

# DO YOU OWE FINES AND COSTS TO A DISTRICT COURT?

If a Magisterial District Court found you guilty of a traffic violation or summary offense (even if you missed the hearing), you owe money to the court. If you do not pay by the deadline, the court will issue an arrest warrant. PennDOT will suspend your driver's license, too, if the violation was a traffic offense.

**DO NOT IGNORE THIS DEBT. There are ways to lower your payments, or even stop them for a time. And there is help. Follow these steps.**

## STEP 1: FIND OUT HOW MUCH YOU OWE

- If you cannot find your paperwork or never received it, call the court and ask a clerk:
  - How much do I owe all together?
  - How much is my payment plan?
  - When are my payments due?
- Remember: you may have more than one case, even if you only received one citation. When you talk to the clerk, ask for a list of all the cases for which you owe money. Then give your mailing address and ask to get copies of all your paperwork.

## STEP 2: WHAT TO DO IF YOU CANNOT AFFORD TO PAY WHAT YOU OWE

- If you have missed a payment deadline or cannot afford a payment, you will need to contact the court as soon as possible.
- But before you do, fill out the attached "Ability-to-Pay Evaluation." It will help you to explain how much you can afford to pay the court.
- Then call or go to the court and speak with a clerk. Ask if you can get a new payment plan that you can afford. Make sure you write down the exact amount and due date of your payments.
- If the clerk says that you have to make payments you do not think you can afford, ask to schedule a "payment determination hearing" with the judge. Make sure it is at a time that you will attend.

## STEP 3: THE PAYMENT DETERMINATION HEARING

- A "payment determination hearing" is with the judge. You will explain your financial situation and the judge will set a monthly payment amount. You can ask the judge to make the payments more affordable.
- **YOU MUST SHOW UP FOR YOUR HEARING.** If you cannot make it, call the court and tell them ahead of time. The court may issue an arrest warrant if you fail to appear for the hearing.
- Fill out the "Income and Expense Sheet" and take it with you to court. Also, take paperwork to prove what you have written down. For example, take paystubs and social security paperwork to prove your income, and take a lease to show your housing expenses. You must convince the judge that you can only afford a certain amount each month, so take your most recent paperwork to show that. Be sure to also organize your paperwork so that the judge can easily look through and see your income and expenses.
- If your income is less than the Federal Poverty Guidelines on Ability-to-Pay Evaluation sheet, you should have either no payments or very, very low payments, maybe \$5.00 or \$10.00 per month. If you cannot pay that, ask the judge to suspend your payments until you are earning more money.



- If you are temporarily unable to work, tell the judge that and ask the judge to suspend your payments and have you come back in two or three months to report your income.
- Make sure you get in writing the amount the judge says that you have to pay.
- If the judge sets a payment amount you cannot afford every month, you can file an appeal (see below).

### **WHAT ARE MY OPTIONS OTHER THAN PAYING MONEY?**

Some judges will reduce the amount you owe if you have been in jail for any reason. Tell the clerk when you were in jail and ask if you can get “time served” to reduce what you owe.

Ask the judge if you can perform community service instead of paying the money, and be prepared with ideas of organizations you could volunteer with. The judge may say no, but if the judge is willing, ask what kind of proof you need to bring back to show that you completed the service.

### **CAN I GO TO JAIL IF I DO NOT PAY?**

Yes. You can be jailed if you do not pay your fines and costs, but only if the court determines that you are able to pay and refusing to do so. Before the judge can jail you, he or she must hold a “payment determination hearing” with you present.

If, at that hearing, the judge determines that you are ABLE to pay but have refused to do so, the judge can throw you in jail. After making this determination, judges often give you an opportunity to pay on the spot—but they do not have to. However, if a judge determines that you are UNABLE to pay, you CANNOT be jailed.

### **DO I HAVE THE RIGHT TO A LAWYER?**

Only if you face jail. Before a judge sentences you to jail, you have the right to a lawyer. If the judge threatens you with jail, tell the judge that you want to talk with a lawyer. Ask for the public defender’s contact information, and ask to speak with a public defender before the court decides whether to send you to jail. The court may ask you to sign a document that “waives” (gives up) your right to a lawyer, but do not sign it.

### **CAN I APPEAL?**

Yes. Even if the court sentences you to jail for nonpayment, the court cannot send you to jail immediately. You have 30 days to file an appeal with the Court of Common Pleas. File the appeal with the Court of Common Pleas, and ask that clerk of court’s office for an “in forma pauperis” form so that the court can waive the appeal fee. After you file the appeal, contact the public defender’s office and ask if they will provide assistance.

### **WHAT IF I NEED ADDITIONAL HELP?**

You can submit a request to the ACLU of Pennsylvania for assistance. We are unable to provide help in every case, but we may be able to refer you to a local attorney. You can either call us at 1-877-745-2258 or submit an electronic complaint at <https://www.aclupa.org/our-work/legal/fileacomplaint/>.



## Pennsylvania Ability-to-Pay Evaluation

Commonwealth of Pennsylvania

v.

\_\_\_\_\_, Defendant

Docket No.: \_\_\_\_\_

Balance Due: \_\_\_\_\_

### Section I: Other Case Information

Other case docket numbers where the defendant owes money, if any:
---

### Section II: Identification and Employment

Name – Last, First, Middle	Date of Birth	Spouse Full Name (if married)	
Home Address	City	State	Zip
Telephone Number	Number of People in House/ Number Working		
Employer	Occupation / Date Hired	Supervisor Name and Telephone Number	
Employer Address	City	State	Zip

If unemployed:      Are you actively searching for employment?      YES / NO  
                                  Do you have a disability preventing employment?      YES / NO  
                                  If yes, please provide a doctor’s note explaining the work  
                                  restriction. Date expected to be able to return to work: \_\_\_\_\_

### Section III: Monthly Income

Receives: Food stamps \_\_\_\_ Medicaid \_\_\_\_ Social Security \_\_\_\_ Cash Assistance \_\_\_\_

Monthly Income (take-home income)	\$
Dates of Last Employment if Unemployed	
Legal Spouse’s Income	\$
Interest/Dividends	\$
Pension/Annuity	\$
Social Security Benefits	\$
Disability Benefits	\$
Unemployment Compensation	\$
Welfare/TANF/V.A. Benefits	\$
Worker’s Compensation	\$
Other Retirement Income	\$

Support from Other People (parents, children, etc.)	\$
Other Income (e.g. trust fund, estate payments)	\$
<b>TOTAL MONTHLY INCOME</b>	\$

**Section IV: Monthly Expenses**

Rent/Mortgage	\$
Utilities (Gas, Electric, Water)	\$
Television/Internet	\$
Food (amount beyond what food stamps cover)	\$
Clothing	\$
Telephone	\$
Healthcare	\$
Other Loan Payments	\$
Credit Card Payments	\$
Education Tuition	\$
Transportation Expenses (car payment, insurance, transit pass, etc.)	\$
Payments to courts/probation/parole	\$
Number of Dependents (e.g. children)	
Dependent Care (including child support)	\$
Other Expenses (explain)	\$
<b>TOTAL MONTHLY EXPENSES</b>	\$

**Section V: Liquid Assets**

Cash on Hand	\$
Money in Bank Accounts (checking and savings)	\$
Certificates of Deposit	\$
Stocks, Bonds, and Mutual Funds	\$

MONTHLY INCOME: \$ \_\_\_\_\_

MONTHLY EXPENSES: \$ \_\_\_\_\_

**DISPOSABLE INCOME:** \$ \_\_\_\_\_  
(Income left over after expenses each month)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

125% <sup>1</sup> of the 2018 Federal Poverty Guidelines: Individual: \$15,175 Family of 2: \$20,575 Family of 3: \$25,975 Family of 4: \$31,375 Family of 5: \$36,775 Family of 6: \$42,175 Family of 7: \$47,575 Family of 8: \$52,975
---

<sup>1</sup> Recommended by the National Task Force on Fines, Fees and Bail Practices, a joint task force of the Conference of Chief Justices and the Conference of State Court Administrators, coordinated by the National Center for State Courts. See National Task Force on Fines, Fees and Bail Practices, "Lawful Collection of Legal Financial Obligations: A Bench Card for Judges," [http://www.ncsc.org/~media/Images/Topics/Fines%20Fees/BenchCard\\_FINAL\\_Feb2\\_2017.ashx](http://www.ncsc.org/~media/Images/Topics/Fines%20Fees/BenchCard_FINAL_Feb2_2017.ashx).