

JUDGES' STANDING ORDER NO. 10

INSTALLMENT AGREEMENTS (PAYMENT PLANS)

IT IS ORDERED that the Court Clerk or Clerk's designee may process a request for an installment payment plan from a defendant who appears at the Clerk's Window, via US Postal mail, or by email claiming an inability to pay their fine(s), costs and fees (hereinafter "fine") in full under the following guidelines:

- 1) the defendant completes or updates an installment payment plan agreement at the time of the installment payment plan request;
- 2) the defendant completes an Admonishment as to Financial Changes form;
- 3) the defendant has not previously defaulted on an installment payment plan ordered by the court; and,
- 4) the defendant is not required to make an appearance in court (Juveniles or persons charged with an Alcoholic Beverage Code offense).

If a defendant meets these guidelines, the Clerk may process a request for an installment payment plan and submit the request to the Court for approval. The defendant shall elect either of two (2) installment payment plan options.

Option 1: 30 Day Extension to Pay in Full

The defendant agrees to:

- 1) sign a plea of guilty or nolo contendere/no contest and waive the right to trial;
- 2) sign an installment plan agreement form;
- 3) pay Fifty (\$50) dollars at the time of the initial request for an installment payment plan; and,
- 4) pay the remaining balance of the amount owed in full within not more than 30 days of the extension request.

The clerk shall advise the defendant at the time of the request that:

- a) no further extensions to pay the fine will be authorized, except for good cause shown;
- b) an arrest warrant for failure to pay the fine may be issued;
- c) a driver's license suspension order may be sent to the DPS for failure to pay fine and,
- d) the case may be referred to a collection agency which increases the fine by 30%;

Option 2: Limited Time Payments

The defendant agrees to:

- 1) sign a plea of guilty or nolo contendere/no contest and waive the right to trial
- 2) sign an installment plan agreement;
- 3) pay Fifty (\$50) dollars at the time of the initial request for an installment payment plan;
- 4) pay an additional \$15.00 time-payment fee for each pending case;
- 5) make installment payments according to the following schedule:
if the total amount owed is \$0 up to \$500 the defendant will pay \$100 per month

if the total amount owed is \$501 up to \$1,000 the defendant will pay \$150 per month
if the total amount owed is \$1,000 or more the defendant will pay \$200 per month

The Clerk shall advise the defendant at the time of the request that:

- a) no further extensions to pay the fine will be authorized, except for good cause shown;
- b) an arrest warrant for failure to pay the fine may be issued;
- c) a driver's license suspension order may be sent to the DPS for failure to pay;
- d) the case may be referred to a collection agency which increases the fine by 30%;

Default on Payment Plan

If the defendant fails to comply with an installment payment plan, the clerk shall issue a notice to appear and show cause for non-payment at the next regularly scheduled court docket five (5) or more business days after a payment is not made when agreed.

Indigency Hearings

If the defendant claims to be indigent or claims to be unable to pay the fine in accordance with Options 1 or 2 above, the Clerk shall set the defendant for an indigency hearing at the Court's next regularly scheduled docket at which the defendant was cited to appear.

The Clerk shall advise the defendant to bring to court sufficient documentation to establish indigency and inability to satisfy the fine through an installment payment plan. The information shall include:

- Completed Financial Information form;
- past 2 years Federal Income Tax returns;
- past 3 banks statements (3 most recent months);
- past 3 pay stubs;
- proof of governmental financial assistance;
- verification of disability or worker's compensation benefits, if applicable;
- notice of unemployment insurance disposition and benefit amount, if applicable;
- address & telephone of references who can verify financial information.

All prior standing orders in conflict with this order are hereby withdrawn and are of no further effect.

SIGNED AND ENTERED on this the 22nd day of OCTOBER, 2020.



Richard Corrigan
Presiding Judge
City of Terrell Hills Municipal Court