

Collection Policy for Fines, Costs, and Other Assessments Due to the Court

The following guidelines should be followed:

1. All fines/costs are expected to be paid at the time they are assessed.
2. Time to pay will only be granted with the completion of a financial statement.
3. If less than \$100.00 is due, only one extension will be granted.
4. At any time that payments are made, the first payment must be a minimum of \$45.00.
5. Defendants can voluntarily agree to a wage assignment, in which their employer will deduct a designated amount from their pay check and forward a check to the court. **Any time a defendant asks for time to pay they should be advised of this option, it will guarantee that payment will be received.**
6. If a defendant is granted a payment plan, a payment plan schedule must be completed and signed.

Requesting Court Dates in Person

After telling the defendant the date of their appearance, advise them they should be prepared to pay fines/costs in full at their court date.

Requesting Time to Pay by Phone

The defendant should first be advised that payment should be made in full. If they continue to ask for time to pay, instruct them that they need to come in and complete the appropriate paperwork to determine whether they qualify for a payment plan. **Instruct them that they should be prepared to pay the minimum payment of \$45.00.**

Misdemeanor Cases

If a defendant requests additional time to pay beyond what the judge has ordered, they will be show caused to appear in court. The show cause orders are being processed by the window clerks.

Whether the defendant is on the phone or in person, check to ensure we have a current address.

Tickets within 20 Days and at Default Stage

One extension can be granted upon payment of \$45.00. The extension should be for no more than a month. The defendant must be informed that their balance is due in full on the next time to pay date. No financial statement is required.

If they request more than one extension, refer to the next section (tickets at suspension stage or later).

Tickets at Suspension or Show Cause Stage

Once a defendant requests time to pay, advise the defendant they have two options to choose from and explain the difference:

1. Complete the wage assignment – they can determine the amount that will be withheld from each pay check and forwarded to the court.
2. Complete the financial statement – if they qualify for a payment plan, the court will determine the payment amounts.

Cases in Warrant Status

The defendant may choose to complete either the financial statement or wage assignment. However, the case will remain in warrant status until the case is paid in full, a bond is posted, or the defendant appears before a judge.

Processing the Financial Statement

1. Look at the front of the case to see if it is stamped “defendant denied for payment plan.”
2. If the defendant has not been previously denied, give the defendant the form to complete. Time to pay will not be considered until the completed form is signed and returned.
3. When the form is returned, subtract their monthly expenses from their monthly income. This will tell us how much available income they have each month to make payments.
4. Determine if they qualify for a payment plan. **Not everyone will qualify.**
5. If they do qualify, determine the amount that will be paid each month. Then divide this amount by how many times they get paid a month.
6. Complete the payment plan schedule for the defendant and give it to them to date and sign.
7. Copy each form (financial statement and payment plan schedule) for the defendant. **Advise the defendant that if any payment is missed, the payment plan is terminated and no further time to pay will be granted.**
8. On the computer:
 - a. Change any address information.
 - b. Adjourn the case for the next payment due date with the comment, “Defendant approved for payment plan of \$dollar amount every week, two weeks, or month.”
 - c. Or, enter the comment, “Defendant denied for payment plan” and stamp the front of the case with the stamp.

9. File the case in the appropriate time to pay location (accounts receivables, traffic school time to pay, or regular time to pay).

If the defendant refuses to agree to the payment plan schedule, no time to pay will be granted and normal processing will occur. The defendant must be informed that late fees will be added and a warrant for their arrest will be issued for failing to pay.

*****See Attached Examples*****

Processing the Wage Assignment

1. Give the defendant the form to complete. Normal processing and late fees will continue until the form is signed and returned.
2. Make a copy of the form for the defendant. Tell the defendant that their employer will be notified by mail.

Examples

Scenario 1

The defendant owes \$140.00 for a speeding ticket at default stage.

Monthly income: \$2,550.00
Monthly expenses: \$1,390.00
Available income: \$1,160.00

This defendant would not qualify for a payment plan.

Scenario 2

The defendant owes \$205.00 for a speeding ticket at show cause stage.

Monthly income: \$850.00
Monthly expenses: \$580.00
Available income: \$270.00

Keep in mind the financial statement does not include things such as gas, food and other everyday expenses. The defendant should be able to pay \$50.00 per month. Determine how often the defendant is paid. If the defendant is paid:

1. Weekly – the payment plan should be \$12.50 per week (\$50 divided by four)
2. Biweekly – the payment plan should be \$25.00 biweekly
3. Monthly – the payment plan should be \$50.00 per week

If they dispute the payment plan, listen to their reason(s). We/they may have overlooked an expense. If the reason(s) is valid, adjust the payment amount.

Sample Collection Policy to Post in Courthouse, Post on Web Site, and Distribute to Defendants

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.

The court's collection policy for all fines, costs, fees, and other financial obligations ordered by the court is as follows:

1. All fines/costs are expected to be paid at the time they are assessed.
2. Time to pay will only be granted with the completion of a financial statement, and the court determines that you do not have sufficient funds to pay the total due in one payment.
3. If less than \$100.00 is due, only one extension will be granted, regardless of financial status. **An initial payment of \$45.00 must be paid.**
4. You can voluntarily agree to a wage assignment, in which your employer will deduct a designated amount from you pay check and forward a check to the court. **An initial payment of \$45.00 must be paid.**

****If you elect this option, the court will be more lenient in allowing you to choose the amount and frequency of your payments.**

5. If you have been approved for a payment plan, **an initial payment of \$45.00 must be paid.** The court will provide you with a payment plan schedule that must be completed and signed.

****If you elect this option, the court will determine the amount and frequency of your payments.**

Some or all of the following actions will take place if you fail to pay your fines/costs:

1. Overdue noticing
2. FAC/FCJ suspension
3. Show cause hearing
4. Bench warrant
5. Probation revocation
6. Attachment
7. Garnishment of wages
8. Civil contempt of court
9. Request and order to seize property
10. Wage assignment
11. Referral to prosecutor
12. Lien against property