



**INDIGENCE,
COMMUNITY
SERVICE, JAIL
CREDIT, &
PAYMENT
PLANS**

INDIGENCE, COMMUNITY SERVICE, JAIL CREDIT & PAYMENT PLANS

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ADMONISHMENT AS TO FINANCIAL CHANGES

CAUSE NUMBER(S): _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

ALL DEFENDANTS unable to pay the **ENTIRE FINE AND COURT COSTS WHEN SENTENCED** are **REQUIRED** to **CAREFULLY READ** and **ACKNOWLEDGE** the following:

TODOS los **DEFENDIENTES** sin capacidad de pagar **LA MULTA COMPLETA Y LOS COSTOS** de **CORTE** despues de la sentencia, **NECESITARAN LEER** completamente y **RECONOCER** lo siguiente:

I, the undersigned, acknowledge that until my fines and courts costs are paid in full, I agree to notify the Court of any changes in my personal financial situation that will likely interfere with my ability to pay the fine and court costs in the manner ordered by the Judge.

Yo, el infrascrito, reconozco que hasta que mis multas y el costo de corte son completamente pagados yo estoy de acuerdo en notificar a este juzgado de cualquier cambio en mi situacion financiera o personal que interfiera con mi capacidad de pagar la multa y costos de corte en la manera ordenada por el Juez.

It is my responsibility to keep the Court informed of my ability to pay the fine and court costs. It is my responsibility to keep the Court informed in the event of financial hardship.

Es mi responsabilidad de informar a este juzgado de mi capacidad de pagar la multa y los costos de la corte. Es mi responsabilidad de informar a este juzgado en caso de dificultades economicas.

Depending on the situation, I understand that the Judge may be able to offer me other ways to pay or earn credit towards my fine and court costs. For the Judge to consider such circumstances, and to avoid the possibility of being arrested, I am required to provide timely and sufficient proof to the Court.

Dependiendo en la situacion, yo comprendo que el juez podra ofrecermme otras maneras de recibir or ganar credito hacia la multa y los costos de corte. Para que el juez considere la circunstancia, y para evitar la posibilidad de ser detenido, yo necesito proveer suficientes y oportunas pruebas a este juzgado.

Defendant's Signature/Signatura de Defendiente

Signature by Witness
(Court Clerk, Court Administrator, or Other Court Staff)

This the _____ day of _____, 20____.

APPLICATION FOR TIME PAYMENT, EXTENSION, OR COMMUNITY SERVICE (Page 1 of 4)

CAUSE NUMBER(S): _____

STATE OF TEXAS

VS.

IN THE MUNICIPAL COURT

CITY OF _____

_____ COUNTY, TEXAS

INITIAL ALL THAT APPLY.

_____ The Court has advised me that I am responsible for satisfying the judgment and sentence:

in the amount of \$_____ in Cause Number _____;

in the amount of \$_____ in Cause Number _____;

in the amount of \$_____ in Cause Number _____; and

in the amount of \$_____ in Cause Number _____.

_____ I assert that I am unable to pay the fine and costs immediately and that the following information is documentation that I have insufficient resources or income to pay today.

_____ I request that the Court extend the payment to a later date.

_____ I request that the Court grant a time payment plan.

_____ I request that I be able to discharge the fine and costs by performing community service, because I have no resources to pay and I am unable to pay the fine and costs.

_____ I have been determined to be indigent by the federal government and I am receiving or I am eligible to receive assistance under a federal program. Name of program: _____.

APPLICATION FOR TIME PAYMENT, EXTENSION, OR COMMUNITY SERVICE

Name: _____ Telephone Number: _____

Address: _____

Employer: _____ Job Title: _____

Employer's Address: _____

Salary: \$_____ per _____ Employer's Telephone Number: _____

Marital Status (Check One): Married Single Divorced Widowed

Spouse's Name: _____ Spouse's Salary: \$_____ per _____

Spouse's Employer: _____ Spouse's Job Title: _____

List the source and amount of any other income you receive: \$ _____

List all your dependents, their ages, and their relationship to you: _____

Your residence is (Check One): Rented Owned Rent-Free

LIST ALL BANK ACCOUNTS IN YOUR NAME OR FROM WHICH YOU MAY WITHDRAW FUNDS:

Name of Institution	Address of Institution	Type of Account	Account Balance
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ESTIMATE YOUR AVERAGE CURRENT MONTHLY EXPENSES FOR YOU AND YOUR FAMILY:

- a. Home mortgage payment, rent, or lot rental for trailer: \$ _____
 - b. Routine home maintenance: \$ _____
 - c. Utilities (electricity, water, gas, telephone): \$ _____
 - d. Food and sundries: \$ _____
 - e. Clothing: \$ _____
 - f. Laundry and cleaning: \$ _____
 - g. Newspapers, periodicals, & books, including school books: \$ _____
 - h. Medical, dental, and drug expenses: \$ _____
 - i. Insurance (auto, life, medical, homeowners/renters): \$ _____
 - j. Transportation, including auto payments: \$ _____
 - k. Taxes not deducted from wages or included in mortgage: \$ _____
 - l. Alimony or support payments: \$ _____
 - m. Religious/charitable contributions: \$ _____
 - n. Other expenses (use reverse side if necessary): \$ _____
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____

LIST ALL REAL ESTATE OWNED BY YOU OR YOUR SPOUSE:

LIST & GIVE THE VALUE FOR ALL PERSONAL PROPERTY OWNED BY YOU OR YOUR SPOUSE:

- a. Deposits in financial institutions and cash on hand: \$ _____
- b. Household goods and supplies (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
- c. Household furniture and furnishings (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
- d. Jewelry (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

APPLICATION FOR TIME PAYMENT, EXTENSION, OR COMMUNITY SERVICE (Page 3 of 4)

e. Sports equipment and musical instruments (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

f. Television, home theater, media, and stereo equipment (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

g. Household appliances (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

h. Automobiles, trucks, trailers, boats, and accessories (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

i. Machinery and tools, lawn and garden equipment (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

j. Office equipment, supplies, furniture, and inventory (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

k. Farming equipment, supplies, livestock, and other animals (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

l. Any other property not listed above (use reverse side if necessary):

_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____	_____	\$ _____

LIST ALL OF YOUR CREDITORS (including credit cards) AND THE AMOUNT YOU OWE EACH (Use reverse side if necessary):

_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

YOUR INITIAL BY EACH OF THE FOLLOWING STATEMENTS INDICATES THAT YOU HAVE READ THE STATEMENT, UNDERSTAND IT, AND AGREE TO IT.

____ I **promise** that until my fines have been paid in full, I will notify this Court in person or by first-class mail of any changes of my address or telephone number at the following address (*court address*) _____ within five (5) days of the change.

____ I **understand that until my fines and court costs are paid in full I have a continuing obligation to notify the Court of any changes in my financial status that may hinder my ability to satisfy the judgment or help me satisfy the judgment.**

____ I **understand** that if I pay any part of the fine, costs, or restitution (if applicable) on or after the 31st day after judgment was entered that I am responsible for paying a \$25 time payment fee (Section 133.103, Local Government Code).

____ I **understand that submitting false financial information to the Court constitutes the crime of tampering with a governmental record, punishable by incarceration and/or the imposition of a fine (Section 37.10, Penal Code). I swear that all the information in this application is true, correct, and complete to the best of my knowledge and belief.**

Date: _____ Defendant's Signature: _____

Sworn and subscribed before me this day _____ of _____, 20____.

(Judge) (Clerk) (Deputy Clerk)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

ORDER

ON THIS DATE appeared _____, Defendant in the above styled and numbered cause, who, having been found guilty by the Court and assessed a fine and costs totaling \$ _____ in this cause on the ____ day of _____, 20____, (and the Court having determined that the Defendant has failed to pay such fine and costs) (and the Court having determined that the Defendant has insufficient resources or income to pay such fine and costs), it is hereby

ORDERED, ADJUDGED, AND DECREED that the Defendant discharge (all of the fine and costs owed) (the remaining fine and costs owed) by performing community service as follows:

1. The Defendant shall work a total of _____ hours;
2. The Defendant's work shall be completed no later than _____, 20____;
3. The Defendant shall perform the community service for a (government agency) (non-profit organization) that provides services to the general public that enhances the social welfare and general well-being of the community;

and the Court having further found that the working of more than 16 hours of community service per week (will)(will not) work a hardship on the Defendant, it is further

ORDERED, ADJUDGED, AND DECREED that the Defendant shall work no more than _____ hours per week in performing the above-ordered community service. A defendant is considered to have discharged \$_____ of fines or costs for each eight hours of community service. A defendant may discharge this obligation to perform community service by paying at any time the fine and costs assessed.

Dated: _____

Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

Editor's Note: The Court may require the Defendant to discharge a fine and costs at not less than a minimum of \$50 for every eight hours of community service performed. Art. 45.049(e), C.C.P.

For community service orders on children under Article 45.0492, C.C.P., see the Judgments & Orders chapter.

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

ORDER

On the ____ day of _____, 20____, came to be heard Cause Number _____ wherein _____, hereinafter called Defendant, was convicted of a misdemeanor offense to wit: _____ on the ____ day of _____, 20____ and ordered to pay fine and costs in the amount of \$_____.

The Defendant has defaulted on payment of the fine and costs. After due consideration of the facts and circumstances regarding the Defendant’s default in the aforementioned judgment in which the Defendant was ordered to pay a fine and costs of \$_____, the Court determines as follows:

1. The Defendant is indigent or was, at the time of the offense committed, a child as defined by Article 45.058, Code of Criminal Procedure; and
2. Each alternative method of discharging the fine or costs under Article 45.049, Code of Criminal Procedure or otherwise authorized by Chapter 45, would impose an undue hardship on the Defendant.

Accordingly, pursuant to Article 45.0491, Code of Criminal Procedure, the Court waives the stated fine and costs for Defendant.

ORDERED, ADJUDGED, AND DECREED.

Entered this ____ day of _____, 20____.

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

Editor’s Note: The 83rd Legislature amended Art. 45.0491, C.C.P., providing more leeway to criminal judges in dealing with fines imposed on children. If the facts and circumstances warrant it, judges now have the discretion to waive fines and court costs accrued by defendants during childhood if the performance of community service under Article 45.049 or Article 45.0492 or the discharge of fine and costs through tutoring permitted under Article 45.0492 would be an undue hardship.

ORDER WAIVING SURCHARGES FOR INDIGENT DEFENDANT (SEC. 708.158, T.C.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ **COUNTY, TEXAS**

(Texas Driver's License # _____ **)**

(DOB: _____ **)**

ORDER WAIVING SURCHARGES FOR INDIGENT DEFENDANT

On the _____ of _____, 20____, Defendant was convicted by this Court of an offense for which surcharges are assessed under Texas Transportation Code, Chapter 708, to wit: _____, which offense occurred on _____.

The Court, having heard the evidence presented by the Defendant, and having reviewed all documentation provided, makes the following findings:

- The Defendant's income or the Defendant's household income does not exceed 125% of the applicable income level established by the federal poverty guidelines; or
- The Defendant, or the taxpayer claiming the Defendant as a dependent, receives assistance from one of programs outlined in Section 708.158(b)(3) of the Transportation Code.

The Court finds the Defendant is indigent.

This is the Court in which the Defendant was convicted of the offense that is the basis for the surcharge.

It is therefore ORDERED that the Texas Department of Public Safety shall WAIVE all surcharges assessed under Texas Transportation Code, Chapter 708, for the Defendant as a result of the conviction in the above entitled and numbered cause.

(municipal court seal)

Judge, Municipal Court Date

City of _____

_____ County, Texas

INCARCERATED JAIL CREDIT RESPONSE LETTER

Name
Address
City and State

Date

Dear Sir or Madam:

The Court has received your letter requesting jail credit.

According to the Court’s records, your request for jail credit is for the following cause number(s):

To consider your request, the Court requires the following:

1. A plea of either guilty or nolo contendere (no contest) in the cause(s) for which you are seeking jail credit.
2. OFFICIAL DOCUMENTATION stating:
 - The offense for which you are incarcerated;
 - The specific name of the facility and location where you are incarcerated;
 - When you began your incarceration; and
 - The date your incarceration is scheduled to end.
3. Because you are accused and/or convicted of a criminal offense punishable only by the imposition of a fine, the Court construes your letter as a request to “lay out your fine.” To consider the request, you must complete and return a form entitled *Defendant’s Motion to Lay Out Fine in Jail*.

In response to your request:

AT THIS TIME, YOUR REQUEST CANNOT BE CONSIDERED, for the following reason:

- The Court has not received a plea of guilty or nolo contendere (no contest) in the cause(s) for which you are seeking jail credit. Please submit the enclosed form entitled *Plea Form: By Mail or Delivery to the Court*. Upon receipt of the form, your request shall be considered.
- The Court has not received OFFICAL DOCUMENTATION (described above).
- The Court has not received a *Defendant’s Motion to Lay Out Fine in Jail*. Please submit the enclosed form entitled *Defendant’s Motion to Lay Out Fine in Jail*. Upon receipt of the form, your request shall be considered.
- Because you were not incarcerated at the time the Court ordered you to be arrested and/or committed to jail in the above referenced matter(s), your request for concurrent jail credit is **DENIED**.
- Though incarcerated at the time the Court ordered you to be arrested and/or committed to jail in the above referenced matter(s), the incarceration is unrelated to the matter(s) before this Court, therefore your request for concurrent jail credit is **DENIED**. You must complete your current term of incarceration before beginning to earn any jail credit in the above referenced matters.
- Because of your incarceration at the time the Court ordered you to be arrested and/or committed to jail in the above referenced matter(s), the Court **GRANTS** your request for concurrent jail credit. The Court’s records shall reflect that the judgment(s) in the above referenced matter(s) are satisfied in full.

Sincerely,

Municipal Judge

City of _____

DEFENDANT'S MOTION TO LAY OUT FINE IN JAIL

CAUSE NUMBER: _____

STATE OF TEXAS
VS.

§
§
§

IN THE MUNICIPAL COURT
CITY OF _____
_____ COUNTY, TEXAS

DEFENDANT'S MOTION TO LAY OUT FINE IN JAIL

On the _____ day of _____, 20____, I was found guilty of the offense of _____ and was assessed a fine and court costs totaling \$ _____ dollars, of which \$ _____ is unpaid.

I understand that I may ask the Court to grant me an extension of time to pay, a payment plan, or community service to discharge the fine and costs for all or part of the fine and costs. **I DO NOT WANT an extension to pay, I DO NOT WANT a payment plan, and I DO NOT WANT to perform community service to discharge the fine and costs. I REFUSE TO PAY THE FINE AND COSTS ORDERED BY THE COURT.**

I understand that I may ask the Court to consider my financial situation to decide if I am indigent. "Indigent" means that I do not earn more than 125 percent of the income standard established by applicable federal poverty guidelines. If the Court found me indigent, I could not be jailed to pay the fine and costs. **I DO NOT claim that I am indigent. I DO NOT WANT a hearing on whether I am indigent.**

I was 17 years old or older when I committed the offense. I am of sound mind. **I request the Court to order me to jail immediately.** If my request is granted, I will be given jail credit at not less than 8 hours or more than 24 hours as the period I must remain in jail to satisfy not less than a minimum of \$50 of the fines and costs. **I understand that the Judge will determine the rate at which I earn jail credit.**

The Court has not encouraged me to make this motion. I understand that I have been convicted of an offense punishable by the imposition of a monetary fine, not by a term of incarceration. My request to discharge the fine and costs through commitment to jail has not been influenced by the Court or any individual, other than myself. This motion is made **freely and voluntarily.**

I have read this entire motion, I understand it, and I agree to sign it and present it to the Judge. I want the Judge to grant this motion and order me to jail.

Date _____ Defendant's Signature

Printed name and address: _____

Telephone number(s): _____

Motion granted Motion denied

Date _____ Judge, Municipal Court

(municipal court seal) City of _____

COMMITMENT

On this the ___ day of _____, 20____, the Court considered the foregoing Defendant's Motion to Lay Out Fine in Jail. **THE COURT FINDS** that the motion was made freely and knowingly and the Court determines that the request should be granted.

It is therefore **ORDERED** that the Defendant, _____, is committed to the custody of the [(Chief of Police)(City Marshal) of the City of _____] (Sheriff of _____ County), Texas until such time as Defendant's fine and costs have been discharged as provided by law and that this Motion and Commitment be kept with the papers of this cause.

Unless otherwise specified in the judgment or sentence in said cause, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant remain in jail a sufficient length of time to satisfy the fine and costs at the following rate:

_____ hours (not less than 8 or more than 24) to earn
_____ (minimum dollar amount \$50) until such time as Defendant's fine and costs have been discharged.

It is **ORDERED** that this Motion and Commitment be kept with the papers of this cause.

ENTERED this _____ day of _____, 20____.

(municipal court seal)

Judge, Municipal Court
City of _____
_____ County, Texas

DEFENDANT'S WAIVER OF OPTION TO DISCHARGE FINE OR COSTS BY PERFORMING COMMUNITY SERVICE (Art. 45.049, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS
VS.

§
§
§

IN THE MUNICIPAL COURT
CITY OF _____
_____ COUNTY, TEXAS

DEFENDANT'S WAIVER OF OPTION TO DISCHARGE FINE OR COSTS BY PERFORMING COMMUNITY SERVICE

On the _____ day of _____, 20____, I was found guilty of the offense of _____ and was assessed a fine and court costs totaling \$ _____ dollars, of which \$ _____ is unpaid.

I understand that the court listed above may determine whether I have insufficient resources or income to pay said fine and/or costs, and that if I am found to have insufficient resources or income to pay said fine and/or costs, the judge may require me to discharge all or part of said fine and/or costs by performing community service.

I DO NOT WANT the court to determine whether I have insufficient resources or income to pay said fine and/or costs.

I DO NOT WANT to discharge any or all of said fine and/or costs by performing community service.

I was 17 years old or older when I committed the offense. I am of sound mind. The court has not encouraged me to waive my option to discharge all or part of said fine and/or costs by performing community service.

I WANT to discharge the fine by: _____

I have read this entire waiver, I understand it, and I agree to sign it and present it to the Judge. I want the Judge to acknowledge my waiver.

Date

Defendant's Signature

Printed name and address: _____

Telephone number(s): _____

Waiver Acknowledged

Date

Judge, Municipal Court

(municipal court seal)

City of _____