



## MEMORANDUM

TO: Mayor and Council Members

FROM: Sherry Statman, Presiding Judge, Municipal Court  
Rey Arellano, Assistant City Manager

DATE: August 25, 2017

SUBJECT: Council Resolution 20160811-037 Fair Treatment of Indigent Defendants

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The purpose of this memorandum is to report on Resolution No. 20160811-037 which the City Council passed on August 11, 2016. The resolution pertains to Municipal Court operations and the treatment of indigent defendants. It directed the City Manager and the Presiding Judge of the Austin Municipal Court (AMC) to:

1. Draft a **proposed amendment to Chapter 2-10, Article 3 of the City Code** to:
  - Include a definition for indigency for use by the Municipal Court, which establishes the baseline as 200% of the federal poverty guidelines, but allows judges to exercise their discretion to determine that a defendant with a higher income is not financially able to pay a fine based on the judge's evaluation of the defendant's individual circumstances;
  - Make it clear a defendant may only be committed to jail for failing to pay a fine if the Court has first determined that the defendant is not indigent and entered written findings of the defendant's non-indigency into the case record; and
  - Use language that will not affect a judge's ability to jail a defendant who does not comply with alternative sentencing, as currently provided by law.
2. **Convene relevant staff and stakeholders** to add further insight and uniformity into the drafting of the amendment for achieving the objectives identified in this section.
3. **Conduct a nationwide best practices study** and present findings within 90 days:
  - Alternative definitions of indigence used in other courts that may better reflect individual defendants' inability to discharge their sentences;
  - The appointment of counsel in fine-only offenses in instances when a defendant might be committed to jail; and

- Expanding the list of community service options that may be made available to defendants.
- 4. Ensure there are **forms available to Municipal Court judges** to facilitate both the evaluation of a defendant's indigency or non-indigency and entry of the judge's findings about indigency into the Court record.
- 5. Develop a system to **track the number of defendants committed to jail by the Municipal Court**, including the reason for and duration of the commitment, and to make that information available to Council during judicial reappointments.
- 6. Draft **guidelines as a reference point for determining how many hours of community service would potentially impose an undue hardship on defendants**, while working within the framework of guidelines established in State law. The guidelines should take into account factors such as the person's age, responsibility for dependents, weekly work volume, and physical impairment. Those draft guidelines should be presented to Council within 90 days.

## Summary

Of the six deliverables listed in the resolution, five are completed and are described below. The remaining deliverable (#1) directs the City Manager to propose changes to Chapter 2-10, Article 3 of the City Code and to define indigency. An agenda item with the proposed change is posted for the August 31, 2017 Council meeting.

While the research concerning best practices (#3) took longer than expected, much of what was learned was used to develop the other deliverables.

## Background

In developing any proposed changes to City Code or municipal court operations, an important consideration is that if a City ordinance conflicts with State law, State law is controlling. In addition, State statute confers judges with independent authority in making rulings and neither the Council nor the Presiding Judge can set limitations on an individual judge's discretion. Per a recent Federal court ruling, the City is not liable for the decisions of judges unless it is being sued in regards to official City policies that a judge is following. The proposed City Code changes have been vetted by the City Attorney's Office to prevent any unintended liability.

## Status of Resolution Deliverables

### 1) Proposed amendment to Chapter 2-10, Article 3 of the City Code

The changes to City Code will be presented for Council consideration at the August 31, 2017 Council meeting (see Appendix A). As stated earlier, judges are independent and while indigency

determinations are made at a judge's discretion, the proposed code revisions would be made to include presumptions of indigency. In summary, a defendant may be presumed indigent if they meet any of the following four conditions:

- The defendant's household income does not exceed 200% of the DHHS poverty guidelines and the difference between the defendants' monthly net income and reasonable necessary expenditures is less than \$500; or
- The defendant, or dependents, are eligible to receive a state, federal, or local program based upon financial status; or
- The defendant is currently serving a sentence in a correctional institution, residing in a public mental health facility or is the subject of a proceeding in which admission or commitment to such a mental health facility is sought; or
- The defendant is under the age of 17 or currently enrolled in and attending middle school or high school.

In addition, if the defendant does not meet any of the financial standards above, they may still be determined indigent if the defendant is otherwise unable to make payments without substantial hardship. In making this determination, the court may consider the defendant's income, source of income, assets, property owned, outstanding obligations, necessary expenses, the number and ages of dependents, and spousal income.

## 2) Convene relevant staff and stakeholders

Community stakeholder meetings were held on December 12, 2016 and May 1, 2017. The purpose of the December meeting was to gather input from stakeholders representing 32 advocacy groups such as the Texas Fair Defense Project, Texas Appleseed, the UT Civil Rights Clinic, Safe Horns, the Travis County Bar, Volunteer Legal Services of Central Texas, and the Downtown Austin Alliance. During the presentation, municipal court processes and statistics were explained. After the presentation, participants were asked the following questions:

- 1) What is important to you as an outcome of this process? What does success look like when the process is complete?
- 2) What else do we need to know?
- 3) How should we involve the other affected stakeholders and the public?

The input from these stakeholders was used to guide the research conducted and determine the cities to be included in the best practices study.

The May meeting was open to the general public as well as representatives from the advocacy groups. The presentation provided a high level view of Municipal Court operations and processes and included an opportunity to provide input on two specific questions that staff would consider when developing any proposals. The two questions were:

- 1) What should Judges consider when they are deciding whether someone is indigent or is unable to pay their fines?
- 2) What are acceptable types of community service that someone could do as a form of alternative payment?

The stakeholder responses to these questions and general comments that were gathered at the meetings are included as Appendix B.

### 3) Conduct a nationwide best practices study

The Presiding Judge oversaw the research of 15 U.S. cities similar in size and/or with similar progressive practices as Austin. The first significant challenge was that in other jurisdictions, punishments for offenses that Texas has designated to be class C criminal acts vary greatly. Some states treat these offenses as civil matters; others treat certain offenses as higher criminal offenses which impacts the possibility of appointment of counsel.

<b>Texas</b>	<b>National</b>
Dallas	Charlotte NC
El Paso	Columbus OH
Houston	Denver CO
San Antonio	Detroit MI
	Jacksonville FL
	Philadelphia PA
	Phoenix AZ
	Portland WA
	San Francisco CA
	San Jose CA
	Seattle WA

Our research indicated there is no nationwide “best” definition of indigency. However, most jurisdictions identified presumptive standards for a judge to consider in determining indigence including: the defendant’s income as a percentage of the federal poverty level, receipt or eligibility for government benefits, incarceration or mental health facility commitment, and defendant expenses. Several jurisdictions also required that financial questionnaires, statements under oath, or sworn affidavits be used in making determinations.

Of the cities studied, only Houston has any form of appointment of counsel for class C/fine-only citations. However, this is limited to theft charges and is funded through by money appropriated to the court by City Council. No Texas cities appoint counsel for indigent defendants facing remand to jail for failure to pay.

### **Options for appointing counsel in Austin**

The research conducted has identified two possible options for the Council's consideration for appointment of counsel. These options include:

1. **Contract attorneys:** The City could contract with the Capital Area Private Defender Service (CAPDS) or a private firm to provide representation either for indigent defendants facing remand or expand it to include indigent defendants whose cases proceed to trial. CAPDS currently has a system where attorneys are vetted for competence as well as a system for assigning attorneys in a fair manner.
2. **A partnership with a private firm willing to take cases on a pro-bono basis:** Currently, the prosecutor's office has a visiting prosecutor program where first or second year attorneys with larger firms volunteer to act as prosecutors in order to get trial experience. A similar program might be possible for visiting defense attorneys. However, the common scenario where indigent defendants face remand to jail is at the Central Booking Facility and often late at night. Realistically, it would be difficult to obtain attorneys willing to volunteer during overnight hours.

### **Cost estimate for contracting with (CAPDS) or a private firm to provide representation:**

Texas Municipal Courts collect \$2 for every citation and transfer those funds to the State to be used for indigent defense through the Fair Defense Fund. However, Municipal Courts are not allowed to access these funds. Thus, local appointment of counsel would have to be funded wholly by the City of Austin.

Over the two fiscal years, FY15 and FY16, the average rate of payment for court-appointed lawyers to represent and enter pleas for indigent defendant with Class B offenses was \$250 per case. The cost to represent Class C offenses may be less.

- Assuming \$250 per case, an initial estimate for contracting with the CAPDS or a private firm to provide representation for defendants found indigent *and* remanded to jail (approximately 2,400 cases for 720 defendants) is \$601,000 annually.
- The estimate for providing this same representation for *all* defendants found indigent (approximately 6,100 cases for 3,100 defendants) is \$1,525,000 annually.

These estimates are preliminary and a more accurate assessment of the cost for providing representation requires negotiation with CAPDS or a private firm and a review by the budget office.

During research on this topic, staff did consider use of in-house attorneys to represent indigent defendants. However, doing so presents a conflict of interest for the City and necessitates the use of outside attorneys.

### **Current safeguards for indigent defendants facing remand to jail**

There are only very limited circumstances wherein an indigent defendant can be committed to jail. An indigent defendant must:

- Have been given the opportunity to satisfy their judgment by alternative means (community service or payment plan);
- Have failed to complete the alternative means; and
- Have no hardship that prevented him/her from completing the assigned alternative means.

As will be noted below, remand forms have been revised to prompt judges to inquire about hardships. If a hardship is raised, the judge may release the defendant from jail to appear at a Wednesday morning hardship docket to discuss the situation with the Presiding Judge. The appearance rate at the hardship docket is very low. However, of those who have appeared before the Presiding Judge, 100% demonstrated valid hardships and all outstanding fees and fines were waived.

Austin is the first court to do this and El Paso has since adopted a similar program based on the Austin docket.

### **4) Forms available to Municipal Court judges**

Remand orders and financial evaluation forms were available prior to the Council Resolution. Since that time, they have been further refined (see Appendix C). The Presiding Judge reviews these forms on a weekly basis and discusses them with judges if they are incomplete.

All defendants requesting payment plans or other assistance are asked to fill out a financial information form (also called a “financial affidavit”). The top of the form asks questions to help judges determine indigence and potential hardships. The form asks those who can pay to state the amount they are able to pay and when they can start. The form also inquires of those who are requesting community service how many hours they feel they are able to perform and when they can complete them. Below are the intake statements a defendant is asked to choose from:

1. I am able to pay in full and/or meet the standard monthly payment requirement but need an extension to pay.
2. A payment plan: I am able to pay \$\_\_\_\_\_ per month starting on (date) \_\_\_\_\_.
3. Community Service: I am indigent and can perform \_\_\_\_\_ hours of community service per month. I am available to complete my first hours on (date) \_\_\_\_\_.
4. I need to discuss my ability to pay or perform community service with a judge.
5. I am receiving aid from a federal assistance program for myself or a dependent (i.e. food stamps, Temporary Assistance for Needy Families (TANF), Women, Infants

and Children (WIC), Children's Health Insurance Program (CHIP), Medicaid, Section 8, disability).

6. I am required by law to attend school and am under the age of 19.

## 5) Track the number of defendants committed to jail by the Municipal Court

The AMC has created new action codes in its case management system to provide better statistics of individuals who are arrested and remanded *only* on Class C misdemeanors (i.e., those who do not have any higher charges). The Presiding Judge and certain stakeholders are reviewing this information on a daily and weekly basis. Additional reports can be generated upon request.

The current case management system does not have fields to store data on the reason for and duration of the commitments. As an alternative, AMC can make copies of each commitment order and make those available to Council during judicial reappointments.

## 6) Guidelines as a reference point for determining how many hours of community service would potentially impose an undue hardship on defendants

Texas statutes (CCP Art. 45.09) state that the number of hours of community service assigned shall not exceed 16 hours per week. In most jurisdictions, the credit per hour is minimum wage. In Austin, the default credit per hour is \$12.50. Some judges choose to increase this amount.

Initial research found that no jurisdictions include age, physical impairments, dependents, and work volume in the analysis of how many hours a person should be assigned. Attempts at drafting guidelines in this manner made it clear that it would be too onerous to develop a meaningful matrix of the factors listed. In addition, it would also be difficult, if not impossible, for many defendants to provide the required documentation. Although the intent is directly opposite, a matrix risks creating "one size fits all" requirements that may be too restrictive. Each defendant is unique with a potential myriad of singular challenges.

After much consideration, the Presiding Judge has determined that self-reporting by defendants as to the amount of hours they are able to perform without creating an undue burden on themselves or their household is the best practice. This will also potentially prompt conversation regarding ability and hardships. As noted above, the financial affidavit contains the following statement that a defendant could select:

3. Community Service: I am indigent and can perform \_\_\_\_\_ hours of community service per month. I am available to complete my first hours on (date) \_\_\_\_\_.

In any proposed system, it is incumbent upon individual judges to listen and be flexible in considering reasonable alternatives.

### **Expansion of Community Service Request (CSR) Options**

AMC currently has a list of 40 pre-approved CSR providers. Defendants may also opt to perform their CSR through the Downtown Austin Community Court (DACC). In order for a provider to be included on the pre-approved list, they must provide to the court documentation that they are a 501 (c)(3) non-profit, that their work benefits the community, that they have all the required insurance, and that they will follow certain rules of respectful treatment of the defendants working for them. The court will consider any non-profit that meets the requirements of Texas statutes (CCP Art. 45.09).

Earlier this year, the Presiding Judge and the Assistant City Manager became aware of legislative efforts to rework and expand CSR options statewide and deferred this study pending the outcome of this legislative action. The legislation was passed and the types of CSR allowed by statute have been broadened to include religious and educational activities. Once analysis of this new type of CSR can be performed, the court will implement acceptance of these additional CSR sources.

cc: Elaine Hart, Interim City Manager  
Mary Jane Grubb, Court Clerk, Municipal Clerk  
Pete Valdez, Court Administrator, Downtown Austin Community Court  
Anne Morgan, City Attorney

#### Attachments:

Appendix A: Proposed City Code changes

Appendix B: Stakeholder Comments December 2016 and May 2017

Appendix C: Financial Disclosure/Affidavit of Indigency Form



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CITY CODE SECTION 2-10-21(A) TO ALLOW A JUDGE TO OFFER INDIGENT DEFENDANTS THE OPTION OF ACCEPTING ALTERNATIVE SENTENCING IN LIEU OF FINES, ADDING SECTION 2-10-21(B) OF THE CITY CODE TO INCLUDE JUDICIAL DISCRETION FOR DETERMINING INDIGENCY, AND ADDING SECTION 2-10-25 TO INCLUDE PRESUMPTIONS OF INDIGENCE .**

**PART 1.** Subsections (A) and (B) of City Code Section 2-10-21 (Fines, Alternative Sentencing, and Imprisonment) are amended to read as follows:

§ 2-10-21 FINES, ALTERNATIVE SENTENCING, AND IMPRISONMENT.

(A) If a defendant is convicted of an offense, a judge may direct the defendant to pay a fine immediately, at a later date, or in designated installments, or allow ~~[the defendant]~~ indigent defendants to accept [to choose] alternative sentencing in lieu of payment of a fine. If a defendant defaults on payment of a fine or fails to comply with alternative sentencing, a judge may imprison the defendant until the fine is paid in full.

(B) A municipal court judge shall consider whether a defendant is indigent in determining the amount and manner of payment of a fine, an alternative sentence, or imprisonment.

**PART 2.** City Code Chapter 2-10 (Municipal Court) is amended to add a new Section 2-10-25 to read as follows:

§ 2-10-25 – PRESUMPTION OF INDIGENCE.

For the purpose of imposing a fine, alternative sentence, or imprisonment under Section 2-10-21:

(A) A municipal judge may presume a defendant indigent if the defendant establishes that any of the following conditions exist at the time of the judge's action:

- (1) The defendant's household income is less than 200% of the poverty guidelines established by the U.S. Department of Health and Human Services in effect at the time of the judge's action, and the difference between the defendant's monthly net income and reasonable necessary expenditures is less than \$500;
- (2) The defendant or the defendant's dependents are eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, public housing, or benefits under a similar state, federal, or local program based upon financial status;
- (3) The defendant is serving a sentence in a correctional institution, is residing in a public mental health facility, or is the subject of a proceeding in which admission or commitment to such a mental health facility is sought; or
- (4) The defendant is currently enrolled in and attending middle school, or high school, or is under the age of 17.

(B) A municipal judge may determine that a defendant who does not meet the conditions in Subsection (A) is indigent if the defendant is otherwise unable to pay a monetary fine assessed under Subsection 2-10-21(A) without substantial hardship to the defendant, or the defendant's dependents. In making this determination, the judge may consider the defendant's income, sources of income, assets, property owned, outstanding obligations, necessary expenses, number and ages of dependents, and spousal income available to the defendant.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2017.

**PASSED AND APPROVED**

\_\_\_\_\_, 2017      § \_\_\_\_\_  
                                 § \_\_\_\_\_  
                                 § \_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Jannette S. Goodall  
City Attorney      City Clerk

DRAFT

## **Notes: Stakeholder Meeting**

### **Fair Treatment of Indigent Defendants**

December 12, 2017

Asian American Resource Center

#### Stakeholder Input:

- Decrease the number of indigent defendants who go to jail
- Reduce the 1% of defendants who go to jail to 0
- Establish the ability to pay at the beginning of the process
- Need guidelines and standards for judges for the definition of indigency for uniformity and fairness and to maintain discretion
- Decrease the number of jail commitments without counsel
- Increase defendants access to counsel
- Need a better determination of indigency
- Travis County Fair Defense Plan
  - Presumption of indigency
  - Agreed upon by all judges
- Central Booking
  - Clear on the process
  - Data collection
- For indigency determination, someone with mental health issues is a good candidate to waive fee and should not be held all weekend
- How does the community address those persons who choose certain disruptive lifestyles and continue without penalty?
- What is the cost and how long does the indigency validation process take.
- How do you validate undue hardship since this is a self-disclosure process
- Delineate between the AMC and the DACC and maintain that difference
- The process needs to provide dignity, leniency, and be just; encouraging persons to be law abiding
- Treat the indigent with dignity and not as a criminal

- How does revenue get budgeted. Can we track this for understanding
- Measure of success would be a decrease in the number of warrants issued
- Increase the hourly rate for community service
- Only 0.18% of defendants were declared indigent. This should be closer to the population which is 8%.
- Repeat offenders only account for 2% of defendants. The process should be designed for the other 98%.
  - Single parents
  - Persons with Mental Health issues
- Persons with health issues
- Complaint with ADA/504 assessments
- The 20 cities should include San Antonio and College Station
- Money does not change behavior. Need more classes to educate.
- Overlap of indigent and repeat offender
- Goal is a reduction in crime and criminal behavior
- Need to hear from person who has gone through the process
- The process needs to be user friendly
- Need additional options in addition to Community Service
- Apply the lessons learned from Downtown Community Court the Austin Municipal Court
- Many of the clients are one step away from homelessness
- Class C Defendants:
  - Hard to get community service
  - Difficult to remember days and scheduled appointments and court dates
  - Have transportation issues
  - Often work multiple jobs
- Defendants with mental health issues get confused by the process and need other, more frequent, ways to check in and follow up
- The penalties should differ based on the severity of the offense. For example, traffic tickets would be addressed different than more physical type of offenses

- A measure of success would be a reduction in the number of persons with warrants
- Having warrants impacts a person's health and other impacts
- Staff should review the notes from the UT Civil Rights Convening on this topic
-

**Question 1: What should the judge consider when they are deciding whether someone is indigent or is unable to play their fines?**

Responses:

Judges should consider the following:

- How many dependents the defendant has, their family size and marital status.
- Whether they are religiously affiliated in the event that their religious organization could help with the fines and fees.
- The defendant's housing status.
- The defendant's prior criminal record. A criminal record could hinder the defendant from getting a job and therefore hinder them from paying fines which would cause indigence.
- The defendant's non-profit affiliation when considering indigence. An example of which would be social justice organizations.
- The defendant's risk of being homeless when considering indigence.
- The defendant's marital status and family size
- There should be means testing when the court assesses what the fines and fees will be. That is to say, the court should evaluate how much the defendant earns then use a gradient scale based on income to determine the fine.
- The defendant's the ability to pay for an attorney.
- The defendant's mental health status.
- The defendant's overall complicated life status.
- The defendant's length of employment and would an extended absence from a new job create risk for a job loss.

**Question 2: What are acceptable types of community service that someone could do as a form of alternative payment?**

Responses:

- Community service options need to be broadened in order to include a variety of fields and places for the defendant to serve. Some examples would be rehabilitation programs or somewhere that the defendant could learn and benefit professionally from serving.

- Modify the financial information forms in order to better inform the judge during their judgement process.
- Do not send people to jail for indigence.
- Provide an option for the judge to waive all fees and offenses. Essentially create an option for the judge to pardon the defendant.

<b>General Comments:</b>
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- People should not be jailed for an inability to pay.
- No jail for Class C Misdemeanors
- Review the San Antonio plan
- Fines are too high and the police and courts shouldn't be financed by ticket proceeds
- Fines should be means-tested or income-based
- Look at the bail process
- Judges should spend more time to consider indigency hearing
- Municipal Court should take up DACC model for case management
- What is the lawfulness of committing someone to jail for failure to pay without legal representation
- What can the City Council actually dictate to judges?
- State code says City can determine how to collect owed fines, including possible jail time.





## City of Austin Municipal Court

Address: 700 E. 7<sup>th</sup> St., Austin, TX 78701

Mail: P.O. Box 2135, Austin, TX 78768

Phone: (512) 974-4800; Fax: (512) 974-4882

Email: court@austintexas.gov; Internet: www.austintexas.gov/court



### FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

- ☐ 1. I am able to pay in full and/or meet the standard monthly payment requirement but need an extension to pay. **(Complete only page 1 & and complete acknowledgment at bottom of page 1.)**
- ☐ 2. **A payment plan:** I am able to pay \$\_\_\_\_\_ per month starting on (date) \_\_\_\_\_. **(complete full application/ refer to compliance office)**
- ☐ 3. **Community Service:** I am indigent and can perform \_\_\_\_\_ hours of community service per month. I am available to complete my first hours on (date) \_\_\_\_\_. **(complete full application/ refer to compliance office)**
- ☐ 4. I need to discuss my ability to pay or perform community service with a **judge**. **(complete full application/ refer to compliance office)**
- ☐ 5. I am receiving aid from a **federal assistance** program for myself or a dependent (i.e. food stamps, *Temporary Assistance for Needy Families (TANF)*, *Women, Infants and Children (WIC)*, *Children's Health Insurance Program (CHIP)*, Medicaid, Section 8, disability). **(complete full application/ refer to compliance office)**
- ☐ 6. I am required by law to attend school and am under the age of 19. **(complete full application/ refer to compliance office)**

#### Part I. Personal Information

<b>Last Name:</b>		<b>First Name:</b>		<b>Other Names Used: (Alias, Maiden or known name.)</b>	
<b>Case Number(s):</b>		<b>DOB:</b>		<b>E-Mail Address:</b>	
<b>Mailing Address:</b>		<b>City:</b>		<b>State:</b>	<b>Zip:</b>
<b>Residence Address: (if different from above.)</b>		<b>Contact Phone Number:</b>		<b>Type:</b> <input type="radio"/> Cell <input type="radio"/> Home <input type="radio"/> Work	
<b>Driver's License Number:</b>	<b>State:</b>	<b>ID Number:</b>			<b>State:</b>
<b>Employer's (Business) Name:</b>		<b>Employer's Phone Number:</b>			
<b>Employer's Address:</b>		<b>City:</b>		<b>State:</b>	<b>Zip:</b>
<b>1<sup>st</sup> Reference Name</b>		<b>Relationship To You:</b>		<b>Reference Phone Number:</b>	
<b>2<sup>nd</sup> Reference Name</b>		<b>Relationship To You:</b>		<b>Reference Phone Number:</b>	

If option (1) selected: I am requesting the standard payment plan and affirm I understand the terms, have the ability to successfully make the payments, and decline the opportunity for court staff to consider lower monthly payments or longer payment terms.

\_\_\_\_\_  
Signature of Defendant

D. Asset Information			
Type of Asset:	Describe Length of Ownership/ Make, Model, Year		Estimated Value:
Checking Acct. (Bank Name)			
Savings Acct. (Bank Name)			
Cash on Hand			
Money Owed to Applicant			
Vehicles			
Trucks/Boats/Motorcycles			
Real Estate			
Stock/Bonds/CD's			
Other Valuable Property (describe)			
Grand Total D:			\$ 0

E. Other Expenses		Grand Totals	
Type of Liability	Amount	Type of Liability	Amount
Rent/ Mortgage		Cable	
Food		Water/Sewer/ Trash	
Electric		Credit Cards	
Gas		Loans	
Fuel		Taxes Owed	
Telephone		Other	
Grand Total E:			\$ 0

\*I swear that the statements made here are within my personal knowledge and are true and correct.

\_\_\_\_\_  
Signature of Defendant

For Internal Use Only  
Judicial Review

\_\_\_ The court finds the defendant is unable to pay the fine and court costs assessed in the above cases(s) due to indigence.  
\_\_\_ The Court finds that based upon information provided, the Defendant is not indigent.

SO ORDERED, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge  
Municipal Court Austin, Texas

Review Date: \_\_\_\_\_ Case Number(s): \_\_\_\_\_

PID Number: \_\_\_\_\_

Please check all that apply:

\_\_\_ Clerk completed form on behalf of customer who was unable to complete the form in writing.

\_\_\_ Clerk obtained information from customer via phone.

Revised 06/2017

\_\_\_\_\_  
Court Clerk Assistant Initials





# City of Austin Municipal Court

Address: 700 E. 7<sup>th</sup> St., Austin, TX 78701 Mail: P.O. Box 2135, Austin, TX 78768  
Phone: (512) 974-4800; Fax: (512) 974-4882  
Email: [court@austintexas.gov](mailto:court@austintexas.gov); Internet: [www.austintexas.gov/court](http://www.austintexas.gov/court)



State of Texas vs. \_\_\_\_\_

Cause No. (s) \_\_\_\_\_

## ORDERS OF THE COURT

This Order applies to \_\_\_\_\_ cases (s) with fines totaling \$ \_\_\_\_\_

Indigency Hearing: Finding: ☐ Indigent ☐ Not Indigent

**COMMUNITY SERVICE:** Defendant is ordered to perform \_\_\_\_\_ hours of community service.

- ☐ All community service hours must be completed by (date) \_\_\_\_\_.
- ☐ The defendant shall perform \_\_\_\_\_ hours of community service by \_\_\_\_\_; then, \_\_\_\_\_ hours per week/month beginning (date) \_\_\_\_\_ and such proof is due every week/month thereafter on or before the same day of each succeeding week/month until total hours are completed. Turn in proof at Municipal Court (date) \_\_\_\_\_.

And the court having further found that the working of more than 16 hours of community service per week ☐ will or ☐ will not create a hardship on the Defendant.

**SET APPEARANCE AND NOTIFY DEFENDANT/ATTORNEY FOR:** \_\_\_\_\_ **DOCKET**  
Appearance set for \_\_\_\_\_ AM / PM on (date) \_\_\_\_\_ Courtroom # \_\_\_\_\_

**Bond:** \$ \_\_\_\_\_ by (date) \_\_\_\_\_ Personal Bond: \_\_\_\_\_

**REVOKE DEFERRAL / DEFENSIVE DRIVING:** \_\_\_\_\_ and enter judgment.

Extension to complete deferral or defensive driving by (date) \_\_\_\_\_

Turn in proof by (date) \_\_\_\_\_

**JURY WAIVER:** I waive my right to trial by jury in the above-referenced cause numbers.

Date \_\_\_\_\_ Signature of Defendant \_\_\_\_\_

### COSTS/PAYMENTS

**EXTENSION TO PAY:** \$ \_\_\_\_\_ Today; \$ \_\_\_\_\_ by (date) \_\_\_\_\_.  
\$ \_\_\_\_\_ every week/month beginning (date) \_\_\_\_\_ and due on or before the same day of each succeeding week/month until paid in full.

### I HEREBY ORDER:

Jail credit in the amount of : \_\_\_\_\_

€ Total Balance Waived: \$ \_\_\_\_\_

€ Partial balance waived: \$ \_\_\_\_\_ List specific fine, cost or fee being waived: \_\_\_\_\_ **OR**

€ Waive all outstanding fees to date

**ORDER NOTES:**

DATE: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Municipal Court