

# What if I Can't Pay?

You may be concerned if you have been charged with an offense, you do not wish to contest the charge, and you do not have an ability to pay fines, fees, and court costs at this time. If this is the case, it is very important to respond to the charge and to continue communication with the court. Failure to respond to the charge could lead to additional charges filed, additional fees owed, a hold on your driver's license or registration, and/or a warrant issued for your arrest. Timely responses and continued communication with the court will minimize charges filed and fines or fees owed. Additionally, taking care of fine-only misdemeanor charges will prevent you from being arrested related to the charges. The information below is provided to give you more information related to the laws and protection provided for those who have an inability to pay.

## Indigence

- If a judge determines that you have an inability to pay due to a lack of resources, the judge will find you to be indigent. Defendants found to be indigent must be given **alternative means** to discharge their judgments. While there is no definition in the law for indigence, the judge may make a determination by examining your sources of income and your expenses. Helpful information could include pay stubs and bank statements as well as information showing that you receive federal or state assistance.

## Alternative Means

- There are currently three alternative means defined under Texas law.
- **Installment Payments** - The judge may allow you to pay your fines and costs over a period of time at an amount that is manageable to you. Defendants that pay any amount more than 30 days after judgment are required by state law to pay an additional \$25 time payment fee. This amount would be added to the total amount owed on your judgment.
- **Community Service** - A judge may order an indigent defendant to discharge a judgment through community service. At least \$50 of your judgment would be discharged for each 8 hours of work you perform for an approved governmental agency or nonprofit organization.
- **Tutoring** - If you are a child (under the age of 17) who has been charged with a crime committed on the school grounds where you are enrolled, the judge may allow you to discharge your judgment by completing tutoring.

## Waiver of Fines and Costs

- Judges may not waive fines and costs as an alternative means of payment. Only after a defendant has defaulted in payment, if the judge determines that the defendant is either indigent or a child, and that community service would impose an **undue hardship**, may the judge may waive payment of a fine or costs imposed.

## What if I'm not Indigent?

- If you have an inability to pay right now, but you are not indigent, the judge may still allow you to pay your judgment at a later date or in installment payments.