INDIGENCE, COMMUNITY SERVICE, PAYMENT PLANS, & JAIL CREDIT

INDIGENCE, COMMUNITY SERVICE, PAYMENT PLANS & JAIL CREDIT

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ADMONISHMENT AS TO FINANCIAL CHANGES

	CAUSE NUMBER(S):	
STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF
	§	COUNTY, TEXAS
ALL DEFENDANTS unable to pay CAREFULLY READ and ACKNO		S WHEN SENTENCED are REQUIRED to
TODOS los DEFENDIENTES sin cap NECESITARAN LEER completamente		TARIFAS Y COSTOS despues de la sentencia,
Court of any changes in my		costs are paid in full, I agree to notify the I likely interfere with my ability to pay the
	alquier cambio en mi situacion financiera o	os son completamente pagados yo estoy de acuerdo personal que interfiera con mi capacidad de pagar
	eep the Court informed of my ability ourt informed in the event of financia	to pay the fines, fees, and costs. It is my l hardship.
	nar a este juzgado de mi capacidad de pagar ste juzgado en caso de dificultades economic	r la multa, la tarifa, y los costos de la corte. Es mi cas.
credit towards my fine, fee		able to offer me other ways to pay or earn ider such circumstances, and to avoid the sufficient proof to the Court.
multa, la tarifa, y los costos de o		otras maneras de recivir or ganar credito hacia la tancia, y para evitar la posibilidad de ser detenido,
		Defendant's Signature/Signatura de Defendiente
	(Court	Signature by Witness Clerk, Court Administrator, or Other Court Staff)
	This the	day of 20

APPLICATION FOR TIME PAYMENT, EXTENSION, COMMUNITY SERVICE, OR WAIVER (Page 1 of 4)

	CAUSE NUMBER(S):		
STATE OF TEXAS	_		IN THE MUNICIPAL COURT
VS.	_		CITY OF
	_		COUNTY, TEXAS
INITIAL ALL THAT APPLY.			
The Court has advised n	ne that I am responsible for satisfy	ing the judgment and sentenc	e:
in the amount of \$	in Cause Number	;	
in the amount of \$	in Cause Number	;	
in the amount of \$	in Cause Number	; and	
in the amount of \$	in Cause Number	<u></u> .	
	able to pay the fine and costs in resources or income to pay today.	mmediately and that the fo	llowing information is documentation
I request that the Court of	extend the payment to a later date.		
I request that the Court §	grant a time payment plan.		
I request that I be able to and I am unable to pay t		erforming community service	e, because I have no resources to pay
	to be indigent by the federal gover e of program:		I am eligible to receive assistance under
	PAYMENT, EXTENSION, CO		
Salary: \$ per			
Marital Status (Check One): M	Married □ Single □ Di	vorced □ Widowed □	
Spouse's Name:		Spouse's Salary: \$	per
List the source and amount of a	any other income you receive: \$		
List all your dependents, their a	ages, and their relationship to you:		
Your residence is (Check One)	n: Rented □ Owned □	Rent-Free □	
LIST ALL BANK ACCOUNT	S IN YOUR NAME OR FROM W	HICH YOU MAY WITHDE	RAW FUNDS:
Name of Institution	Address of Institution	Type of Account	Account Balance

APPLICATION FOR TIME PAYMENT, EXTENSION, COMMUNITY SERVICE, OR WAIVER (Page 2 of 4)

ESTIMATE YOUR AVERAGE CURRENT MONTHLY EXPENSES FOR YOU AND YOUR FAMILY: Home mortgage payment, rent, or lot rental for trailer: Routine home maintenance: b. Utilities (electricity, water, gas, telephone): c. Food and sundries: Clothing: e. Laundry and cleaning: f. Newspapers, periodicals, & books, including schoolbooks: \$ g. Medical, dental, and drug expenses: \$ h. Insurance (auto, life, medical, homeowners/renters): \$ Transportation, including auto payments: j. Taxes not deducted from wages or included in mortgage: \$ k. Alimony or support payments: 1. \$ Religious/charitable contributions: \$ Other expenses (use reverse side if necessary): \$ _____ \$_____ \$ LIST ALL REAL ESTATE OWNED BY YOU AND YOUR SPOUSE: LIST THE ESTIMATED VALUE FOR ALL PERSONAL PROPERTY OWNED BY YOU OR YOUR SPOUSE: Deposits in financial institutions and cash on hand: \$ Household goods and supplies (use reverse side if necessary): _____ \$____ \$____ \$____ \$____ c. Household furniture and furnishings (use reverse side if necessary): d. Jewelry (use reverse side if necessary): _____ \$____ \$____ \$____ \$____

\$_____\$ \$____

APPLICATION FOR TIME PAYMENT, EXTENSION, COMMUNITY SERVICE, OR WAIVER (Page 3 of 4) e. Sports equipment and musical instruments (use reverse side if necessary): \$ f. Television, home theater, media, and stereo equipment (use reverse side if necessary): **\$_____** g. Household appliances (use reverse side if necessary): \$ h. Automobiles, trucks, trailers, boats, and accessories (use reverse side if necessary): \$ i. Machinery and tools, lawn and garden equipment (use reverse side if necessary): _____ \$____ \$____ \$____ \$____ _____\$____ _____\$ Office equipment, supplies, furniture, and inventory (use reverse side if necessary): \$____ k. Farming equipment, supplies, livestock, and other animals (use reverse side if necessary):

_____\$____

1. Any other property not listed above (use reverse side if necessary):

APPLICATION FOR TIME PAYMENT, EXTENSION, COMMUNITY SERVICE, OR WAIVER (Page 4 of 4)

		\$
		\$ \$
	Φ.	
I understand th	nat I have a continuir	
I understand the my ability to sa I understand the that I am respon I understand the record, punish	nat I have a continuintisfy the judgment or at if I pay any part of the sible for paying a \$15 at submitting false finable by incarceration	sobligation to notify the Court of any changes in my financial status that may hinder nelp me satisfy the judgment. e fine, costs, or restitution (if applicable) on or after the 31st day after judgment was entered me payment reimbursement fee (Article 102.030, Code of Criminal Procedure). Incial information to the Court constitutes the crime of tampering with a governmental
I understand the my ability to sa I understand the that I am respon I understand the record, punishe information in	nat I have a continuintisfy the judgment or at if I pay any part of the sible for paying a \$15 at submitting false finable by incarceration	cobligation to notify the Court of any changes in my financial status that may hinder the pme satisfy the judgment. The fine, costs, or restitution (if applicable) on or after the 31st day after judgment was entered the payment reimbursement fee (Article 102.030, Code of Criminal Procedure). The fine information to the Court constitutes the crime of tampering with a governmental and/or the imposition of a fine (Section 37.10, Penal Code). I swear that all the

INSTALLMENT AGREEMENT ORDER

	CAUSE NUMBER:	<u>—</u>
STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF
	§	COUNTY, TEXAS
	ORDER	
as required by Article 102.030 of the Co IT IS THEREFORE ORDERED payable as scheduled until the full amount the Court immediately. The Defendant is Failure to comply with this order 102.011(a)(2) of the Code of Criminal	de of Criminal Procedure. that the Defendant make payments as sent is paid to the court. If the Defendant is sent of any of will result in a mandatory hearing and	, the Defendant, having been found guilty by the Court e, fees, and costs at designated intervals. The total amount fines, fees, or costs is paid on or after the date of Defendant shall pay an additional \$15 reimbursement fee scheduled by this Order. Each payment will be due and unable to make a payment, the Defendant should contact change of address. If may cause the issuance of a capias pro fine. Article a \$50 warrant reimbursement fee for the execution or
processing of an issued capias pro fine.		
IT IS HEREBY ORDERED that the ofm. orm. or	SCHEDULED PAYMEN ne Defendant, n the following dates and in the following	, pay the fine and court costs between the hours amounts until the total fine and costs are paid:
Due Dates of Pay	ments	Amounts Due
	1 0	
	day of, 20	Judge, Municipal Court
(municipal court seal)		City of
the ability to fully comply with this Ore his/her financial situation that may him	der. Further, the Defendant understands der his/her ability to satisfy either the ju y terminates only upon satisfaction of	fendant understands the provisions of this Order and has his/her responsibility to inform the Court of changes in dgment or any other order of the Court. The Defendant of the judgment. The Defendant understands his/her
Date:		
		Defendant's Signature

SCHEDULE OF PAYMENTS FOR INSTALLMENT AGREEMENT

	CAUSE N		
STATE OF TEXAS VS.		§ §	IN THE MUNICIPAL COURT
		§	COUNTY, TEXAS
Cause Number	Date to be Paid	Further Extensions	Date Paid/Receipt Number
			•

Date

Defendant's Acknowledgement by Signature

COMMUNITY SERVICE ORDER (Art. 45.049, C.C.P.)

	CAUSE NUMBER:	_
STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF
	§	COUNTY, TEXAS
	ORDER	
ON THIS DATE appeared guilty by the Court and assessed fines and court having determined that the Defendas insufficient resources or income to pay	, Defendant in the abosts totaling \$ in this adant has failed to pay such fine and cost such fine and costs, it is hereby	cause on the day of, 20, (and the Court having determined that the Defendant
ORDERED, ADJUDGED, AND DE costs owed) by performing community serv		(all of the fine and costs owed) (the remaining fine and
1. The Defendant shall perform a total	l of hours;	
2. The Defendant's community service	e shall be completed no later than	
3. The Defendant shall perform the co	ommunity service:	
 □ by attending an alcohol or drug abu □ by attending a rehabilitation progration □ by attending a counseling program, □ for a governmental entity, non-prof 	the high school equivalency examination use program; m; including a self-improvement program,	a mentoring program, or any similar activity; hat provides services to the general public that enhances ion:);
4. The Defendant shall submit to the;	ne court documentation verifying the I	Defendant's completion of the community service by
and the Court having further found that pe hardship on the Defendant, it is further	rforming more than 16 hours of commu	unity service per week (will)(will not) impose an undue
above-ordered community service. A defen	dant is considered to have discharged \$	n no more than hours per week in discharging the of fines or costs for each eight hours of community paying at any time the fine and costs assessed.
Dated:		Judge, Municipal Court
		City of
(municipal court seal)		County, Texas

Editor's Note: The judge may require the Defendant to discharge a fine and costs at not less than a minimum of \$100 for every eight hours of community service performed. Art. 45.049(e), C.C.P.

For community service orders on children under Article 45.0492 of the Code of Criminal Procedure, see the Judgments & Orders chapter.

COMMUNITY SERVICE TIME SHEET

	M	Iunicipal Court				
Address:						
Telenhone:	, Texas					
Fax:						
		COMMUNIT	TY SERVICE T	TIME SHEET		
This documentat	ion must be submit	ted to the court by _		_, 20		
Community Servi	ce Provider:		Геlеphone:		_ Date Assigned: _	
Name of Defenda	nt Performing Comm	nunity Service:			_ DOB:	
Total Hours Assig	gned:	and then	l'o be completed by	y:		
Cause number(s):	ce Provider:nt Performing Commgned:hours by	, and then _	nours			
Date	Time In	Time Out	Total Hours	Subtotal Hours	Supervisor Initials	Defendant's Initials
					•	
		Com	nmunity Service F	Rules		
While performing	community service,		·			
	rovider I choose to ar		vice • N	ot deliberately dest	roy or deface any to	ols or property;
as soon as pos					s or cash from anyon	ne in association
 Arrive on tim 				ith my community	*	
Obey the site				Vear appropriate clo	=	
	site without permissi	ion;			on for extension of	
 Not carry any 	=		• (Contact the Municipa	al Court with any qu	estions.
 Not use abusi 	ve language;					
I4:C-41-441	1		1 £1	C	:- 11	
r cerury mai me a	bove record is a true	representation of the	number of nours p	errormed for the ab	ove period by	·
A manage of 1						
Approved by:	ommunity Service Pro	ovider Representative	 2		Signature of D	efendant Performing
		F1-0-11-0411				Community Service

WARNING: Filing false information with the Court is a Class A misdemeanor punishable by up to one year in jail and a maximum fine up to \$4,000. Sec. 37.10, P.C.

ORDER DECLINING HEARING ON RECONSIDERATION OF SATISFACTION OF FINE OR COSTS (Art. 45.0445(d), C.C.P.)

	CAUSE NUMBER:	_
STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF
	§	COUNTY, TEXAS
ORDER DECLIN	NING HEARING ON RECONSIDERA	ATION OF FINE OR COSTS
		1445, C.C.P., regarding whether the fines and costs defendant. The Court finds that a hearing is not
		iminal Procedure, with respect to the case and is able to regarding the fine and costs does not impose an undue
		udgment imposes an undue hardship on the defendant; nods listed under Article 45.041(a-1) Code of Criminal
Signed this day of	, 20	
(municipal court of record seal)		
		Judge
		City of
		County, Texas

Editor's Note: If a defendant notifies the court that the defendant has difficulty paying the fine and costs in compliance with the judgment, the court shall hold a hearing to determine whether that portion of the judgment imposes an undue hardship on the defendant. (Art. 45.0445(a), C.C.P.)

WAIVER OF PAYMENT OF FINES AND/OR COSTS FOR CERTAIN DEFENDANTS AND FOR CHILDREN (Art. 45.0491, C.C.P.)

	CAUSE NUMBER:	<u> </u>
STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF
	§	COUNTY, TEXAS
	ORDER	
	, hereinafter called De	e heard Cause Number wherein efendant, was convicted of a misdemeanor offense to day of, 20 and ordered to pay the has not been satisfied).
the Court determines as follows: With regard to fines , the Defendant: Is indigent or does not have so	ufficient resources or income to pay al	
☐ AND discharging the fine or	•	rticle 45.058, Code of Criminal Procedure. de of Criminal Procedure or as otherwise authorized at.
With regard to costs , the Defendant:		
	afficient resources or income to pay al as committed, a child as defined by A	l or part of the fine or costs; or rticle 45.058, Code of Criminal Procedure.
Accordingly, pursuant to Article 45.0491	Code of Criminal Procedure, the Court	waives the (stated) (remaining) fine and costs for Defendant.
ORDERED, ADJUDGED, AND DEC	REED.	
Entered this day of	, 20	
(municipal court seal)		Judge, Municipal Court
		City of
		County, Texas

Editor's Note: Judges have the discretion to waive all or part of the fines imposed on defendants who (1) are indigent or do not have sufficient resources or income to pay all or part of the fine or (2) were children at the time the offense was committed, if discharging the judgment through alternative means would be an undue hardship, regardless whether the defendant has defaulted in discharging the judgment. Article 45.0491 includes a list of factors a court may consider in an undue hardship determination. Finally, the bill moved the requirements for waiver of costs to subsection (d), which largely tracks the requirements for waiver of fines but does not require a determination of "undue hardship."

Generally, a defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fine or costs if the defendant is in the conservatorship of the Department of Family and Protective Services (or was at the time of the offense) or is designated as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a (or was at the time of the offense).

FINDING OF INDIGENCE FOR PURPOSES OF SEC. 706.006, T.C. (OMNIBASE REIMBURSEMENT FEE)

	CAUSE NU	JMBER:	_	
STATE OF TEXAS		§	IN 7	THE MUNICIPAL COURT
VS.		§	CIT	Y OF
		§		COUNTY, TEXAS
		FINDING		
		, hereinafter called	Defendant, was convicted	r wherein
wit:fine and costs in the amoun	nt of \$	on the, of which \$	day of has	, 20 and ordered to pay the not been satisfied.
	ant to Section 706.006(d)			cumentation provided, FINDS the e required to pay an reimbursement
		Ĵ	udge, Municipal Court	Date
(municipal cou	rt seal)	(City of	
				County, Texas

Editor's Note: For purposes of Section 706.006(d) of the Transportation Code, a person is presumed to be indigent if the person: (1) is required to attend school full time under Section 25.085 of the Education Code; (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or (3) receives assistance from: (A) the financial assistance program established under Chapter 31 of the Human Resources Code; (B) the medical assistance program under Chapter 32 of the Human Resources Code; (C) the supplemental nutrition assistance program established under Chapter 33 of the Human Resources Code; (D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or (E) the child health plan program under Chapter 62 of the Health and Safety Code.

JAIL CREDIT RESPONSE LETTER

Name Address
City and State
Date
Dear Sir or Madam:
The Court has received your letter requesting jail credit.
According to the Court's records, your request for jail credit is for the following cause number(s):
To consider your request, the Court requires the following:
1. A plea of either guilty or nolo contendere (no contest) in the cause(s) for which you are seeking jail credit.
2. OFFICIAL DOCUMENTATION stating:
The offense for which you are or were incarcerated;
 The specific name of the facility and location where you are or were incarcerated; When you began your incarceration; and
The date your incarceration is scheduled to end or did end.
In response to your request:
☐ AT THIS TIME, YOUR REQUEST CANNOT BE CONSIDERED, for the following reason:
☐ The Court has not received a plea of guilty or nolo contendere (no contest) in the cause(s) for which you are seekin jail credit. Please submit the enclosed form entitled <i>Plea Form: By Mail or Delivery to the Court</i> . Upon receipt the form, your request shall be considered.
☐ The Court has not received OFFICAL DOCUMENTATION (described above).
\square The court finds that you are entitled to jail credit and GRANTS your request for the following reason:
☐ Pursuant to Article 42.03 of the Code of Criminal Procedure, you spent time in jail for this case prior to sentence by the court.
□ Pursuant to Article 45.041(c-1) of the Code of Criminal Procedure, you spent time in jail or prison while serving sentence for another offense, the time was served after the commission of the offense now before the court and prior sentencing. The credit will be indicated on the judgment for the charge now before this court.
☐ Pursuant to Article 45.048 of the Code of Criminal Procedure, you were placed in jail on account of failure to pay the fines and costs in the case before this court.
☐ The court finds that your request calls for discretionary jail credit that you are not entitled to. Your request for discretionary jail credit is:
☐ GRANTED in the following amount: (not less than \$150 per day or period of time (8-24 hours)) ☐ DENIED
Municipal Judge
City of

DEFENDANT'S MOTION TO LAY OUT FINE IN JAIL

	CAUS	E NUMBER:	<u></u>	
STATE OF TEXAS		§	IN THE MUNICIPAL COURT	
VS.	§		CITY OF	
		§	COUNTY, TEXAS	
	DEFENDANT'S	S MOTION TO LAY OUT	`FINE IN JAIL	
On the day of	f , 20 , I w	as found guilty of the offense	se of and was asses	
fine and court costs totaling \$_	dollars, of wh	ich \$i	se of and was assestis unpaid.	
all or part of the fine and cost	ts. I DO NOT WANT an exten	sion to pay, I DO NOT W	nt plan, or community service to discharge the fine and cost/ANT a payment plan, and I DO NOT WANT to per ID COSTS ORDERED BY THE COURT.	
	sk the Court to consider my finar OT claim that I am indigent. I l		um indigent. If the Court finds me indigent, I cannot be jai g on whether I am indigent.	
granted, I will be given jail cree		e than 24 hours as the period	est the Court to order me to jail immediately. If my requal I must remain in jail to satisfy not less than a minimum of n jail credit.	
a monetary fine, not by a term		o discharge the fine and cost	been convicted of an offense punishable by the impositi	
I have read this entire m me to jail.	otion, I understand it, and I agi	ree to sign it and present it to	to the Judge. I want the Judge to grant this motion and o	
Date				
Printed name and addres	g.			
Timica name and addres				
Telephone number(s):				
	☐ Motion granted	☐ Motion denied		
	Date		Judge, Municipal (
	(municipal court seal)		City of	
		COMMITMENT		
On this the day of that the motion was made freel	, 20, the Court of y and knowingly and the Court d	onsidered the foregoing Defe etermines that the request sho	endant's Motion to Lay Out Fine in Jail. THE COURT Fl ould be granted.	
It is therefore ORDERE Marshal) of the City of been discharged as provided by	CD that the Defendant, [Sheriff of] (Sheriff of) y law and that this Motion and Co	Coun	_, is committed to the custody of the [(Chief of Police) unty), Texas until such time as Defendant's fine and costs papers of this cause.	
	d in the judgment or sentence in s sufficient length of time to satisfy		: 45.048(b), Code of Criminal Procedure, the Court specific owing rate:	
hours (not less th	nan 8 or more than 24) to earn			
(minimum dollar	amount \$150) until such time as	Defendant's fine and costs ha	nave been discharged.	
It is ORDERED that this	Motion and Commitment be kep	t with the papers of this cause	e.	
ENTERED this	lay of, 20	<u>.</u>	Indea Manisimal	
,			Judge, Municipal (
(municipal court seal)			County	

Editor's Note: Courts are strongly urged to be aware that there are inherent dangers to letting defendants lay out their fine in jail and should be mindful of possible legal consequences as well as better alternatives to this practice.

DEFENDANT'S REFUSAL TO DISCHARGE FINE OR COSTS BY PERFORMING COMMUNITY SERVICE (Art. 45.049, C.C.P.)

	CAUSE NUMBER:	
STATE OF TEXAS VS.	\$ \$ \$	IN THE MUNICIPAL COURT CITY OFCOUNTY, TEXAS
On the day of was assessed a fine and court concepts (check one): I failed to pay the fine I have been determined I understand that the judge in I CAN discharge the fine		of the fine or costs by performing community service.
AND		
I DO NOT WANT to disc	charge any or all of said fine and/or costs by pe	erforming community service.
I WANT to discharge the f	sts by performing community service. Time and costs by:	present it to the Judge. I want the Judge to acknowledge bove.
ny rerusarana grant my requ	est to discharge the fine and costs as I stated a	bove.
Date		Defendant's Signature
Printed name and address:		
Telephone number(s):		
	☐ Refusal Acknowledged	
	Date	Judge, Municipal Court
	(municipal court seal)	City of