

Survey to Chief APOs

Issue: Collections Officers

Question: (from Lebanon County)

- 1) Is your Adult Probation Office the primary location for payment of CP court costs/fines/fees/restitution? If not, which office is?
- 2) Does your Adult Probation office assign fiscal monitoring to adult field staff? These are field staff where, in addition to enforcing the conditions of the court, they are responsible for monitoring the payments/payment plans of those who are ordered to pay CP court costs/fines/fees/restitution. If yes, briefly describe the expectations/duties of those staff specific to collections.
- 3) Does your Adult Probation office have collections officers? These are staff who are solely responsible for monitoring the payments/payment plans of those who are ordered to pay CP court costs/fines/fees/restitution. If yes, briefly describe the expectations/duties of those staff specific to collections.
- 4) Does your county hold contempt court sessions for failure to pay? If yes, briefly describe the scheduling process and general outcomes from those sessions.
- 5) Does your county use a collections agency for CP court costs/fines/fees/restitution?
- 6) Does your county suspend DLs for failure to pay? If yes, which agency at the county level is responsible for this process and compliance monitoring?
- 7) If you are willing, would you please share copies of:
 - a. Job descriptions of collections officers and any other staff specific to fiscal monitoring/enforcement.
 - b. Any local policy and/or procedure related to collections

Allegheny County

- 1) The Department of Court Records
- 2) POs monitor restitution payments and submit violation reports for lack of payment as appropriate
- 3) No
- 4) No
- 5) Yes
- 6) No

Berks County

- 1) No - Clerk of Courts
- 2) Yes – Ensure that offenders who are capable of making payments are doing so. Following up to ensure that payments are being made and when possible, wage attachments are completed.
- 3) No
- 4) No
- 5) Yes – case go to “collections” if they fail to make regular payments (payments at a minimum of every 90 days)

6) no

Bucks County

Same as Berks. The only exception is if the offense is driving related the license can be suspended for nonpayment and that is per our Clerk of Courts and they communicate with PennDOT

Cambria County

Same as York County

Carbon County

Carbon is the same as York. Not sure how often they actually have the contempt hearings though.

Clarion County

- 1) Clerk of Courts
- 2) Officers establish a monthly payment plan with the defendant. An officer would also check on that plan if altered by office staff that the person is behind on payments
- 3) An administrative staff person runs monthly payment reports from CPCMS, monitors payments and schedules hearings when necessary
- 4) Yes – There is a monthly compliance court session for those who have not made a payment for 90 days. The defendant is given an opportunity to explain his or her circumstances. The typical outcome is that a payment plan is reset, sometimes lowered. For those who are not making any effort to comply, a contempt hearing will be held, and the Public Defender is typically on hand for those who may face incarceration. It is seldom that anyone is incarcerated for contempt.
- 5) No
- 6) No

Cumberland County

- 1) No – Clerk of Courts
- 2) No
- 3) No
- 4) Yes – Compliance is handled by the Court Collections Unit which is a separate department under the control of the Court Administrator. Adult Probation's only responsibility is obtaining the signed payment agreement at the time conditions are signed.
- 5) Very minimal
- 6) Yes – Court Collections Unit
- 7) Yes; Yes

Fayette County

- 1) Clerk of Courts
- 2) No
- 3) No

- 4) No
- 5) Yes
- 6) Yes – Clerk of Courts

Jefferson County

- 1) Clerk of Courts
- 2) All POs routinely check the status of offender payments during their fact-to-face contacts.
- 3) Yes - Our Collections Aide is responsible for sending out 30/60/90 day past-due notices through our Collections Module in AP; schedules Delinquency Hearings through CPCMS/AOPC; prepares Bench Warrant for failure to appear; establishes payment plans for offenders paroling from state prison; prepares renegotiated payment plans for changes in payment plans; and is responsible for setting up Wage Attachments.
- 4) Yes
- 5) No
- 6) No, although we have the authority to do so
- 7) No formal policy

Luzerne County

Luzerne has a Court Collections Division since 2005 when we took over the complete financial obligation package from the Clerk of Courts via Order of Court. Fiscal Technicians add the court costs, fines, fees and restitution assessments to CPCMS and payment plans are forwarded to defendants.

- 1) Yes
- 2) We have dedicated three (3) probation officers to the Court Collections Unit along with four (4) Fiscal Technicians, a Court Compliance Coordinator and a Fiscal Manager. POs set up payment plans and monitor compliance, sending delinquent letters, etc.- they do petitions for Contempt for failure to comply with Court ordered plans. They also deal with victim inquiries regarding restitution issues or discrepancies. (Ability to Pay Hearing is handled at sentencing.) The Court Compliance Coordinator is a “supervisor” of the unit and monitors the POs petitions for Contempt and reviews dockets where there are conflicting issues with victims and defendants. The Fiscal Manager handles DL suspension issues and monitors for compliance according to PennDOT reinstatement process. Failure to comply with payment plans by defendants – Probation Services initiates re-suspension of DLs.
- 3) See above – same
- 4) Yes - Petition from Probation Services- Court Collections Division submitted to the District Attorney- filed in the Clerk of Courts- scanned into CPCMS- DA Petition to Sentencing Judge. Hearing date set by Court. POs appear in Court for hearings to offer testimony.
- 5) Yes – but now limited. Ability to pay hearings on referrals prior to forwarding
- 6) Yes
- 7) Yes

Side note: we met years ago at my office with the roundtable for collections. We met several times in different counties to discuss our common issues and concerns with financial obligations of defendants and the Court Contempt days.

Northampton County

- 1) Clerk of Courts
- 2) Our Court does not engage in “ability to pay” hearings. All of our officers will have the defendant enter into a payment agreement at intake based on the total costs, fines and restitution. A monthly amount is determined by the PO after interviewing the defendant on their ability to pay, which could be as little as \$10-\$20 per month. We only “encourage” payment and no longer violate for unpaid balances or failure to make payments for costs and fines. We will violate for failure to pay restitution, which most of the time results in a strict compliance or an extension just to continue payments. Incarceration may occur after multiple violations and/or willful failure to make payments.
- 3) No
- 4) Our Clerk of Courts office have the ability; however, they have not scheduled any hearings in some time. I believe this is due in part to staffing. They do not have dedicated positions to handle collections.
- 5) No any longer. Our Clerk’s Office contracted with an agency for a number of years which resulted in inflating the cost balance by 25%, and payments being allocated to the collection agency first. This resulted in very little money actually being allocated back to the county.
- 6) I believe our Clerks Office does. However not sure of the frequency.

Tioga County

- 1) Yes
- 2) Yes – Officers monitor the established payment plan
- 3) Yes – we have a probation aide that handles all help open cases and is responsible for scheduling contempt proceedings.
- 4) Yes – These contempt hearings are scheduled and handled by the probation aide. Outcomes range from new payment agreements to warrants being issued. In some cases, the judge enters a warrant clause for failure to comply with the payment plan
- 5) Yes
- 6) Not currently

Union County

- 1) Yes
- 2) Yes – Complete budget worksheets/payment schedules/monitor payments via case management system.
- 3) In addition to field staff, we have one officer with primary duty that includes collections with assistance provided by support staff and leadership team
- 4) Only instances in which there is basically an outright refusal to pay or provide a reason for non-payment or unwillingness to complete a budget worksheet to determine ability

to pay. We make regular use of wage attachments to address matters of payment/non-payment.

We prepare a contempt petition (via use of a template) and file with Court Admin to schedule a Contempt hearing

- 5) No
- 6) No, not at this time

Venango County

- 1) No – the Clerk of courts is responsible for taking all payments.
- 2) No
- 3) Yes – Conducts financial intakes with defendants, juvenile and parents. Determines the conditions for all installment payment plans and monitors all accounts for delinquency. Initiates progressive sanctions in delinquent cases including delinquency notices, administrative conferences and the scheduling of Court hearings. Attends Court hearings and presents evidence regarding a defendant's failure to comply. Prepares and maintains all required reports, files and records. Communicates with Jail officials, Sheriff's Department, Domestic Relations and other Court personnel on such matters as Community Service, Work Release and Bench Warrants. Works with employers to establish wage attachments. Refers appropriate cases to the designated collection agency.
- 4) Yes – Defendants are scheduled for Compliance Court after failure to comply with payments after 90 days. If the defendants fail to attend Compliance Court, a bench warrant for failure to appear is issued.
- 5) Yes, but not used.
- 6) Yes, but rarely for Title 75 cases that are six months or more behind in payments. The Collections Coordinator processes the suspensions.

Westmoreland County

Same as York. However, DL's are not suspended

York County

- 1) No – Clerk of Courts
- 2) No
- 3) No
- 4) Yes – Our Clerk of Courts holds monthly cost contempt hearings. They schedule based on amounts owed and service all parties
- 5) Yes
- 6) Yes – Clerk of courts