



Court Debt: Tips for Self-Advocacy and Avoiding Bench Warrants

1. **Find out if you owe the court money.** It is common for someone charged with a crime to owe the court money. This debt does not go away. If you are unsure if you owe money, call the Clerk's Office in the courthouse where you have a case and ask about court debt and your next payment or hearing date:

Clerk's Offices: 6th District Court (Providence) (401) 458-5404 | Superior Court at (401) 222-3255
4th District and Superior Court (Washington) (401) 782-4121
3rd District and Superior Court (Kent) (401) 822-6900
2nd District and Superior Court (Newport) (401) 841-8330

2. If you owe court debt and are on a payment plan or have an Ability to Pay hearing or a Cost/Restitution review,

Go to court even if you do not have money to pay.

The court almost never incarcerates someone who shows up to court without money but explains the circumstances why s/he cannot pay. Whenever you go to court, for a hearing, to pay debt, go early— 9 AM. If you do not go to a court date, a bench warrant will likely issue, you will be arrested, you will risk jail time, and you will have to pay a \$125.00 warrant pick-up fee. If you miss court, go in to cancel the bench warrant – arrive by 2 PM to make sure the warrant is cancelled that day. *See the Bench Warrant/ Court Debt pamphlet for more info.*

3. Even if you do not have a court date scheduled, when you go to pay, ask the clerk to speak with the judge.

Judges have the power to lower court debt (with the exception of restitution). RIGL §12-18.1-3 (d) states: "If the court determines that the defendant does not have the ability to pay the costs as set forth in this section, the judge may by specific order mitigate the costs in accordance with the court's determination of the ability of the offender to pay the costs."

Bring your proof of indigency to court, ask to speak to the judge and ask the court to waive your debt based on your indigency.

- Examples of proof of indigency as outlined in RIGL §12-20-10 include **documents or letters that show that you receive public benefits** such as *Food Stamps (SNAP)*, *Temporary Assistance for Needy Families (Rhode Island Works)*, *General Public Assistance (GPA)*, *Disability Insurance (SSI/SSDI, etc.)*, and *Social Security*.

- You may also want to bring **other evidence**, including documentation of job training programs, job search, substance abuse/mental health treatment programs, proof of expenses that prevent you from paying your court debt (e.g. medical bills), or other evidence of your good faith efforts to pay the court.

4. Judges also have the power to offer community service as an alternative to paying off court debt.

Ask the judge if the court will accept community service to pay off court debt. There is no guarantee that judges will do this. Remember that community service must be completed at a non-profit agency and you must have proof of service in writing on the organization's letterhead.