

INSTRUCTIONS FOR OBTAINING A CERTIFICATE & ORDER OF DISCHARGE

There is no charge for petitioning the Court for a Certificate of Discharge.

There are two types of Petitions and two types of Orders included in this packet. First you will need to determine if your case has any type of protection order attached to the Judgment & Sentence. If no protection order exists or it has expired, then fill out the first set of forms. If there is any type of protection order that is still active, fill out the second set of forms.

If you currently have a Community Corrections Officer, submit the Petition to him/her for approval and signature (page 2 of petition). If you are not currently supervised by DOC, you complete the bottom of page 2 of the petition yourself. No hearing is scheduled for your motion at this time. Drop off or mail your original petition and one copy to the LFO Clerk at Whatcom County Superior Court.

Phone: 360-778-5619

Whatcom County Superior Court
Attn: LFO Clerk
311 Grand Avenue Ste #301
Bellingham, WA 98225

The LFO Clerk will verify that all legal financial obligations (LFOs) have been paid and will sign the second page. The LFO Clerk will then forward the copy of your petition and original Order to the Prosecutor for signature. If the Prosecutor agrees, he or she will sign the Order and return it to the LFO Clerk, who will then forward the packet to the Presiding Judge for signature. If the Prosecutor does not agree, the LFO Clerk will contact you to schedule a hearing for the matter to be heard on the record.

Once the Presiding Judge approves and signs the Certificate and Order of Discharge, a certified copy will be sent to you by mail.

You can use the Certificate & Order of Discharge to vacate your conviction in that case and restore your firearm rights in a new civil case. For more information regarding both of these processes, contact the LFO Clerk or seek legal advice from an attorney.

This is a cut and paste from the 2009 AOC Legislative Summary.

CIVIL
CERTIFICATE OF DISCHARGE
ESHB 1002
Chapter 288, Laws 2009 (S)

An offender who is otherwise eligible for a certificate of discharge but who is subject to an existing no-contact order excluding or prohibiting an offender from having contact with a specified person or business, or coming within a set distance of any specified location as part of a felony judgment and sentence, may petition the court to issue a certificate of discharge and a separate no-contact order by filing a petition in the sentencing court and paying the civil filing fee for a separate no-contact order. The court is required to reissue the no-contact order contained in the judgment and sentence. The separate no-contact order is not a modification of the offender's sentence.

The court must send a copy of the new no-contact order and an explanation of the reason for the change to the individuals protected by the order. If no address is available, the court must forward a copy of the new order to the prosecutor, who must send the new order and an explanation to the last known address of the protected individuals.

The court must also forward a copy of the order to the appropriate law enforcement agency specified in the order. The law enforcement agency must enter the order into the criminal justice information system.

Court action: Establish procedures for mailing order to victim or prosecutor and to law enforcement.

FORMS

WITHOUT A PROTECTION ORDER

**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR WHATCOM COUNTY**

<p>STATE OF WASHINGTON,</p> <p style="text-align: center;">Plaintiff</p> <p>vs.</p> <p style="text-align: center;">Defendant</p>	<p>No.</p> <p style="text-align: center;">PETITION FOR CERTIFICATE AND ORDER OF DISCHARGE</p>
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Note to Defendant: *A Certificate and Order of Discharge does not operate to remove a criminal Conviction from your record. It does not remove any restrictions on the ownership, possession or control of firearms/ammunition under state/federal law. A Certificate and Order of Discharge does not remove any Domestic Violence restrictions or obligations to register as a sex offender.*

Comes now the defendant in the above captioned matter and petitions the court for a Certificate and Order of Discharge pursuant to RCW 9.94A.637.

I have completed all requirements imposed on me by the court in the Judgment and Sentence imposed in this case, including the payment of legal financial obligations, restitution, principal and interest, as well as all applicable collection costs.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: _____ 20__

Signature

Print or Type Name

Address

Phone Number

City, State ZIP

CONFIRMATION OF FINANCIAL OBLIGATIONS:

A check of the Clerks' financial records shows that the defendant has has not completed the payment of all legal financial obligations (including principal and interest) and all applicable collections costs.

Whatcom County Superior Court
David Reynolds, Court Clerk

DATED this ___ day of _____, 20__

BY: _____
Legal Financial Obligations Officer

CONFIRMATION OF COURT-ORDERED REQUIREMENTS

A check of Department of Correction records show that the defendant has has not satisfactorily completed all court-ordered requirements.

DATED this ___ day of _____, 20__

Community Corrections Officer

Print Name: _____

Phone Number: _____

OR

I am submitting the following materials to show that I have completed the requirements of the Judgment and Sentence, such as community service hours and substance evaluation/treatment (attach to this document).

DATED this ___ day of _____, 20__

Defendant Pro Se

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR WHATCOM COUNTY

STATE OF WASHINGTON, Plaintiff vs. Defendant	No. CERTIFICATE AND ORDER OF DISCHARGE (CRORD) **Clerks Action Required
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THIS MATTER having come on regularly before the above entitled Court pursuant to RCW 9.94A.637, the Court having considered the Petition submitted by the defendant, and any supporting material, and finding that the defendant has completed the requirements of the sentence, and there appearing to be no reason why the defendant should not be discharged, and the Court having reviewed the records and file herein, and being fully advised in the premise. Now, therefore;

IT IS HEREBY CERTIFIED that the defendant has completed the requirements of the sentence imposed and that all Court-ordered monetary obligations, including any assessed interest, have been met to the Court's satisfaction.

IT IS HEREBY ORDERED that this document is considered a satisfaction of judgment and that the defendant be DISCHARGED from the confinement and supervision of the Secretary of the Department of Corrections.

IT IS FURTHER ORDERED that the defendant's civil rights lost by operation of law upon conviction are **HEREBY RESTORED**. This Certificate of Discharge is not based on a finding of rehabilitation and does not include the right to ship, transport, possess or receive firearms. Furthermore, this Certificate of Discharge does not terminate any obligation to comply with any domestic violence no contact order issued under RCW 10.99.

DATED this ___ day of _____, 20__.

Judge Deborra Garrett

Court file reviewed; sentence requirement completed
Case does not include a No Contact Order

Approved by:

Shea-Ann Rhodefer, LFO Clerk

Deputy Prosecuting Attorney

FORMS

WITH A PROTECTION ORDER

CERTIFICATE OF DISCHARGE WITH AN UNEXPIRED NO-CONTACT ORDER

RCW.9.94A.637

(2) (a) For purposes of this subsection (2), a no-contact order is not a requirement of the offender's sentence. An offender who has completed all requirements of the sentence, including any and all legal financial obligations, is eligible for a certificate of discharge even if the offender has an existing no-contact order that excludes or prohibits the offender from having contact with a specified person or business or coming within a set distance of any specified location.

(b) In the case of an eligible offender who has a no-contact order as part of the judgment and sentence, the offender may petition the court to issue a certificate of discharge and a separate no-contact order by filing a petition in the sentencing court and paying the appropriate filing fee associated with the petition for the separate no-contact order. This filing fee does not apply to an offender seeking a certificate of discharge when the offender has a no-contact order separate from the judgment and sentence.

(i) (A) The court shall issue a certificate of discharge and a separate no-contact order under this subsection (2) if the court determines that the offender has completed all requirements of the sentence, including all legal financial obligations. The court shall reissue the no-contact order separately under a new civil cause number for the remaining term and under the same conditions as contained in the judgment and sentence.

(B) The clerk of the court shall send a copy of the new no-contact order to the individuals protected by the no-contact order, along with an explanation of the reason for the change, if there is an address available in the court file. If no address is available, the clerk of the court shall forward a copy of the order to the prosecutor, who shall send a copy of the no-contact order with an explanation of the reason for the change to the last known address of the protected individuals.

(ii) Whenever an order under this subsection (2) is issued, the clerk of the court shall forward a copy of the order to the appropriate law enforcement agency specified in the order on or before the next judicial day. The clerk shall also include a cover sheet that indicates the case number of the judgment and sentence that has been discharged. Upon receipt of the copy of the order and cover sheet, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in this system until it expires. The new order, and case number of the discharged judgment and sentence, shall be linked in the criminal intelligence information system for purposes of enforcing the no-contact order.

(iii) A separately issued no-contact order may be enforced under chapter 26.50 RCW.

(iv) A separate no-contact order issued under this subsection (2) is not a modification of the offender's sentence.

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

State of Washington, Plaintiff,

vs.

Defendant.

SID:

If no SID, use DOB: _____

Criminal Case No.: _____

**PETITION FOR CERTIFICATE AND ORDER
OF DISCHARGE** (PFCORD)

and for Issuance of a Separate No-Contact Order..

Civil Case No.: _____

Clerk's Action Required:

Filing fee received for civil case number

Note to defendant: A Certificate and Order of Discharge does not operate to remove a criminal Conviction from your record. It does not remove any restrictions on the ownership, possession or control of firearms/ammunition under state/federal law. A Certificate and Order of Discharge does not terminate your obligation to comply with a no-contact order that excludes or prohibits you from having contact with a specified person or coming within a set distance of any specified location or your obligation to register as a sex or kidnapping offender.

I, _____ (name of defendant) petition the court for a Certificate and Order of Discharge and for Issuance of a Separate No-Contact Order pursuant to RCW 9.94A.637.

I have completed all requirements imposed on me by the court in the Judgment and Sentence imposed in this case, including the payment of legal financial obligations, restitution, principal and interest, as well as all applicable collection costs.

If I am subject to a no-contact order that was written as part of and included in the judgment and sentence, I request the court to reissue the no-contact order separately for the remaining term and under the same conditions as contained in the judgment and sentence.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED: _____ 20__

Signature

Print or Type Name

Address

Phone Number

City, State ZIP

Confirmation of Court-ordered Requirements:

I have checked the Department of Corrections records and the records show that the defendant [] has [] has not satisfactorily completed all court-ordered requirements.

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 Community Corrections Officer

Print Name

OR

I am submitting the following materials to show that I have completed the requirements of the Judgment and Sentence, such as community service hours and substance evaluation/treatment (attach to this document).

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 Pro Se/
Attorney for Defendant/WSBA No.

Print Name

AND

Confirmation of Legal Financial Obligations:

I have checked the Clerk's financial records and the records show that the defendant [] has [] has not completed the payment of all legal financial obligations (including principal and interest) and all applicable collection costs.

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 (Deputy) Clerk- Finance section

Print Name

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON, Plaintiff,

vs.

Defendant.

SID:

If no SID, use DOB: _____

Criminal Case No.: _____

**CERTIFICATE AND ORDER OF
DISCHARGE (CRORD)**

AND

Civil Case No.: _____

**ORDER RE: ISSUANCE OF SEPARATE
NO-CONTACT ORDER (CRORDN)**

Clerks action required.

This matter came before the Court pursuant to RCW 9.94A.637. The Court considered the petition and any supporting material submitted and reviewed the relevant court records. The Court finds that the defendant has provided adequate verification of completion of the requirements of the sentence, and the county clerk has advised the Court that the defendant has paid all ordered legal financial obligations. The Court finds no reason why the conviction in this matter should not be discharged. Therefore,

IT IS HEREBY CERTIFIED that the defendant has completed the requirements of the sentence imposed in this matter, and has met all Court-ordered monetary obligations, including any assessed interest, to the Court's satisfaction.

IT IS HEREBY ORDERED that the defendant be DISCHARGED from the confinement and supervision of the Department of Corrections, and that any judgment against the defendant in this case is fully satisfied and discharged.

IT IS FURTHER ORDERED that the defendant's civil rights lost by operation of law upon conviction in this case are HEREBY RESTORED. This certificate of discharge:

- is not based on a finding of rehabilitation and does not restore the right to ship, transport, possess or receive firearms or ammunition.
- does not terminate any obligation to register as a sex or kidnapping offender.
- does not terminate any obligation to comply with any order previously issued in this case that excludes or prohibits the defendant from having contact with a specified person or coming within a set distance of any specified location.

The defendant is subject to a no-contact order that was imposed as a part of the judgment and sentence in this case and was not filed separately. This certificate of discharge is valid and effective only upon entry of a separate civil no-contact order with terms and conditions identical to those imposed in the judgment and sentence in this case. The Court orders the Defendant to comply with the separate no-contact order reissued under a new cause number on this date or dated _____.

Dated: _____

Judge/Print Name

Court file reviewed; sentence requirement completed

Approved for entry without further notice:

Whatcom County Superior Court LFO Clerk

Deputy Prosecuting Attorney/WSBA No.