

Sixth District Department of Correctional Services POLICY	Issue Date 05/10/91	Effective Date 02/05/19	Policy Number 174-19
Subject UNPAID COURT ORDERED BALANCES		Review Month September	Author 0323 (RER)
Rescinds 174-17; 408-14	References Iowa Code Section. 910.4 6JDDCS Policies - 138 Offender Fees; 158 Statewide Offset of Debt; 411 Report of Violation; 415 Discharge Request		

PURPOSE:

To assist and hold offenders responsible for payment of any fees required by the Department of Correctional Services and to instill responsibility for their criminal offense(s).

POLICY:

Department staff take corrective action when offenders are in arrears on payment of any fees owed to the Department of Correctional Services or has outstanding restitution owed at the time of discharge.

DEFINITION:

1. Noncompliance – Willful delinquency on payment for one-hundred twenty (120) days consecutively or aggregately.
2. Restitution: When defendant is court ordered to pay victim (s) for his or her loss.

PROCEDURE:

1. Assignment of Wages:
 - A. Offenders may be required to enter into assignment of wages when they have demonstrated a pattern of noncompliance toward payment of residential rent and supervision fees. Wages withheld are sent to the Department. (ICON > Reports > Templates > Report Template Generate > All - Assignment of Wages).
 - B. Offenders may also **voluntarily** offer at any time to enter into assignment of wages **whether delinquent or not**, to ensure regular and timely payments on financial obligations named in procedure 1.
 - C. After the Agent completes the required information on the ICON Assignment of Wages form, the form is signed by the offender and witnessed by a Notary Public.

POLICY NUMBER 174-19
PAGE 2 OF 2

PROCEDURE: (continued)

- D. The original is sent to the offender's employer along with an Assignment of Wages Employer Letter (ICON ► Reports ► Templates ► Report Template Generate ► All - Assignment of Wages Employer Letter) signed by the Agent and approved by the Supervisor. A copy is given to the offender and a copy is retained in the file.
2. Unpaid Restitution at Expiration of Probation Term:
- A. When the offender's probation is scheduled to expire and may not be extended, and a restitution balance remains, the Agent:
 - 1) Files a Report of Violation (411) prior to the discharge date if the failure to pay is considered willful;
 - 2) Submits a Discharge Report (415A & 415B) with an Agreement to Pay (138B), if applicable.
 - B. In determining whether the offender's non-payment was willful, the Agent considers the following factors:
 - 1) Present income/employment;
 - 2) Physical/mental health circumstances;
 - 3) Education;
 - 4) Financial situation;
 - 5) Family circumstances.

BY ORDER OF:

Bruce Vander Sanden, District Director