appeal for which filing fee of (280.00) must be paid before the Notice of Appeal will be accepted for filing (RALJ2.4(b)).

\_\_\_\_\_ A civil, small claims, infraction or parking appeal for which an in Forma Pauperis petition has been granted and filing fee is waived. (RCW36.18.022)

Dated: \_\_\_\_\_

\_\_\_\_\_  
District Court Clerk

Presented this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Appellant's Attorney WSBA #

\_\_\_\_\_  
Appellant

Address: \_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

July 24, 2025

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

[ ] STATE OF WASHINGTON  
[ ] CITY OF \_\_\_\_\_  
\_\_\_\_\_  
,  
  
PLAINTIFF  
  
vs.  
\_\_\_\_\_  
DEFENDANT

Case No.:  
  
DESIGNATION OF THE RECORD

TO: CLERK OF DISTRICT COURT:

Please prepare the following documents, exhibits and court recording for transmittal to the Superior Court.

DATE	DOCUMENT NAME OR EXHIBIT NUMBER OR RECORDING NUMBER

Copies of this notice have been sent to all parties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Appellant's Attorney

\_\_\_\_\_  
Appellant's Signature

\_\_\_\_\_

\_\_\_\_\_  
Appellant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City ST ZIP

\_\_\_\_\_  
City ST ZIP

**District Court of Washington  
For Benton County**

No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff,  
vs.

**Motion and Declaration For Waiver of  
Civil Fees and Surcharges  
(MTAF)**

\_\_\_\_\_  
Respondent/Defendant.

### 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.

July 24, 2025

3.2 In addition to the information in the financial statement I would like the court to consider the following:

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(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: \_\_\_\_\_

<b>Financial Statement (Attachment)</b>			
1. My name is:			
2. <input type="checkbox"/> I provide support to people who live with me: How many?      Age(s):			
<b>3. My Monthly Income:</b>		<b>6. My Monthly Household Expenses:</b>	
Employed <input type="checkbox"/> Unemployed <input type="checkbox"/>	Rent/Mortgage:		\$
Employer's Name:		Food/Household Supplies:	
Gross pay per month (salary or hourly pay):	\$	Utilities:	
Take home pay per month:	\$	Transportation:	
<b>4. Other Sources of Income Per Month in my Household:</b>		Ordered Maintenance actually paid:	
Source:		\$	Ordered Child Support actually paid:
Source:		\$	Clothing:
Source:		\$	Child Care:
Source:		\$	Education Expenses:
Sub-Total:		\$	Insurance (car, health):
<input type="checkbox"/> I receive food stamps.		Medical Expenses:	
<b>Total Income, lines 3 (take home pay) and 4:</b>		\$	Sub-Total:
<b>5. My Household Assets:</b>		<b>7. My Other Monthly Household Expenses:</b>	
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):	\$	<b>8. My Other Debts with Monthly Payments:</b>	
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$	Sub-Total:	
<b>Total Household Assets:</b>		\$	<b>Total Household Expenses and Debts, lines 6, 7, and 8:</b>
<b>Date:</b>		<b>Signature:</b>	

<b>District Court of Washington For Benton County</b>	<b>No.</b> _____
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: right; margin-right: 20px;">Petitioner/Plaintiff,</div> <div style="text-align: center;">vs.</div> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/> <div style="text-align: right; margin-right: 20px;">Respondent/Defendant.</div>	<b>Order Re Waiver of Civil Fees and Surcharges</b> <input type="checkbox"/> <b>Granted (ORPRFP)</b> <input type="checkbox"/> <b>Denied (ORDYMT)</b> <input type="checkbox"/> <b>Clerk's Action Required 3.1</b>

**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: He or she:
- is represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or
  - receives benefits from one or more needs-based, means-tested assistance programs; 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
  - 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