

**JUDGE'S STANDING ORDER NO. 11**  
**PAYMENT PLANS AND JOB SEARCH**

On this date the Court entered the following **ORDER** with respect to payment plans:

**A. THIRTY DAY EXTENSION AGREEMENT AT THE CASHIER'S WINDOW**

1. *30-day extension.* The Clerk may process a request for a 30-day payment extension from a Defendant who appears at the cashier's window and asserts an inability to immediately pay his/her fines and costs in full, provided that:
  - a. the Defendant represents that full payment can be made within 30 days;
  - b. the Defendant immediately completes a contact form and a 30-day extension agreement;
  - c. the Defendant is not at warrant for the violation.
  
2. *Defendant to be advised.* The Clerk shall advise the Defendant that if the Defendant fails to comply with the 30-day extension agreement:
  - a. an additional time-payment reimbursement fee shall be added to each case any portion of which remains unpaid on the 31<sup>st</sup> day after judgment, as provided by law;
  - b. any request for further extensions to pay the balance must be made to the Judge;
  - c. a *caipias pro fine* warrant may be issued on any balance that is not timely paid.

**B. PAYMENT PLANS ADMINISTERED BY COLLECTIONS CLERK**

Any Defendant appearing at the cashier's window and requesting more than 30 days to pay his/her fines and costs in full must present that request to the Judge in open court. Upon the Judge's approval of a payment plan, the Collections Clerk will administer the Defendant's payment plan and may allow extensions or partial payments as approved by the Court.

**C. WRITTEN REQUESTS FOR PAYMENT PLANS**

1. A Defendant, after entering a plea of guilty or no contest, may submit a request for a payment plan in writing via electronic mail or U.S. mail.
2. Before the Court will consider Defendant's request for a payment plan, Defendant must provide the following:
  - a. Defendant's name, date of birth, current mailing address, and telephone number.
  - b. Defendant's photo ID
  - c. Defendant's proposed payment plan including:
    - i. the amount of each payment
    - ii. the schedule for payments, *i.e.* monthly, semi-monthly, bi-monthly or weekly
    - iii. the initial payment date.
  - d. If the Collections Clerk receives a request for consideration or re-consideration of a payment plan which does not include the above information, the Collections Clerk shall notify the Defendant which information is missing. Defendant shall

be allowed 10 days to reply to the Clerk's written notice for additional information. If Defendant's response is not timely received, then the Defendant's case shall return to its previous status.

3. The Clerk shall create an electronic fillable form upon which a Defendant may submit a payment plan request. The electronic fillable form shall be accessible and submittable from the Court's website.
4. If a Defendant becomes delinquent on a payment plan, Defendant may appear at an in-person or virtual walk-in court hearing to request a modification of the payment plan. The Defendant may also submit a written motion or telephonic request via the Clerk to become current on Defendant's payment plan by the next payment due date. The Collection Clerk shall allow a Defendant to delay payment of one scheduled payment. Defendant shall pay the past due balance and the next payment amount on the next payment due date.

#### **D. ORDERS FOR JOB SEARCH**

If a Defendant is not employed, the Court may allow the Defendant to complete a Job Search before setting a payment plan. The initial period for a Job Search is thirty days. If the Defendant returns timely with a completed Job Search log and has not obtained employment, the Collections Clerk may allow the Defendant a two-week extension to continue searching for employment.

#### **E. RECONSIDERATION OF PAYMENT PLANS, INABILITY TO PAY FINES AND COSTS: INDIGENCE; WAIVING FINES AND COSTS**

1. After a final judgment has been entered by the Court, the Defendant may request an indigence hearing before the Court to determine whether or not the payment of the fines and costs ordered would impose an undue hardship on the defendant (See TEX. CODE CRIM. PRO. art. 45.0491).
2. To request an indigence hearing, the Defendant shall complete and file with the Court an *Indigency Affidavit*. The Clerk shall place the *Indigency Affidavit* on the court's website [www.amarillo.gov/court](http://www.amarillo.gov/court).
3. The Clerk shall mail a copy of the form upon the Defendant's request.
4. A Defendant may submit supporting evidence to the court including the following:
  - a. a copy of the Defendant's most recent federal income tax return
  - b. documentation from a federal agency, state agency, or school district that the Defendant receives assistance from:
    - i. the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;
    - ii. the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;
    - iii. the medical assistance program under Chapter 32, Human Resources Code;
    - iv. the child health plan program under Chapter 62, Health and Safety Code; or



- v. the national free or reduced-prices lunch program established under 42 U.S.C. Section 1751 et seq.
  - c. paycheck stubs, child support statements, lease agreements, medical bills, utility bills and other evidence of income or expenses.
5. The Court may decline to hold a hearing under subsection 4 if the Judge:
    - a. previously held a hearing under the law and can determine without holding a hearing that the judgment does not impose an undue hardship on the Defendant; or
    - b. the Court can determine without holding a hearing that:
      - i. The judgment imposes an undue hardship on the Defendant; and
      - ii. The fine and costs should be satisfied through other methods
  6. In the event that the Court finds that the Defendant is indigent, then and in that event, the Judge may waive the payment of fines and costs entirely; reduce the amount and frequency of payments; and/or require the Defendant to perform community service.

**F. COURT COLLECTIONS**

1. The Clerk shall maintain a Court Collections Department, the purpose of which is to supervise the timely collection of court fines, fees, and costs.
2. If the Defendant is ordered to enter into a payment plan, the Defendant must fully complete the *payment contact form*. The Collections Clerk shall verify the accuracy of the information provided by Defendant and update the court records with any change to Defendant's contact information.
3. The Clerk shall send a *payment plan* to the Defendant at the residence or email address provided in the *payment plan contact form*:
  - a. If Defendant files a written request for a payment plan under Section C and the Court approves the payment plan, the Collections Clerk shall expeditiously prepare and send the written *payment plan* to the Defendant. The Defendant is ordered to sign and return the written *payment plan* no later than 14 days after the payment plan is mailed to the Defendant or no later than three (3) business days after the payment plan is emailed to the Defendant.
  - b. A Defendant who requests a payment plan via the virtual court option shall not be required to return a written *payment plan*. The collections clerk shall instead note that the Defendant's plan was ordered in open court and shall email the Defendant the written *payment plan* with the endorsement "signature not required-payment plan ordered at virtual court." Defendant shall be instructed to submit a reply email acknowledging Defendant's receipt of the written *payment plan* to the email address provided by the Clerk within three (3) business days.
  - c. A Defendant who is granted a payment plan at an in-person court hearing shall immediately be directed to the Collections Clerk to sign a written payment plan.
4. A Defendant who fails to fully complete, sign and return any of the required paperwork shall be sent a *Notice of Pending Warrant*. If Defendant fails to respond to a *Notice of Pending Warrant*, the Defendant's cases shall be referred to the court for the issuance of a show cause order.

5. A Defendant who fails to comply with the terms of Defendant's court-ordered payment plan or job search shall be sent a *Notice of Pending Warrant* letter via U.S. mail and electronic mail.
6. A Defendant who does not respond to a *Notice of Pending Warrant* letter via U.S. mail or electronic mail shall be referred to the court for a show cause hearing no sooner than the fifteenth day after the date of the *Notice of Pending Warrant* letter. The Collections Clerk shall create a Clerk Comment on the electronic case file indicating how the Defendant failed to comply with the court's previous order.
7. The court will review the case to issue an Order Setting Show Cause Hearing and Summons to Appear.


**G. NOTICE**

1. Any Defendant who has an open violation must notify the court of any change in his or her current mailing address or telephone number within five days of the change. Notice must be given in the following manner:
  - a. in person at 201 S.E. 4<sup>th</sup> Avenue, Amarillo, Texas;
  - b. by mail to Amarillo Municipal Court, P.O. Box 1366, Amarillo, Texas 79105
  - c. by email to [citycourt@amarillo.gov](mailto:citycourt@amarillo.gov)
2. Notice to the Defendant shall be considered effective if it is sent to the last known address provided by the Defendant to the Court.

**H. SEVERABILITY**

1. If any provision of this standing order or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or application of this order, which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this standing order are severable.
2. The standing order set forth herein is applicable to criminal proceedings and is applicable to the civil cases and administrative hearings heard in the Amarillo Municipal Court.

**IT IS SO ORDERED.** Signed and Entered this 29th day of October, 2020.

  
Laura Hamilton  
Presiding Judge