

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

No person shall be imprisoned solely because she/he lacks the resources to pay a fine, state assessment, fee, court cost, or restitution (collectively, “legal financial obligation” or “LFO”), or because she/he is unable to perform any required community service.

A person alleged to have not paid an LFO has the right to an ability-to-pay hearing and the right to have legal counsel present for representation to defend against possible incarceration for failure to pay. An indigent person facing possible incarceration for LFO nonpayment has an affirmative right to representation by court-appointed counsel at no cost in LFO collection proceedings.

To protect these and other rights, all Biloxi and private company personnel, if any, involved in LFO collection and evaluation of performance of community service imposed by the Biloxi Municipal Court shall abide by the following policies and procedures.

I) FIRST APPEARANCE - APPOINTMENT OF COUNSEL

The Court may appoint counsel to represent an indigent defendant charged with a misdemeanor offense punishable by confinement. The Court shall determine indigence for purposes of appointing counsel by using the attached **Affidavit of Indigence** (Form Three) and by considering any other relevant factors.

When the Court determines that representation is required at the plea, trial, sentencing, or post-sentencing stage, it must appoint counsel to represent an indigent defendant, unless there is a knowing, voluntary, and intelligent waiver of the right.

II) SENTENCING

Counsel

A defendant is entitled to representation by counsel prior to the Court’s decision to impose a sentence of incarceration or probation for the collection of a fine, state assessment, fee, court cost, or restitution—absent a knowing, voluntary, and intelligent waiver of the right to counsel, as confirmed by an on-the-record colloquy with the Court. If the Court contemplates imposing incarceration or probation on an unrepresented defendant, or wishes to preserve its right to impose a jail sentence in the future, on an unrepresented defendant, the Court must conduct an indigence determination by using the attached **Affidavit of Indigence** (Form Three), and by considering any other relevant factors, to evaluate whether the defendant is entitled to court-appointed counsel at no cost.

If the Court determines that the defendant is not indigent, it may provide the defendant a continuance to permit retention of counsel. If the defendant seeks to waive the right to counsel at sentencing, the Court must conduct a colloquy to determine that any waiver is knowing, voluntary, and intelligent.

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

Imposition of Sentence

The Court shall assess ability to pay at sentencing when setting the amount of any fine, fee, court cost, or restitution. The Court's decision to impose jail time shall not be influenced by any finding that the defendant lacks the resources to pay a fine, state assessment, or restitution.

When the Court imposes a sentence that includes an LFO, the Court shall:

- (1) determine whether the defendant can pay in full that day, or needs additional time;
- (2) set the terms of a Payment Plan by which LFO payments shall be made to the Biloxi Municipal Court Clerk, if the defendant cannot pay in full on sentencing day;
- (3) set forth the sentence, including any Payment Plan terms, in a written order indicating the final date by which LFOs must be paid;
- (4) provide the defendant the attached **Advisement of Rights and Obligations Related to Legal Financial Obligations and Community Service** (Form Two); and
- (5) provide the defendant the attached **LFO Inability to Pay Guide** (Form Four).

No person unable to pay LFOs in full on sentencing day will be charged additional fees, costs, or interest for being placed on a Payment Plan with the following exception: a surcharge may be imposed on a defendant who chooses to make an LFO payment by credit card or debit card.

Advisement of Defendant's Responsibility to Inform the Court of Mailing Address Changes

The Court shall advise the defendant of her/his duty to inform the Court of any future changes to the defendant's mailing address and that failure to attend any future Compliance Hearings due to non-receipt of a hearing notice by mail may result in the issuance of an arrest warrant for failure to appear (FTA).

As soon as reasonably possible after a defendant has a change of mailing address, the defendant shall deliver to the Biloxi Municipal Court Clerk at 170 Porter Avenue, Biloxi, Mississippi 39530 the **Notice of Change of Address** (Form Two A). The defendant may deliver the notice by U.S. Mail, by hand delivery to the Biloxi Municipal Court Administrator/Clerk's office, or by email to coacourt@biloxi.ms.us. The Notice of Change of Address may be accessed at <http://www.biloxi.ms.us/ChangeOfAddressForm>.

III) COMPLIANCE HEARINGS

The Court shall set a Compliance Hearing, by using the attached **Biloxi Municipal Court Order Setting Compliance Hearing** (Form One), for every person who is sentenced to LFOs and/or community service and who is alleged to have failed to meet the requirements of the Court's imposed sentence.

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

The **Order** (Form One) will be sent by regular U.S. Mail to the defendant's last known address with the **Advisement of Rights and Obligations for LFOs and Community Service** (Form Two) and the **LFO Inability to Pay Guide** (Form Four).

The **Order** (Form One) will provide the defendant with thirty (30) days notice of the Compliance Hearing date and time.

If the Court will impose a jail sentence or wishes to preserve its right to impose a jail sentence in the future, the Court shall appoint counsel at no cost to represent an indigent defendant at a Compliance Hearing unless there is a knowing, voluntary, and intelligent waiver of the right to counsel. The Court shall determine indigence by using the attached **Affidavit of Indigence** (Form Three) and by considering any other relevant factors.

If the Court determines that the defendant is not indigent, it may provide the defendant a continuance to permit retention of counsel. The Court will document its finding that the defendant was, or was not, indigent and provide evidence in the record to support any finding of non-indigence.

For indigent defendants, the Court will document that a public defender was appointed for the defendant and appeared with the defendant at the Compliance Hearing or that the public defender was offered and that after the Court conducted a colloquy, the defendant knowingly, voluntarily and intelligently waived his/her right to an attorney.

Hearing Procedures and Standards

The Court must advise defendants of the following information set forth in the **Bench Card**:

1. all defendants' right to an ability-to-pay hearing prior to jailing for nonpayment of fines, fees, state assessments, court costs, or restitution;
2. all defendants' right to be represented by legal counsel for defense against possible incarceration for failure to pay LFOs;
3. indigent defendants' right to court-appointed counsel at no cost to defend against possible incarceration in proceedings concerning nonpayment of LFOs;
4. that ability to pay, efforts to secure resources, and alternatives to incarceration are critical issues in a Compliance Hearing;
5. the type of information relevant to determining ability to pay;
6. the potential penalties if a defendant is found to have willfully failed to pay an LFO; and

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

7. that any waiver of the right to counsel or the right to court-appointed counsel must be knowing, voluntary, and intelligent.

The defendant must be given an opportunity to present evidence that the amount allegedly owed is not accurate, or is not in fact owed, if the defendant believes that the amount is not correct.

In Compliance Hearings the Court shall consider, and make findings on, the defendant's ability to pay, efforts to secure resources, and, if the defendant is found to be unable to pay, the adequacy of alternatives to incarceration.

The Court will document its actions, findings, and evidence in support of its findings, including the Court's decision on whether the defendant is able to pay LFOs or has willfully failed to pay, whether the defendant made adequate efforts to secure resources, and, if the defendant is found to be unable to pay, whether alternatives to incarceration are adequate to achieve the City's interests in punishment and deterrence.

Ability to Pay

To determine ability to pay, the Court shall use the **Affidavit of Indigence** (Form Three) and inquire on the topics set forth in the **LFO Inability to Pay Guide** (Form Four), as well as any other factors considered by the Court to be relevant.

Any determinations that the Court makes regarding ability to pay or willfulness of nonpayment shall be guided by the **Bench Card**, and applicable law.

If a defendant is represented, the Court shall provide the defendant with adequate time to privately confer with defense counsel on the issue of ability to pay prior to the Court's ability-to-pay inquiry.

During the hearing, the Court shall carefully consider the defendant's responses to each question before making any determination regarding ability to pay and whether nonpayment was willful. If a defendant is unable to provide the information requested by the Court during an ability-to-pay inquiry, the Court shall consider allowing the defendant (and, if applicable, counsel) additional time to gather information to respond to the Court's questions.

The Court shall find that a defendant is unable to pay LFOs when, in consideration of the totality of the circumstances, it finds that the payment of LFOs would impose substantial hardship on the defendant or the defendant's dependents, including children and elderly parents. There shall be a rebuttable presumption that a person is unable to pay LFOs upon a finding of at least one of the following factors:

1. the defendant's annual income is at or below 125% of the federal poverty level for his or her household size according to the current Federal Poverty Level ("FPL") chart;
2. the defendant is homeless;

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

3. the defendant is incarcerated; or
4. the defendant resides in a mental health facility.

Efforts to Secure Resources

In inquiring into, and making a determination on, the reasonableness of a defendant's efforts to acquire resources to pay LFOs, the Court shall consider the defendant's efforts to earn money, secure employment, and borrow money, as well as any limitations on the defendant's ability to engage in such efforts due to homelessness, health and mental health issues, temporary and permanent disabilities, limited access to public transportation, limitations on driving privileges, and other relevant factors.

Alternatives to Incarceration

If the Court determines that a person is unable to pay fines, fees, court costs, restitution, or state assessments, it shall consider alternative methods of achieving the City's interest in punishment and deterrence as set forth in the **Bench Card**, and shall be guided by the Supreme Court's recognition that the government's "interest in punishment and deterrence can often be served fully by alternative means" to incarceration. *Bearden v. Georgia*, 461 U.S. 670, 671-72 (1983). These alternatives to incarceration shall include the following:

1. Reduction of the amount of fines, fees, court costs, and restitution imposed;
2. Waiver or Suspension of the fines, fees, court costs, and restitution imposed;
3. Community Service credit toward the discharge of fines, fees, state assessments, court costs, or restitution owed to Biloxi. Biloxi Municipal Court Judges shall not impose a fee for those who participate in community service. Biloxi Municipal Court Judges will attempt to provide sufficient variety of opportunities for community service to accommodate individuals who have physical or mental limitations, who lack private transportation, who are responsible for caring for children or family members, or who are gainfully employed;
4. Extension of the amount of time for payment of the fines, fees, state assessments, court costs, and restitution imposed;
5. Completion of Approved Job Skills Training and Educational, Drug Treatment, Counseling and Mental Health Programs as an alternative or in addition to community service toward the discharge of fines, fees, state assessments, court costs, and restitution owed to Biloxi; and
6. Any other disposition deemed just and appropriate, in the discretion of the Court, pursuant

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

to applicable law.

Imposition of Jail

The Court may not impose jail for failure to pay an LFO without making at least one of the following **written findings based on evidence**:

1. the defendant's failure to pay was willful;
2. the defendant failed to make sufficient bona fide efforts to acquire the resources to pay; and/or
3. the defendant was unable to pay, despite having made sufficient efforts to acquire resources, but alternative methods for achieving punishment or deterrence, including a reduction or waiver of the fine or restitution, an extension of time to pay, community service, and completion of approved programs are not adequate.

The Court may never impose jail solely because a defendant lacks the resources to pay a fine, fee, court cost, state assessment, or restitution.

Collections By Third Party Contractors

The Court may send a case to collections by a third-party contractor if a defendant has failed to make LFO payments in accordance with a Payment Plan and the Court has determined, after holding a Compliance Hearing in accordance with the procedures described herein, that:

1. the defendant has the ability to pay, but has refused or failed to pay the fine, fee, court costs, restitution, or state assessment owed; or
2. the defendant is unable to pay the LFO, but has failed to make sufficient bona fide efforts to seek employment, borrow money, or otherwise secure resources in order to pay a fine, fee, court cost, state assessment or restitution.

In any civil execution, attachment, and/or wage garnishment proceeding to collect unpaid LFOs, the defendant is entitled to the exemptions and exclusions found in Miss. Code Ann. § 85-3-1.

IV. FAILURE TO APPEAR

If a defendant fails to appear for a Compliance Hearing after the Court has mailed thirty (30) days notice of the Compliance Hearing to the address provided by the defendant, the Court may issue a warrant for failure to appear (FTA). It is defendant's duty and responsibility to notify immediately the Municipal Court of any change in her/his address.

All efforts must be made to serve the FTA warrant during business hours on a weekday. Upon arrest pursuant to an FTA warrant, the defendant should be brought directly to Municipal Court instead of being taken to the Harrison County Adult Detention Center. At that time, the Court will

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

have the defendant complete an **Affidavit of Indigence** (Form Three) to determine whether the defendant is entitled to court-appointed counsel at no cost. On traffic tickets and other misdemeanor charges that will be fine only, if a defendant is arrested on a weekend, weekday night, holiday, or any other time when Court is not in session, the arresting officer will contact a Biloxi Municipal Court Judge by telephone before transporting the defendant to Harrison County Adult Detention Center, at which time the Judge will authorize release of the defendant on his or her own recognizance until the next Biloxi Municipal Court plea or hearing date.

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

FORM ONE

BILOXI MUNICIPAL COURT
ORDER SETTING COMPLIANCE HEARING
170 Porter Avenue, Public Safety Building, First Floor, Biloxi, MS 39530

CASE NUMBER:

DEFENDANT NAME:

COMPLIANCE HEARING DATE:

TOTAL BALANCE DUE:

Fines:

State Assessments:

Fees:

Court Costs:

Restitution:

PAYMENT PLAN SCHEDULE:

COMMUNITY SERVICE HOURS REQUIRED AND COMPLETION DATE:

OTHER PROGRAM HOURS REQUIRED AND COMPLETION DATE:

You have been charged with the failure to pay and/or the failure to complete community service and/or an approved program as required by the Biloxi Municipal Court.

Payment Options

You may pay the Biloxi Municipal Court Clerk the full amount of your fines, fees, state assessments, court costs, or restitution (“legal financial obligations” or “LFOs”) today or at any point prior to your Compliance Hearing. You may also make installment payments according to the Payment Plan Schedule set forth above.

Compliance Hearing

The Court has set the above date for a **Compliance Hearing** when it will review the status of your payment of any LFOs and your completion of any community service or approved program imposed as part of your sentence.

You will be expected to explain to the Court the reason why you have not complied with the Court’s Order.

If you are unable to pay the Total Balance Due identified above, the Compliance Hearing offers an opportunity for you to discuss your financial situation and explain why you are unable to pay.

If you are unable to complete the community service or approved program in job skills training, education, counseling, mental health, or drug treatment, required by the specified date, you may explain why you are unable to do so.

You may ask the Court to reduce or waive any fine, fee, court cost, or restitution that you were ordered to pay, or to convert any LFO (fine, fee, court cost, state assessment, restitution) to

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

community service or participation in an approved job skills training, education, counseling, mental health, or drug treatment.

If the Court determines you are indigent and cannot afford an attorney, an attorney will be appointed to represent you.

Your ability to pay is a critical issue in this hearing. You should bring with you any records to help explain the reasons for your nonpayment or non-completion of community service, including, but not limited to, pay stubs, utility bills, expenses, federal and state tax returns, documentation of disability status and/or any medical conditions, medical bills, and evidence of efforts to earn or borrow money to satisfy your obligations to the Court and/or to gain paid employment.

Biloxi Municipal Court Judge

**IT IS YOUR DUTY AND RESPONSIBILITY TO NOTIFY IMMEDIATELY THE
MUNICIPAL COURT OF ANY CHANGE IN YOUR ADDRESS.**

Attachments:

- Form 2: Advisement of Rights and Obligations for Legal Financial Obligations and
 Community Service
- Form 2A: Notice of Change of Address
- Form 4: LFO Inability to Pay Guide

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

FORM TWO

BILOXI MUNICIPAL COURT
ADVISEMENT OF RIGHTS AND OBLIGATIONS
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

What is a “Legal Financial Obligation” or “LFO”?

Any fine, fee, state assessment, court cost, or restitution imposed on you by the Court.

Do I have to attend the Compliance Hearing?

THIS HEARING IS MANDATORY. According to the Court records, you have failed to meet the requirements of the Court’s imposed sentence.

You **MUST** attend if you are unable to pay the Total Balance Due or complete the community service hours or participation in any job skills, education, counseling, mental health, or drug treatment required on your **Biloxi Municipal Court Order Setting Compliance Hearing** before the hearing date identified on the Order.

What will happen if I do not attend?

A warrant may be issued for your arrest for failure to appear in court.

Do I have a right to a lawyer?

Anyone may be represented by a lawyer at this Court proceeding. If you are found to be indigent, you have the **RIGHT TO A COURT-APPOINTED ATTORNEY TO REPRESENT YOU AT NO COST** at your Compliance Hearing.

The Court will use an **Affidavit of Indigence** to determine whether you are indigent and have the right to be represented by a court-appointed attorney at no cost.

The Court will provide you the form at the hearing.

What is the benefit of being represented by a lawyer at my Compliance Hearing?

A lawyer can help you assert your rights, prepare and present financial hardship documentation to the Court, and argue against jail and for alternatives to incarceration, if you are unable to pay any fine, fee, state assessment, court cost, or restitution.

Do I have to pay for a lawyer to represent me at the Compliance Hearing?

Yes, unless you are found to be indigent by the Court. If the Court finds you are indigent, the Court will appoint a lawyer to represent you at no cost to you.

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

If the Court appoints an attorney to represent me, when will the attorney prepare my case?

If the Court appoints an attorney to represent you at the Compliance Hearing, it will set a new date and time for the Compliance Hearing. Before that date, your attorney can help you complete the enclosed **LFO Inability to Pay Guide** and any other forms that the Court deems necessary, and to gather supporting documents. It is your responsibility to contact your appointed attorney for preparation and conference purposes.

You MUST attend the Compliance Hearing at the new date and time.

What will happen at my Compliance Hearing?

You will be expected to explain to the Court the reason why you have not complied with the Court's Order.

If you report that you are unable to pay LFOs, the Court will use the **LFO Inability to Pay Guide** and the **Affidavit of Indigence**, and will consider any other relevant information to **inquire and make a decision about your finances.**

This inquiry may include, among other things, asking you about your income, bank accounts, expenses (for example: rent, childcare, utilities, food, clothing, medical bills, transportation, etc.), and your property and other assets.

The Court may also inquire about your efforts to obtain money to pay, including your efforts to borrow money, your job search efforts and job skills, and any relevant limitations to your ability to work or secure work, including your disability, homeless status, health and mental health conditions, driving, and transportation limitations.

You should be prepared to present any DOCUMENTS showing your income, efforts to find work, expenses, disability or homeless status, receipt of needs-based public assistance, residence in a mental health facility, other LFOs, health conditions, driving, and transportation limitations.

Based on your ability to pay, you may be ordered to perform community service or be placed on a monthly Payment Plan with the Court.

Can I be JAILED for not being able to pay?

Yes, but there are protections to ensure that you are **NOT JAILED** solely because you are unable to pay LFOs.

1. The Court **MAY IMPOSE JAIL** for nonpayment of a **FINE, FEE, COURT COST, or RESTITUTION ONLY IF** it concludes, based on evidence, that:

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

you **ARE ABLE TO PAY, BUT WILLFULLY FAILED to pay;**

you **FAILED TO MAKE SUFFICIENT EFFORTS** to secure money to pay; or

there are **NO ADEQUATE ALTERNATIVES** to incarceration.

2. The Court **CANNOT** jail you for LFO nonpayment if you are indigent and you are not represented by a lawyer and have not validly waived your right to counsel.

Can I be jailed for not being able to complete my community service or a required job skill training or program in education, counseling, mental health, or drug treatment?

Yes, but you **CANNOT** be jailed for non-completion of community service or a program **UNLESS** you **WILLFULLY** failed to perform community service or complete the program despite having the ability to do so.

If the Court determines that you have a disability, illness, or other circumstances that would prevent you from performing community service or completing the program, you will not be required to complete it.

What if the terms of my probation require me to pay LFOs or to complete community service or a required program?

Your probation may be revoked and you may be jailed for failing to comply with these terms of your probation **ONLY IF** the Court determines that:

- you have the ability to pay the LFO, or the ability to complete community service and/or the required program, but failed to do so;
- you failed to make sufficient efforts to acquire the resources to pay or perform community service and/or complete the required program;
- even though you are unable to pay, and you made sufficient efforts to acquire resources, the alternatives to incarceration are not adequate.

What if I am unable to pay?

If the Court determines that you are unable to pay **finest, fees, court costs, or restitution,** the Court will consider alternatives to incarceration including reducing, suspending or waiving the amount owed, extending the time to pay, or any other disposition deemed just and appropriate, in the discretion of the Court. The Court will also consider converting **finest, fees, state assessments, court costs, and restitution** owed to Biloxi to community service or the requirement to complete a training treatment or other program.

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

What if the “Total Balance Due” amount on my Biloxi Municipal Court Order Setting Compliance Hearing is incorrect?

You may ask the Biloxi Municipal Court Clerk to provide you with a balance history that shows the amount of fines, state assessments, fees, court costs or restitution imposed and the application of any payments you have made.

If you believe the information provided to you is incorrect, you may discuss this with your attorney and raise it with the judge at your Compliance Hearing.

What if I change my mailing address before I pay my LFO in full or complete my required program?

As soon as reasonably possible after a change of mailing address, you should complete the **Notice of Change of Address** (Form Two A) and deliver it to the Biloxi Municipal Court Clerk at 170 Porter Avenue, Biloxi, Mississippi 39530, either by U.S. Mail, by hand delivery to the Biloxi Municipal Court Administrator/Clerk’s office, or by email to coacourt@biloxi.ms.us. The **Notice of Change of Address** may be accessed at <http://www.biloxi.ms.us/ChangeOfAddressForm>.

**IT IS YOUR DUTY AND RESPONSIBILITY TO NOTIFY IMMEDIATELY THE
MUNICIPAL COURT OF ANY CHANGE IN YOUR ADDRESS.**

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

FORM TWO A

NOTICE OF CHANGE OF ADDRESS

The undersigned defendant hereby gives notice to the Biloxi Municipal Court of the following change of my residential and, if different, mailing addresses:

.....
Previous Residential Address

.....
New Residential Address

.....
Previous Mailing Address

.....
New Mailing Address

.....
Telephone Number

.....
Email Address (if any)

SIGNATURE

DATE

**RETURN THIS FORM TO THE OFFICE OF THE BILOXI MUNICIPAL COURT
CLERK AT 170 PORTER AVENUE, BILOXI, MISSISSIPPI 39530 EITHER BY HAND-
DELIVERY, BY U.S. MAIL, OR BY EMAIL TO coacourt@biloxi.ms.us.**

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

FORM THREE

AFFIDAVIT OF INDIGENCE

In the Municipal Court of the City of Biloxi, Mississippi

CITY OF BILOXI

v.

Case No. _____

Defendant

Name: _____

Residential Address: _____

City: _____ State: _____ ZIP: _____

1. Public Benefits/ Government Assistance received based on indigence:

- SSI WIC Food Stamps/SNAP TANF Medicaid
 CHIP AABD Needs-based VA Pension Pregnant Women Assistance
 LIS in Medicare ("Extra Help") Refugee Settlement Benefits
 Emergency Assistance County Assistance, County Healthcare, or General Assistance (GA)
 Public Housing Community Care via DADS Low-Income Energy Assistance
 LIS in Medicare ("Extra Help") Child Care Assistance under Child Care and
Development Block Grant Other _____

2. Employment Status:

- a. Do you have a job? _____
b. How much do you make per hour? \$ _____. ____
c. How many hours do you work per week? _____

Employer's Name: _____

Employer's Address: _____

City: _____ State: _____ ZIP: _____

- d. If you don't have a job, how long have you been unemployed? _____

EXHIBIT A

**BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE**

3. Monthly Income

Total Work Income (salary, wages, tips, commissions, overtime, allowances) (pre-tax)	\$ _____
Spousal Work Income	\$ _____
Alimony Received	\$ _____
Child Support Received	\$ _____
Unemployment Compensation	\$ _____
Social Security/ Pension / Retirement	\$ _____
Trusts	\$ _____
Veteran's Benefits	\$ _____
Other Income from Family Members (not spousal income or child support)	\$ _____
Dividends or Interest Payments	\$ _____
Life Insurance Payments	\$ _____
Rental Income	\$ _____
Worker's Compensation	\$ _____
Disability	\$ _____
Union Payments	\$ _____
Gifts	\$ _____
Inheritance	\$ _____
Income Tax Refund	\$ _____

Other Income not on list	\$ _____
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Total Monthly Income → \$ _____

3a. Other Income Not Received Monthly

Type of Income	\$ _____

Total Other Income → \$ _____

4. Assets

Cash on Hand	\$ _____
Real Property (home/land)	\$ _____
Non-Homestead Real Property	\$ _____
Dividends, Interest, Royalties	\$ _____
Motor Vehicle(s) Value	\$ _____
Certificates of Deposit	\$ _____
Boats	\$ _____
Stocks/Bonds	\$ _____
Savings Accounts	\$ _____
Checking Accounts	\$ _____
Money Market Accounts	\$ _____
Trusts	\$ _____
Other Assets Not on List	\$ _____

Total Assets → \$ _____

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

5. Liabilities and Debts

Motor Vehicle	\$ _____
Home	\$ _____
Other Real Property	\$ _____
Child Support Paid	\$ _____
Student Loans	
Credit Cards	\$ _____
Medical Bills	\$ _____
Other	\$ _____

Total Liabilities and Debts

\$ _____

LFOs in other cases (fines fees, state assessments, court costs, or restitution)	\$ _____
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Total Monthly Expenses →

\$ _____

6. Monthly Expenses

Rent/ House Payments	\$ _____
Food and Supplies	\$ _____
Utilities	\$ _____
Clothing	\$ _____
Medical and Dental	\$ _____
Insurance	\$ _____
School and Child Care	\$ _____
Vehicle Payments	\$ _____
Travel/ Commute	\$ _____
Wages Withheld by Court	\$ _____
Debt Payments (student loan, credit card, etc.)	\$ _____
Other Expenses (Describe)	\$ _____

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

8. Family and Dependents

- a. Do you have any children residing with you? Yes _____ No _____
If so, how many? _____ Age(s)? _____
- b. Including yourself, how many people in your household do you support? _____
- c. Marital Status (check one) __ Married __ Single __ Separated ___ Widowed __ Divorced
Spouse's Name: _____
Spouse's Address: _____
City: _____ State: _____ ZIP: _____
- d. Does your spouse have a job? _____ Where? _____
- e. Are you less than 18 years old? _____ If yes, please provide the following:
Father's name: _____ His monthly income \$ _____
Mother's name: _____ Her monthly income \$ _____

9. Please Read and Sign the Following:

I am unable to pay court costs. I verify under penalty of perjury that the statements made in this affidavit are true and correct. I understand the Court may require verification of the information provided above. I agree to immediately report any change in my financial status to the court.

I also understand and agree that the Court may mail important notices to me at the address I provided above and that I have a duty to immediately inform the Court of any change in my address. Failure to do so could result in my failure to receive important notices and lead to the issuance of a warrant for my arrest.

→ _____
Your Signature

_____ *Date*

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MUNICIPAL COURT OF ANY CHANGE IN YOUR ADDRESS.**

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

FORM FOUR

LFO INABILITY TO PAY GUIDE

Name: _____
 Attorney Name: _____
 Case Number: _____
 Address: _____
 City: _____ State: _____ ZIP: _____

INCOME

Approximate Monthly Amount

Do you have a job? _____

Your wages/salary:\$ _____

How much do you make per hour? _____

How many hours do you work per week? _____

Occupation: _____

Employer's name, address and phone number: _____

How long worked there: _____

Spouse/partner's monthly wages/salary:\$ _____

Unemployment Compensation Received:\$ _____

If you don't have a job, how long have you been unemployed? _____

Social Security/Pension/Retirement Received:\$ _____

Worker's Compensation:\$ _____

Disability:\$ _____

Union Payments:\$ _____

Gifts:\$ _____

Trusts:\$ _____

Alimony Received:\$ _____

Child Support Received:\$ _____

Income from Family Members:\$ _____

Stocks/Bonds:\$ _____

Rental Income:\$ _____

Dividends or Interest:\$ _____

Life Insurance Payments:\$ _____

Inheritances:\$ _____

Income Tax Refund:\$ _____

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

Monthly amount received from public assistance programs:.....\$ _____

- Basic Food (SNAP)* *WIC* *SSI* *Pregnant Women Assistance Benefits*
Medicaid *CHIP*
 Poverty-Related Veterans' Benefits *Temporary Assistance for Needy Families*
Refugee Settlement Benefits *Aged, Blind or Disabled Assistance Program* *Public Housing* *Other:* _____

Other sources of income:.....\$ _____

APPROXIMATE TOTAL MONTHLY INCOME: \$ _____

MONTHLY EXPENSES

	Approximate Monthly Amount
Wages (garnishments) taken from your paycheck:	\$ _____
Rent/mortgage (your share):.....	\$ _____
Utilities (electricity, water, garbage, telephone, etc.):.....	\$ _____
Food:.....	\$ _____
Travel/Commute:.....	\$ _____
Health care (out-of-pocket medical/dental costs, prescriptions, insurance, debt payments),.....	\$ _____
Child support, spousal maintenance, and loan payments:.....	\$ _____
Child Care and School:.....	\$ _____
Vehicle Payments:.....	\$ _____
Court-ordered fines, fees, and restitution – monthly payment amount:.....	\$ _____
Credit cards and other debt payments:.....	\$ _____
Other basic living costs (diapers, clothing, etc.) Describe: _____	\$ _____

APPROXIMATE TOTAL MONTHLY EXPENSES: \$ _____

ASSETS

	Approximate Monthly Amount
Cash on Hand:	\$ _____
Checking Accounts:.....	\$ _____
Savings Accounts:.....	\$ _____
Money Market Accounts:.....	\$ _____
Dividends, Interest, Royalties:.....	\$ _____
Certificates of Deposit:.....	\$ _____
Stocks/Bonds:.....	\$ _____
Trusts:.....	\$ _____
Other:.....	\$ _____

APPROXIMATE TOTAL ASSETS: \$ _____

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

OTHER ASSETS

	Approximate Value
Real Property (home/land):.....	\$ _____
Non-Homestead Real Property:.....	\$ _____
Motor Vehicle(s):.....	\$ _____
Boat(s):.....	\$ _____

APPROXIMATE TOTAL OTHER ASSETS: \$ _____

CURRENT OUTSTANDING DEBTS

	Approximate Amount
Credit cards, personal loans, and other installment debt:.....	\$ _____
Motor Vehicle:.....	\$ _____
Home:.....	\$ _____
Other Real Property:.....	\$ _____
Outstanding legal financial obligations (LFOs), including other cases:.....	\$ _____
Outstanding medical care debt:.....	\$ _____
Child support arrears:.....	\$ _____
Outstanding Student Loans:.....	\$ _____
Other outstanding debt (describe):.....	\$ _____

APPROXIMATE TOTAL CURRENT DEBT: \$ _____

PERSONAL INFORMATION

Are you less than 18 years old? _____ If yes, please provide the following:

Father's Name: _____ His monthly income?.....\$ _____

Mother's Name: _____ Her monthly income?.....\$ _____

Incarceration for this and/or other offenses: _____

Anticipated length of incarceration for this and/or other offenses: _____

In addition to myself, I financially support _____ person/people. Age(s): _____

Marital Status (Check One) Married ___ Single ___ Separated ___ Widowed ___ Divorced ___

Spouse's Name: _____

Spouse's Address: _____

Does your spouse have a job? _____

EXHIBIT A
BILOXI MUNICIPAL COURT PROCEDURES
FOR LEGAL FINANCIAL OBLIGATIONS AND COMMUNITY SERVICE

Your highest level of education or vocational training, area of study:

Brief description of employment history and approximate salary/wages over the past three years:

Description of the impact of LFO payments on your immediate family (include any information regarding housing, employment, child care, transportation, and any additional information you believe to be relevant):

Impact of incarceration or jail time on your ability to pay your LFOs:

Your efforts to borrow money:

If unemployed, what efforts have you made to obtain employment upon being assessed with the fines, fees, state assessments, court costs, and/or restitution?

When was the last time you looked for a job?

Why didn't you pay the fine and costs from any money received?

Other facts the court should know regarding future ability to pay fees and fines (if a disability or health or mental health condition has impeded your ability to secure employment or earn money, please request permission to approach the bench and tell the judge, if you would like judge to know).

**IT IS YOUR DUTY AND RESPONSIBILITY TO NOTIFY IMMEDIATELY THE
MUNICIPAL COURT OF ANY CHANGE IN YOUR ADDRESS.**