

Appendix A

Ability to Pay Checklists

Ability to Pay Checklist – Short Form

- Confirm total amount due (determine if adjustment is needed).
- Reason(s) for nonpayment.
- Ability to pay today? How much? How much time needed to pay the remainder?
- Employment?
 - Ability to work?
- Other financial resources that could assist with payments?
- Consider any other special circumstance that may have an impact on the ability to pay.
 - Consider any unique circumstances, e.g. sick child, caring for an elderly parent.

Ability to Pay Checklist

1. **Confirm background information and amount due.**
2. **Ability to pay today? Amount?**
3. **Defendant's/Respondent's reason(s) for nonpayment.**
4. **The willfulness of the Defendant's/Respondent's failure to pay.**
 - a. **Other debts? Nature of debt? Amount? Payment history?**
 - b. **Credit cards?**
 - c. **Did the Defendant/Respondent make some payments to the court?**
 - i. **Reason they stopped making payments to the court?**
5. **Defendant's/Respondent's employment status/history.**
 - a. **Currently employed?**
 - b. **Past employment?**
 - c. **Reason(s) not employed?**
 - d. **Ability to work?**
 - e. **Availability of employment in your jurisdiction?**
6. **Defendant's/Respondent's financial resources.**
 - a. **Nature of income?**
 - i. **Government Assistance? Type? Reason for receiving government assistance?**
 - ii. **Pension? Veteran's benefits? Child Support?**
 - iii. **Unemployment?**
 - iv. **Student loan(s) or assistance?**
 - v. **Household income? Bank accounts? Credit Cards?**
7. **Defendant's/Respondent's basic living expenses.**
 - a. **Food, shelter, clothing, necessary medical expenses, or child support etc...**
 - b. **Vehicle? Real estate? Cellphone? Cable television? Tattoos? Manicures/Pedicures?**
8. **Consider any other special circumstance that may have impacted the Defendant's/Respondent's ability to pay.**
 - a. **Consider any circumstances unique to your jurisdiction.**

****This checklist is designed to assist a judge in creating a record regarding a defendant's "ability to pay." Each case may have unique characteristics and may require the judge to explore areas not covered by this checklist.***

Ability to Pay Checklist

1. Confirm total amount due and background information.
 - a. Be aware of breakdown: fines, costs, late fees, default fees, min. State costs, CVRF, BW or OSC fees; you may find it is appropriate to waive something.
2. Is there some reason you haven't paid?
3. Are you able to pay today?
 - a. How much?
 - b. How much time do you need to pay the remainder?
4. Do you work outside the home?
 - a. If employed:
 - i. name of employer, address; approximately how long have you worked there?
 - ii. How often do you get paid? How much do you take home each pay period?
 - iii. Are you receiving any benefits or public assistance: unemployment, DHS, VA, SSI, SSD, food stamps, bridge card?
5. Do you have any other source of money coming in for e.g., from parents, student loans, pension, VA benefits, child support?
6. Where do you live?
 - a. Do you pay rent or a mortgage, or live with friends/relatives?
 - b. How much do you pay and how often?
7. Do you own a vehicle?
 - a. What make, model and year?
 - b. Are you still making payments?
 - c. How much each month?
8. Do you have any children under age 18 in your home?
 - a. Do you support others in the home (for e.g., spouse, parent)?
 - b. Do you pay child support (if so, how much)?
9. Please estimate other monthly expenses.
 - a. Food, clothing, insurance, medical expenses, transportation, etc.
10. Are there any other circumstances about which I should know in determining whether you are able to pay?
 - a. Caring for ill family member
 - b. Spouse just lost job
 - c. Paying fines/fees/costs/probation oversight fees in other courts
 - d. Child in college

Have handy copy of federal poverty guidelines chart. May continue case to another day for actual "proof" of claims if suspect (for e.g., pay stubs, proof of benefits, tax forms).

Ability to Pay Checklist – Long Form

- Confirm total amount due (determine if adjustment is needed).
- Reason(s) for nonpayment.
- Ability to pay today? How much? How much time needed to pay the remainder?
- Employment status/history.
 - Currently employed?
 - If so, wage assignment.
 - Past employment?
 - Reason(s) for not employed?
 - Ability to work?
 - Provide verification of documented disability that prevents employment.
 - Can community service be completed in lieu of payments?
 - Availability of employment within jurisdiction?
 - Seeking employment? Applied where?
 - Longest time employment has been held?
 - Number of jobs since age 16?
 - Been fired or asked to resign from employment?
 - Criminal record that prevents gaining employment?
- Highest level of education?
- Current marital status?
 - Spouse's primary source of income?
- The willfulness of the failure to pay.
 - Other debts? Nature of debt? Amount? Payment history?
 - Credit cards?
 - Any payments made to the court?
 - Reason payments stopped?
- Provide income tax information for the past 3 years.
- Provide bank account statements and balances.
- Financial resources.
 - Nature of income?
 - Government assistance? Type? Reason for receiving government assistance?
 - Pension?
 - Unemployment?
 - Student loan(s) or other financial assistance?
 - Full load of classes? Still attending?
 - Household income?
 - Receiving or eligible for veteran's benefits?
 - Consider national poverty guidelines?
- Basic living expenses.
 - Food, shelter, clothing, necessary medical expenses, or child support?
 - Pay or receive alimony or child support?
 - Own/Lease a vehicle (make, model, and year)?
 - Still making payments? Monthly payment?
 - Children under age 18 in the home? Support others within the home?

- Own real estate?
- Other Expenses
 - Cell phone (what kind and monthly payment)?
 - Cable (monthly payment)?
 - Tattoos and when was the last one done? Cost?
 - Manicures? Gel or Acrylic (how many times filled)? Pedicures? Cost? How often done?
- Consider any other special circumstance that may have an impact on the ability to pay.
 - Consider any unique circumstances, e.g. sick child, caring for elderly parent.