

## Survey to Chief APOs

### Issue: Monthly Payment Plan

#### Question (from Clearfield County):

Clearfield has been setting each individual offender's monthly payment plan, at the amount they say they can afford on a monthly basis, without fail. The minimum payment allowed is \$35, and that's what most offenders usually choose. Our Judge actually lowered the Supervision Fee from \$35 to \$25/month, so that more of what was being collected could be applied to fines and costs, rather than (except in cases of restitution) to just supervision fees. I would like to restore the \$35/month supervision fee, as part of a pitch to increase officers' wages. This would entail increasing the minimum amount required. Is there a commonly accepted formula or common practice to determine monthly payments in a fair and consistent way?

**How do other Counties determine the amount an offender must pay in Fines, Costs, Restitution and Supervision Fees per month?**

#### Bucks County

In Bucks County, the Clerk of Courts has a standard of \$50/month payment if the balance is less than \$1000 or \$100/month if the balance owed is more than \$1000. As far as probationers/parolees, our PO's do work with them on a case by case basis to determine an appropriate payment plan if they are unable to comply with the standard expectation.

#### Erie County

If the Judge does not indicate a payment plan from the bench (which is very rare) , we review our intake packet and establish monthly payments as follows:

- If employed or able to be employed \$ 75.00 a month
- On disability \$ 50.00 a month
- On welfare \$ 25.00 a month

The above are starting points. If an offender cannot make the required payment adjustments will be made if justified/reasonable.

Supervision fee monthly fee is \$45.00

#### Jefferson County

In Jefferson County, the Judge has taken the formula of taking all costs owed divided by the length of supervision (e.g. \$1200 owed, 1 year of probation; 1200 divided by 12 equals \$100 per month).

## Lancaster County

-Initial payment plans are calculated by dividing the current balance (for all cases, active and inactive) by the number of months remaining on supervision.

-Revised payment plans are negotiated between the client and their assigned collections probation officer. The probation officer uses their discretion in suggesting an amount, taking into consideration the total balance, the length of time on supervision, the current income situation, any other court-ordered obligations (child support, MDJ fines/costs, money owed to other counties) and any other relevant information. I would classify these revised payment plans as agreements. It would be rare that an amount is simply dictated to a client (though this would be the case for payment plans ordered at a fines/costs hearing).

-Lancaster County charges each client a monthly supervision fee of \$25.00 and a monthly fee administrative fee of \$30.00 for a total monthly assessment of \$55.00. For this reason, our unofficial minimum payment plan for individuals that are working is \$80.00 per month. For those clients who would qualify to have their supervision fees waived, our unofficial minimum payment plan would be \$40.00 per month. By implementing these amounts, individuals are doing more than just treading water when it comes to making payments.

-There are no limits as to the number of times a plan can be revised. We will change plans based on changes in circumstances, whether that is income or in the amount owed.

-If a client could not abide by the initial payment plan and needed to revise a plan, my goal is usually to try to put a client in the position to be paid in full within 5 years (unless the probation extends beyond that).

-I would say the typical payment plan for clients is \$100.00 per month.

## Lebanon County

### Adult Offender Payment Plan Basics:

1 – Everyone who is placed on ARD or is sentenced to Intermediate Punishment (IP), Probation, Parole or otherwise ordered to pay Common Pleas Court costs, fines, fees and/or restitution is set up with a payment plan.

2 – The payment plans are created using the following defaults:

\*\* If the Defendant has only one docket, the payment plan is created so that the person is paid in full by the expiration of their maximum sentence/term of ARD date. For example, if the person is to be supervised for 6 months and owe a total of \$1,000.00, the payment plan will be set up at \$166.66 per month.

\*\* If the Defendant has only one docket, and if when initially created the payment plan rate exceeds \$300.00 per month, the payment plan will be automatically reduced to \$200.00 per month (this excludes ARD's). For example, if the person is to be supervised for 3 months and owe a total of \$2,500.00, the initial rate would be \$833.33 per month; however this will be automatically reduced to and entered as \$200.00 per month.

\*\* If the Defendant has more than one docket, the payment plans are created and run consecutively (the oldest docket will be paid first) at \$100.00 per month. Please note that some Defendant's will have Juvenile dockets to pay and these are considered to be the oldest. In instances where there are multiple docket types occurring in the same year, the order is JV, CR, MD, SA.

3 – If the Probation Officer and Defendant enter into a payment agreement that differs from the default, it is the Probation Officer's responsibility to submit the adjustment form to alter the payment plan.

Some additional information

- Payment plans are set up at a default monthly rate
- The first payments are due a month after sentencing or a month after release from incarceration/inpatient treatment
- For individuals who are released from SCI, their default is \$50.00 a month for the first three months, then in the fourth month increases to \$100.00
- The default payment rate/amount may be overridden if the Defendant's ability to pay is greater or less than the default rate
- If a Court Order exists setting the rate/amount or docket to be paid, that rate/amount or docket to be paid will not be modified without another Order and/or Hearing