

52nd DISTRICT COURT
3rd DIVISION

COURT COLLECTIONS PROGRAM

Michigan Court Rule 1.110 states "fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment, except when the court allows otherwise, for good cause shown."

Payment Policies

Notification to Defendants:

1. All notices to appear must indicate that payment is due upon assessment.
2. The screening appointment letter sent to all defendants that are scheduled to be screened for an alcohol assessment or presentence investigation must indicate that payment is due upon assessment.
3. Courthouse signage must indicate that payment is due upon assessment.
4. Judicial notice at arraignment, pretrial, etc. must indicate that payment is due upon assessment.
5. Semiannual notice to the public through various media sources indicating that payment is due upon assessment will be conducted.
6. Semiannual updates to the local bar indicating that payment is due upon assessment will be conducted.

Assessing the Defendant's Ability to Pay:

1. The defendant/violator must make his/her request for time to pay to a magistrate or a judge on the record.
2. On rare occasions, if the magistrate or judge determines that good cause is given to accept a payment plan or if the magistrate or judge needs further financial information, the magistrate or judge will instruct the defendant to complete a *Financial Statement Form* (see Attachment A) and report to the clerk's counter to see the Accounts Receivable Clerk.
3. The defendant will be notified that the information submitted on the *Financial Statement Form* can be verified by the court.

Determining the Defendant's Ability to Pay:

1. The Accounts Receivable Clerk will determine the defendant's ability to pay as follows:
 - Review the *Financial Statement Form* completed by the defendant.
 - Assess the defendant's income and assets.
 - Assess the defendant's financial responsibilities.
 - Assess the defendant's employment status.
 - Determine any past experience this court may have with the defendant.
 - **Any** past due accounts at 52-3 will disqualify the defendant for any additional time to pay.
 - If the defendant claims no income, no assets, payments must be approved by the court.

2. Upon satisfaction that the defendant/violator is unable to pay, the Accounts Receivable Clerk will approve a payment plan that is no longer than 60 days from the date of assessment.

Payment Types:

1. Cash, personal checks, money orders or credit cards will be accepted.
2. Personal checks will not be accepted from anyone that has previously written a non-sufficient funds check to the court.

Installment Payment Procedure:

1. The defendant must pay at least 20 percent of the total amount due upon being granted an installment payment program.
2. Installment payment plans may not exceed 60 calendar days without approval of the judge.
3. An installment payment program may not be approved for a civil infraction except by judges.

Payment Agreement:

1. The Accounts Receivable Clerk must complete an *Installment Payment Agreement* (see attachment B) and hand deliver to the defendant prior to the defendant leaving the building.
2. The payment agreement will contain the number of payments, the amount due for each payment, the date each payment is due and the total amount of the obligation.
3. The payment agreement will contain **all** monies owed to the court.
5. Probation will be notified.

Enforcement of Agreements to Pay:

1. The Probation Department must notify the Accounts Receivable Clerk of the following:
 - a) The defendant is 60 days in arrears on any monies owed to the Probation Department.
 - b) The defendant is being violated due to non-payment of monies owed to the Probation Department.
2. The Accounts Receivable clerk must notify the Probation Officer prior to show causing the defendant for failure to satisfy the Payment Plan Agreement.
3. One late payment notice may be mailed to the defendant. The notice will advise the defendant that all monies owed must be paid immediately.

Show Cause Procedure:

1. The Accounts Receivable Clerk will schedule a Settlement Hearing (Settlement Conference) when the defendant becomes 30 days (and not more than 90 days) in arrears on his/her payment plan agreement or due date.
2. A Probation Violation Hearing may be requested.

State Inmate Collections:

1. Upon notification that a defendant is incarcerated in a state prison facility, the Account's Receivable Clerk will prepare an Order to Remit Prisoner Funds (MC 288).

2. The order is sent to the prison facility and is attached to the defendant's prison account.
3. The order demands monthly payments based on 50% of the prison account balance. The order remains in place until the judgment is either paid in full or the prisoner is released from the facility. If the prisoner is moved to another facility, the order follows the prisoner.
4. Upon full payment the court mails or faxes a Satisfaction of Financial Obligation form to the facility (MC 290).

Non-Probation Collections (civil infractions and misdemeanors)

1. Fines and costs are due the day that they are assessed.
2. All hearing notices indicate that fines and costs are due the day they are assessed.
3. Failure to pay fines and costs may result in further sanctions.