

Appendix E

Sample Procedures from Juvenile, Circuit and District Court

3rd Circuit Court - Family Division Policy

Policy on Negotiating Balances Due

Court Cost, Fines and Fees*

**Excludes Restitution reimbursement ordered by the Court*

Upon full payment of the State Minimum Cost and Crime Victim fees, the following reimbursement options are available:

Option #1

- **Payment Agreement**
 - Balance reduced 50%.
 - Paid within 90 days.
 - Payment Agreement will include cost and fees ordered up to and including the date of the agreement.
 - ***Does not include Restitution ordered by the Court.***
 - Cost and fees ordered after the agreement is approved shall be paid as ordered.

Option #2

- **Settlement Agreement**
 - Settlement Agreement terms:
 - 10% reduction will be applied to cost assessed within a year (2013 to present)
 - 25% reduction will be applied to cost assessed 2 – 5 years ago (2012 – 2008)
 - 50% reduction will be applied to cost assessed over 6 years ago (prior to 2007)
 - To enter a Settlement Agreement the following are required:
 - Complete a financial agreement
 - Provide the following:
 - a. Proof of income/employment
 - b. Proof of household size
 - c. Provide proof of expenses
 - Monthly installment period beyond 90 days.
 - Settlement Agreement will include cost and fees ordered up to and including the date of the agreement.
 - ***Does not include Restitution ordered by the Court.***
 - Cost and fees ordered after the Settlement Agreement is approved shall be paid as ordered.

Option #3

- **Reduction or Waiver of Fees**
 - Provide proof of indigency during the period of the assessments.
 - Complete a financial statement
 - Provide the following:
 - a. Proof of income/employment/Government Benefits
 - b. W2 or Tax Return
 - c. Proof of household size
 - d. Provide proof of expenses
 - Waiver/reduction will include cost and fees ordered up to and including the date of the approval.
 - ***Waiver/Reduction does not include Restitution ordered by the Court.***
 - Cost and fees ordered after approval will be subject to waiver/reduction based on proof of indigency.

Option #4

- **Request for Judicial Review**
 - Complete a Motion Packet

Default on an Agreement

If the party defaults on the terms of an agreement, the original balance will become due and collectible. The Court Collections Unit will enforce reimbursement. Enforcement will include:

- Administrative Show Cause Hearing
- Referral to Third Party Collection Agency
- State Tax Offset
- Income Withholding

The Court Collections Unit will review the financial documentation provided to negotiate the best option.

STATE OF MICHIGAN
30TH CIRCUIT COURT
LANSING, MICHIGAN

NOTICE TO DEFENDANT

At this time, we do not know what your sentence will be if you are convicted. However, if convicted, you will be required to pay court-ordered fines and fees. You should begin saving for these assessments now. Pursuant to Michigan court rules, all applicable fees, fines, costs and other assessments** are due on the day of sentencing. Paying the court-ordered assessments is as important, or possibly more important, than any other bills you may have. In many cases, the Judge may, at a minimum, order the following:

(Low)		(High)	
\$ 250		\$ 750 ...	Attorney Fees
\$ 75		\$ 130 ...	Crime Victims Rights Fees (CVA)
\$ 50		\$ 68 ...	State Minimum Costs per Charge
\$ 650	+	\$ 735 ...	Court Costs
<u>\$ 500</u>	+	<u>\$ 5000</u> ...	Fines
\$ 1525		\$ 6683 =	Approximate totals, not including restitution*

Court-ordered fines, costs and other assessments are due at the time of your sentencing. YOU MUST COME TO COURT PREPARED TO PAY IN FULL THAT DAY. After sentencing, you may be directed to meet with the Collections/Data Coordinator to make your payment. If you have questions regarding payment, please call 517-483-6520.

***The following forms of payment are currently accepted in the Circuit Court Clerk's office:
Cash, Check or Money Order***

* Restitution may be ordered, and that amount depends upon the victim(s)'s loss(es) as determined by the Court.

***Information about any fine, cost, or assessment imposed under MCL 769.1k(1):*

If a defendant enters a plea of guilty or nolo contendere, or if the court determines after a hearing or trial that the defendant is guilty, the court may impose the following:

- Minimum state cost pursuant to MCL 769.1j (assessed per count):
 - \$50 – misdemeanor
 - \$68 – felony
- Crime victim's rights assessment pursuant to MCL 780.905 (assessed per case):
 - \$75 – misdemeanor
 - \$130 – felony
- Any fine or cost as reflected in the underlying statute of the offense.
- Expenses of providing legal assistance.
- Reimbursement pursuant to MCL 769.1f(e.g., to reimburse the state or a local unit of government for expenses incurred in relation to the crime, including but not limited to emergency response and costs of prosecution).
- Any cost reasonably related to the actual costs (i.e., salaries and benefits for relevant court personnel, goods and services necessary for the operation of the court, necessary expenses for the operation and maintenance of court buildings and facilities) incurred by the court. Costs were determined by taking the average actual costs times the percent of workload for criminal divided by the average number of criminal cases disposed.

PROCEDURE OF COLLECTIONS ON SENTENCING DAY

Defendants are given the “Notice To Defendant” of expected payment sheet when they meet with a Pretrial Services Investigator, the MDOC Probation Office and when they request a court appointed attorney. The Notice is also provided by the Judges’ offices during plea hearings.

Once a defendant is sentenced and the assessments are ordered, the Judge (or Collections Coordinator) will fill in the amounts on the “Order Regarding Financial Obligation” form and give it to the defendant. The Judge will ask the defendant what amount they are able to pay on the day of sentencing and the completed “Order Regarding Financial Obligation” form will be given to defendant. The defendant will the amount due in the Clerk’s Office (or a portion of the amount due) and bring the receipt and form back to the Collections Coordinator who is in the courtroom. The Collections Coordinator will discuss the payment process and reiterate what was agreed to with the Judge. If payment in full is not made on the date of sentencing, payment options for the defendants are set for the remaining balance (wage assignments and payment plans), and the Collections Coordinator will have the defendant complete the “Information Disclosure” form with information of their current address/phone/employer/wages/ etc. The Collections Coordinator will also discuss other debts owed to the Court for past cases.

The signed “Order Regarding Financial Obligation” form will be given to the JA for the Judge’s signature and a copy will be mailed to defendant. The Collections Coordinator will print a schedule of defendants appearing before the Judge and verify who paid their assessments and brought the Collections Coordinator a receipt and/or set up payments. Non-compliance of payment will be brought to the attention of the Judge.



CALHOUN COUNTY MICHIGAN

10th District Court – Judicial Enforcement Division



Summary of Basic Procedures & Guidelines

Sherry Taylor
Accounting Manager
269-969-6698

GENERAL PRACTICE

Overdue notices are mailed out on **traffic** cases that are approximately 5-7 days past due after the 20% late fee has been added.

If a defendant contacts the Judicial Enforcement Division(JED) to discuss payment, and it is decided that partial payments can be made, a ***financial affidavit** is filled out by the defendant, and a payment plan is established.

JED interviews the defendant, either at the counter or by phone if defendant is out of state and fills out a financial form. The defendants address is verified, and the phone number and SSN are added to the collect case notes from the financial information form. A payment plan is set up in the collect program. Two copies are printed with payment vouchers. A copy of the payment plan is handed or mailed to the defendant along with payment vouchers. The 2nd copy is kept with the financial statement, and scanned into the JED SCANNING (Judicial Enforcement Division) folder for the current year.

If the defendant is present, they are required to initial all of the terms of agreement listed on the financial affidavit, as well as sign the financial affidavit and the payment plan.

If it is a multiple case payment plan, JED creates an expandable file with payment information on the outside. Cases are paid in the order of the label. Generally cases with restitution are set up as priority. All the files are held in the folder. As cases are paid and closed, they are removed from the expandable folders and crossed out on the label. If it is a single case payment plan, an expandable file folder is created for filing purposes only.

JED will use their discretion on a case by case basis to determine the necessity and parameters for payment arrangement, depending on the type of case and the amount of debt.



Payment Guidelines

Fines under \$50.00 will not be eligible for a payment plan.

Total Due:	Minimum payment:
\$50-\$499	\$25.00 payment bi-weekly **traffic only**
\$50-\$999	\$50.00 bi-weekly or \$100 payment per month*
\$1000+	\$75.00 bi-weekly or \$150 payment per month*

Monthly payments are by exception only.

Payments must be made in increments of at least \$25.00. ****Criminal cases and cases with restitution due must pay at least \$50.00 payments.** Cases must be paid in full before a license is reinstated (NO Personal Checks). Partial payments are accepted on reinstatement fees, however, the clearance is not issued until the fee is paid in full.

Minimum payments do not decrease as the case is paid down. If a defendant requests to have payments lowered, a new request for installment payments and financial information will need to be reviewed by JED.

We will review all outstanding fines when a payment plan is requested. Payments will generally be applied to the oldest debt first. If additional cases are added to an already existing payment plan, the minimum payment will be adjusted accordingly.

***Financial Affidavit Example (see next page)** – Must be completed by each defendant for each new payment plan.

JED will review all information, verifying with prior documentation or requesting more information as necessary. This is done for all new Payment Plans and Amendments to existing payment plans.



Financial Affidavit				
You are required to complete this form legibly and completely. DO NOT LEAVE ANY BLANKS. WARNING: YOU MAY BE CHARGED WITH PERJURY FOR SUBMITTING FALSE INFORMATION IN THIS STATEMENT.				
Name: (First, Middle, Last)			Social Security Number:	
Date of Birth:	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Drivers License or ID Number:	
Mailing Address:		City:	State:	Zip Code:
Home Phone#		Cell Phone#	Work Phone#	
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Separated <input type="checkbox"/> Married <input type="checkbox"/> Divorced			Number of Dependents: <input type="checkbox"/> _____	
Employment Information				
Employer: (Name and Address)		Phone Number:	How Long? Years: Months:	
Position Title:		Next Pay Date:		
Income	<i>Monthly Totals</i>	OTHER INCOME (odd jobs, family support, student loan, etc.)	Expenses	<i>Monthly Totals</i>
Net Pay: <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-Weekly Self Day of week:	\$		Mortgage / Rent:	\$
Net Pay: <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-Weekly Spouse Day of week:	\$		Utilities:	\$
Check those that apply: <input type="checkbox"/> Unemployment Benefits.....	\$		Check those that apply: <input type="checkbox"/> Child Support.....	\$
<input type="checkbox"/> Retirement/Pension.....	\$		<input type="checkbox"/> Auto Payment.....	\$
<input type="checkbox"/> Child Support/Alimony....	\$		<input type="checkbox"/> Credit Cards.....	\$
<input type="checkbox"/> FIA: Dates ____ & ____	\$	<input type="checkbox"/> Child Care.....	\$	
<input type="checkbox"/> SSI/Disability Date: ____	\$	<input type="checkbox"/> Additional Expenses:	\$	
<input type="checkbox"/> Food Stamps	\$			
<i>If none apply see box: OTHER INCOME</i>				
Total Monthly Income:	\$		Total Monthly Expenses:	\$

Terms of Agreement: Initial the following statements indicating that you understand and agree to the terms of a payment arrangement.

_____ I authorize the Tenth District Court to make any necessary contacts to verify any statements made and information provided, and
Initial to obtain any additional information required. I give permission to contact any credit reporting agency, review my credit report from any credit agency, investigative agency, or any other source

_____ I understand that payments must be *received* by the court by the dates written on the payment plan. The court is not required to
Initial contact you prior to a warrant being issued. A warrant may be served at your home or place of employment.

_____ If the payment is a day late or a dollar short, the Judicial Enforcement Division may refuse the payment initiating a show cause
Initial hearing to be scheduled and the possibility of a warrant being issued.

_____ Payment of my fine and cost is a penalty (not a bill) and must be prioritized and paid on time. It is my responsibility to contact
Initial the Judicial Enforcement Division if a situation arises that may compromise my payment. A judgment in the amount of the fine and costs has been entered against me and is reportable and collectable as any judgment in a court of law.

_____ If a Judicial Enforcement Officer has contact with me, the contact will be terminated if I yell, argue, or become disruptive or
Initial abusive at any time during the contact. The Judicial Enforcement Officer will then make the decision on how to proceed with my case after the contact has ended.

Defendant's signature – if minor, signature of legal parent or guardian

Date

Court Officer

Date

NON-PUBLIC RECORD

161 E. Michigan Ave, Battle Creek, MI 49014
269-969-6656 or 269-969-6760

Overdue Payment Notices & Show Cause Hearings

JED processes notices on a weekly basis. New cases get two notices, 30 days apart, before a Show Cause hearing is scheduled. Show Cause hearings will be canceled if the cases are paid in full or a payment plan is established before the hearing.

Payment plan cases get one notice after their first missed payment. After their second missed payment they are set for a Show Cause hearing.

Payment plan cases set for show cause will need to have payments brought up to date or provide a substantial good faith payment and proper documentation to remain on their payment plan. JED will review the circumstances for each case individually to make a decision. A new payment agreement will need to be made to cancel the show cause. If an agreement or settlement is made before the show cause date, the hearing can be canceled.

If it is decided at the Show Cause Interview that the defendant cannot pay or is unwilling to pay, JED takes the file and any documentation to the Judge for a judicial decision. The Judge will record his decision on file or if necessary bring the Defendant into the courtroom. JED will proceed accordingly.

Warrant Files

JED will process warrant notification letters once a month.

Partial payments on warrant files are not accepted at the counter until they see JED. A new financial affidavit will need to be completed by the Defendant and a good faith payment of at least 20% of their balance or an amount determined by JED must be received to establish a new payment plan. Warrants will be recalled after the payment is made.



Specialty Courts

JED interviews participants and establishes payment plans for fines, costs, and program fees. JED will monitor cases for monetary compliance and report to the committee on a biweekly basis.

Tax Garnishments

Tax garnishments are processed the last week of October of each year. JED will flag appropriate cases throughout the year. Cases that have failed to appear for Show Cause hearings will be flagged.

JED will process and monitor the receipt of Garnishment Disclosures, Releases and Payments.

Cases from the Courtroom

JED handles all cases that are sentenced from the courtroom and are unable to pay in full. Court officers will direct the defendants to JED and deliver the files. JED will review the sentence, input fines & costs in JIS, and interview the defendant to determine a payment agreement.

Delay Sentences will be brought to JED to collect financial information and receive a breakdown of their minimum required payments during their delay. Cases are monitored by the Criminal Department.



TENTH DISTRICT COURT
ACCOUNTS RECEIVABLE

COLLECTIONS
STANDARDS & GUIDELINES
2010

OUTSTANDING DEBTS:

Tenth District Court's expectation is that payment is due at the time of assessment, as defined in Court Rule 1.110, Collection of fines and Costs. Defendants that do not pay in full at sentencing on misdemeanor files are referred directly to the collection department from the courtroom. Collection statements are mailed out on outstanding civil infraction files once all court notices have been issued and a 20% late penalty has been assessed.

GENERAL PRACTICE

Defendants are referred to the account receivable clerk to establish good cause for non-payment.

If it is decided that a payment plan should be established, a **financial statement** is filled out by the clerk and a payment plan is established. The accounts receivable clerk will interview the defendant. The defendant's address is verified, and the phone number is added to the collect case notes from the financial information form. A payment plan is set up in the collect program. Three copies are printed with payment coupons and labels. A copy of the payment plan is handed to the defendant along with payment coupons and labels. One copy is for the file and the third is kept with the financial statement. Payment schedules are created, signed by the court and the defendant. The defendant is handed a detailed agreement on what is expected by the Court and the consequences for noncompliance.

Personal checks are generally not accepted at this time.

The definition of good cause and the basis for determining need may be different, depending on the type of case and the amount of debt.

Fines under \$50.00 will not be eligible for a payment plan.

Total Due:	Minimum payment:
\$50-\$499	\$25.00 payment bi-weekly** or \$50.00 per month
\$500-\$999	\$50.00 bi-weekly or \$100 payment per month
\$1000+	75.00 bi-weekly or \$150 payment per month

Monthly payments are by exception only.

A minimum payment will generally be required to begin a payment plan. Payments must be made in increments of at least \$25.00. ****Cases with restitution due must pay at least \$50.00 payments.** Cases must be paid in full before a license is reinstated (NO Personal Checks). Partial payments are accepted on reinstatement fees, however, the clearance is not issued until the fee is paid in full. Minimum payments do not decrease as the case is paid down. If a defendant requests to have payments lowered, a new financial form will need to be prepared and information will need to be reviewed by the accounts receivable clerk.

All outstanding fines are reviewed when a payment plan is requested. Payments will generally be applied to the oldest debt first. If additional cases are added to an already existing payment plan, the minimum payment will be adjusted accordingly.

The court should verify the defendant's address and phone number whenever a contact is made.

AMENDMENTS

Amendments to payment plans must be done with the accounts receivable clerk and a new financial statement is required.

At anytime a defendant may make additional payments as long as they are at least \$25.00 (excluding restitution, payments must be \$50.00). This does not take the place of the required monthly payment.

Any late payments must be approved by the accounts receivable clerk or supervisor. Good cause must be supplied and financial information received or updated.

NON-PAYMENT

Late notices for non-payment are applied in a consistent and timely manner from the Court's collection program. When a payment is missed, a notice is generated as soon as possible, allowing litigants a time frame to bring the debt up to date. If this does not happen, a show cause date is established to allow the litigant to give good cause for non-compliance.

If litigant fails to appear at show cause, a warrant shall be issued for failure to appear.

RETURNED MAIL

Returned mail is processed as soon as possible, reviewing post office labels for new addresses. When time permits, all available information is reviewed for updated address/information on defendants.

PRISONER SWEEP ORDERS

At this time, Prisoner Sweep Orders are issued on a case by case basis. If a defendant is identified to be incarcerated, full name and date of birth are verified, and a sweep order is prepared through the collect program by the clerk for the Judge's signature.

TAX GARNISHMENTS

Tax garnishment cases are flagged for garnishment when the defendant fails to appear for show cause hearing. Review is done to obtain social security number when necessary. Mid October cases are pulled and garnishments are issued. JED will personally file tax garnishments with the State of Michigan on the required day.