



CENTRAL OFFICE OF PROBATION SERVICES

ABILITY TO PAY ASSESSMENT CALCULATOR: PAYMENT DETERMINATION

May 17, 2024

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NEW JERSEY PROBATION: ROLE IN ABILITY TO PAY DETERMINATIONS

Facilitating Client Conformance to Legal Financial Obligations



For more information about the Comprehensive Enforcement Program, go to www.njcourts.gov and search for Comprehensive Enforcement Program.

HISTORY

COLLECTION AUTHORITY

COMPREHENSIVE ENFORCEMENT PROGRAM

Historical Facts about New Jersey Probation

- ✓ Since its inception in New Jersey, Probation has been charged by statute with the responsibility of collecting court-imposed financial obligations on criminal matters (N.J.S.A. 2A:168-11).

HISTORY

COLLECTION AUTHORITY

COMPREHENSIVE ENFORCEMENT
PROGRAM

Roles of Probation Officers

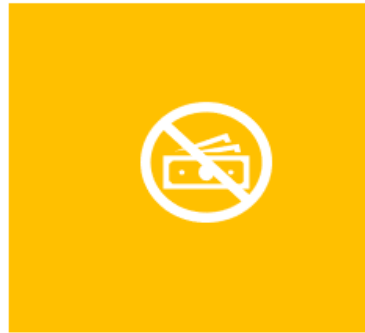
Probation Officers work to facilitate their client's conformance to financial orders, which consist of:



Establishing a payment plan during a client's orientation phase.



Promoting regular scheduled payments, including referrals to employment readiness resources when applicable.



Identifying barriers/limitations that can affect a client's ability to pay.



If a client is falling behind on their set payment plan schedule, refer the case to our Comprehensive Enforcement Program (CEP)

COLLECTION AUTHORITY

COMPREHENSIVE ENFORCEMENT PROGRAM

What is the Comprehensive Enforcement Program?



CEP is a cooperative effort between the Judicial, Executive and Legislative branches of government to provide an alternative way of collecting fees, fines, and restitution.



Legislation enacted in 1995 created CEP and provides for CEP hearing officers to preside over hearings regarding failure to pay court-ordered financial penalties and restitution.



Presently, a total of six (6) hearing officers are assigned calendars in each Superior Court statewide.



Making findings of fact

The **Primary Role** of CEP Hearing Officers is to assist individuals who have fallen behind on their court-ordered obligations by:

Utilizing the **Ability to Pay Calculator** to aid in ability to pay determinations



Setting payment plans that individualize clients' needs

COMPREHENSIVE
ENFORCEMENT PROGRAM



Ability to Pay Calculator Objective:

- Strengthen evidence-based principles in our ability to pay assessments and determinations.
- Ensure fairness throughout the hearing process.
- Ensure interventions do not punish or perpetuate undue hardship.
- Eliminate subjective payment plan determinations.
- Aid in establishing reasonable payment schedules.
- Provide alternatives for those with limited ability to pay.

Ability to Pay Calculator: Example of Prototype

Reference #: 00001 **SUBMIT**

ABILITY TO PAY ASSESSMENT TOOL

Number of those you support (including yourself, children, or other family members)		Federal Poverty Guidelines (FPG) 2021	\$0	CLICK HERE FOR FPG ASSESSMENT ONCE ALL INCOME & EXPENSES HAVE BEEN ENTERED	
MONTHLY INCOME/ALL SOURCES	AMOUNT	MONTHLY EXPENSES/LIABILITIES	AMOUNT	WHAT CAN THE CLIENT PAY PER MONTH?	
Net Salary		Mortgage and/or Property Taxes		Enter Total Balance Owed	
Self-Employment		Rent		Enter New Monthly Payment Plan	
Pension		Household Utilities		Enter Lump Sum Payment Amount	
Unemployment <input type="checkbox"/> / Disability <input type="checkbox"/>		Other Household Expenses (ex. food, childcare, public transportation, etc.)		Enter New Payment Start Date	
Spousal / Cohabitant Contribution		Vehicle Loans / Insurance		New Payment End Date	
Supplemental Security Income (SSI)		Other Loans & Expenses		# of Payments to Satisfy Obligation	
Public Assistance / Subsidies		Child Support / Alimony: Paid Through Probation Dept. <input type="checkbox"/> Yes <input type="checkbox"/> No		0	
Food Stamps		Medical / Dental / Hospital Debts		CLICK HERE FOR ASSESSMENT OF NEW MONTHLY PAYMENT PLAN	
Child Support / Alimony		Mortgage Loan Balances		CLIENT DETAIL	
Housing Subsidies		Support Arrearage		Client Name	
Veterans Administration		Fines Owed to Other Courts		Client ID/County Code	
Trust Fund Income		Credit Card Balances		Date	
Institutional Wages		Civil Judgments Owed		ASSETS	
Income From Rental Properties		Other Debts (ex. Attorney Fees, Vehicle Loans, etc.)		House(s) / Land Market Value	ADDITIONAL COMMENTS
Show/Hide				Value of All Motor Vehicles	
Total Monthly Income	\$0	Total Monthly Payments	\$0	Cash	
Total Assets	\$0	Total Debts	\$0	Current Balance Checking Account / Savings	
Discretionary Income			\$0	Civil Judgments Pending	
RECOMMENDED PAYMENT Show/Hide				Face Value of CDs / IRAs / 401ks / Stocks Bonds	
Monthly Payment Plan			\$0	Money Market Accounts	
Lump Sum Payment			\$0	Retrievable Bail Amt	
				Other Assets	

KEY COMPONENTS

Items found in the application for a public defender (e.g., income, expenses and liabilities) and the levels of poverty compared to household size as found in the Federal Poverty Guidelines.

Client details

Client ID: 10790 | Client name: LEE L BROWN | Total balance owed: \$136.00 | Previous monthly payment: \$15.00

Enter Income > Enter Expenses | Calculator Details | Suggested Payment Plan | Notes

Itemize monthly income? *
Yes No

Household size * 10

Net salary \$ 0.00 | Self-employment \$ | + Add Salary | + Add Self-employment

Benefits

Pension \$0.00	Unemployment \$0.00	Disability \$0.00	Spousal/cohabitant contribution \$0.00
Supplemental Security Income (SSI) \$0.00	Public assistance/subsidies	Food stamps	Child support/alimony
Housing subsidies	Veterans administration	Trust fund income	Institutional wages
Income from rental properties			

Assets

House(s)/land market value	Value of all motor vehicles	Cash	Current balances
Civil judgments pending	Face value of CDs/IRAs/401ks/stocks/bonds	Money market accounts	Retrievable
Other assets			

Cancel

Client details

Client ID: 10790 | Client name: LEE L BROWN | Total balance owed: \$136.00 | Previous monthly payment: \$15.00

Enter Income > Enter Expenses > | Calculator Details | Suggested Payment Plan | Notes

Itemize monthly expenses? *
Yes No

Mortgage \$ 0.00 | Rent \$ | + Add Mortgage | + Add Rent

Household utilities \$0.00	Other household expenses \$0.00	Vehicle loans/insurance \$0.00	Other loans and expenses \$0.00
Child support/alimony	Medical/dental/hospital debts	Mortgage loan balances	Support arrearage
Fines owed to other courts	Credit card balances	Civil judgments owed	Other debts

Unforeseen expense \$ 0.00 | + Add unforeseen expense

Back Save Next

Alternatives

Client details

Client ID B 10790	Client name LEE L BROWN	Total balance owed \$136.00	Previous monthly payment \$15.00
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[Enter Income](#) > [Enter Expenses](#) > [Calculator Details](#) [Suggested Payment Plan](#) [Notes](#)

Itemize monthly expenses? *

Mortgage

\$

+ Add Mortgage

Rent

\$

+ Add Rent

Household utilities <input type="text" value="\$0.00"/>	Other household expenses <input type="text" value="\$0.00"/>	Vehicle loans/insurance <input type="text" value="\$0.00"/>	Other loans and expenses <input type="text" value="\$0.00"/>
Child support/alimony <input type="text"/>	Medical/dental/hospital debts <input type="text"/>	Mortgage loan balances <input type="text"/>	Support arrearage <input type="text"/>
Fines owed to other courts <input type="text"/>	Credit card balances <input type="text"/>	Civil judgments owed <input type="text"/>	Other debts <input type="text"/>

Unforeseen expense

\$

+ Add unforeseen expense

KEY COMPONENTS (Continue)

Client's Income is Above Federal Poverty Level for 2024

Client details

Client ID B 10790	Client name LEE L BROWN	Total balance owed \$136.00	Previous monthly payment \$15.00
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Enter Income > Enter Expenses > Calculator Details > Suggested Payment Plan > Notes

Financial summary

Total monthly income \$7,400.00	Total monthly expense/liabilities \$2,900.00	Total cash available/assets \$0.00	Total unforeseen expenses \$500.00
Discretionary income \$4,500.00	Federal poverty guideline \$32,470.00	FPG assessment Above	

Suggested payment plan

New monthly payment \$ 136.00	New lump sum payment amount \$ 0.00	Payment start date * 11/17/2004	Payment end date * 12/17/2004
Number of payments to satisfy obligation 1		<input type="button" value="Calculate"/>	

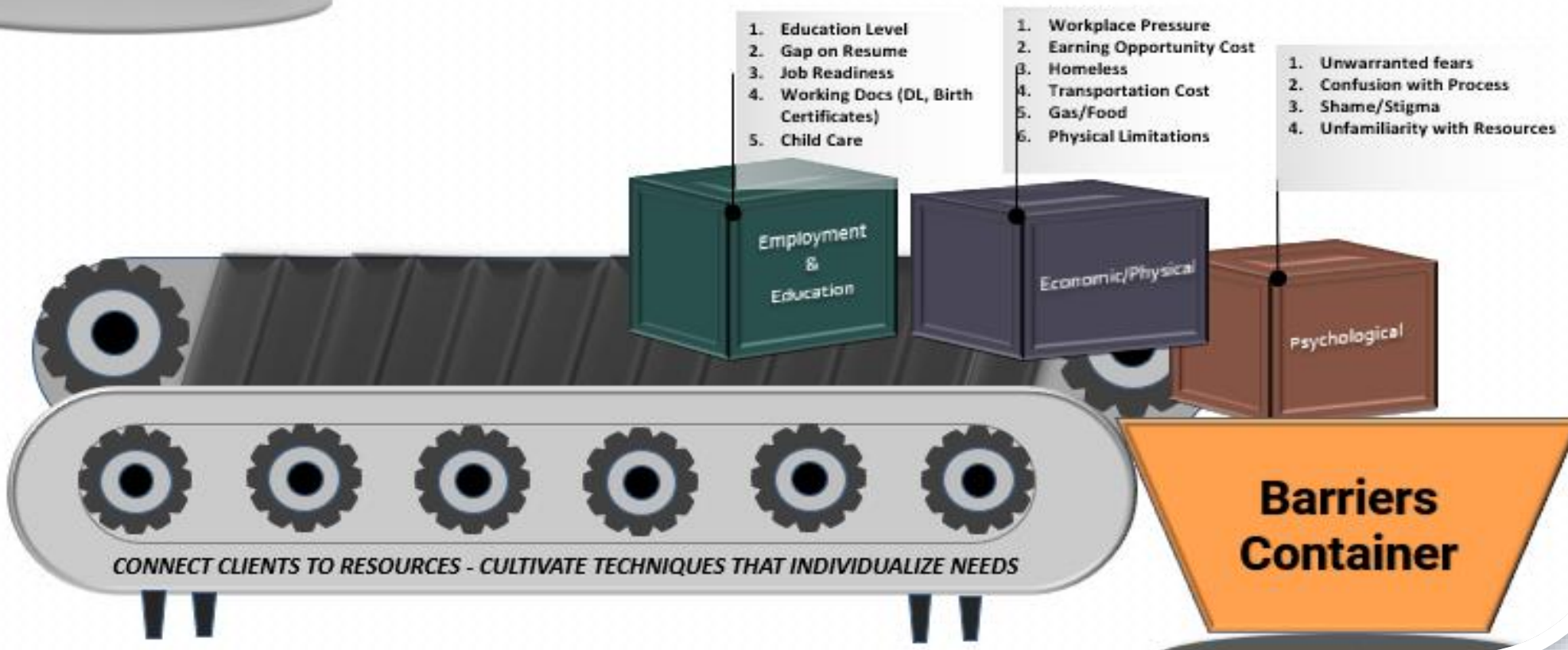
- ✓ New monthly payment plan and start date
- ✓ Total number of payments remaining to satisfy the financial obligation
- ✓ Financial summary
- ✓ Historical record of payment plan calculation

KEY COMPONENTS (Continue)

Ability to Pay Challenges

Other Factors to Consider

Unable to Pay v. Refusal to Pay



Alternatives

For those individuals with a limited ability to pay, the CEP hearing officers may:

- ✓ make referrals to educational and employment readiness resources;
- ✓ Pause plan payment start dates and relist matters for reassessment of a client's financial circumstance;
- ✓ reduce or vacate non-mandatory penalties (ex. supervision fees); and
- ✓ apply reformatory credit

Note: A hearing officer's findings and recommendations must be reviewed and signed by a Superior Court Judge before it becomes an official order of the court.

DATA REPORTS

Ability to Pay

Venue <input checked="" type="checkbox"/> All <input type="checkbox"/> Atlantic <input type="checkbox"/> Bergen <input type="checkbox"/> Burlington <input type="checkbox"/> Camden <input type="checkbox"/> Cape May <input type="checkbox"/> Cumberland	Poverty Level <input checked="" type="checkbox"/> All <input type="checkbox"/> Below <input type="checkbox"/> Above	Income/Expense <input checked="" type="checkbox"/> All <input type="checkbox"/> INCOME <input type="checkbox"/> EXPENSE	Type of Inc/Exp <input checked="" type="checkbox"/> All <input type="checkbox"/> BENEFIT <input type="checkbox"/> HOUSEHOLD <input type="checkbox"/> RENT <input type="checkbox"/> EMPLOYMENT <input type="checkbox"/> UNFORSEEN EXPENSE <input type="checkbox"/> SELF EMPLOYMENT	Desc of Inc/Exp <input checked="" type="checkbox"/> All <input type="checkbox"/> FoodStamps <input type="checkbox"/> OtherHouseholdExpenses <input type="checkbox"/> Rent <input type="checkbox"/> PublicAssistance <input type="checkbox"/> HouseholdUtilities <input type="checkbox"/> VehicleLoansInsurance	Race <input checked="" type="checkbox"/> All <input type="checkbox"/> BLACK NON-HISPANIC <input type="checkbox"/> WHITE NON-HISPANIC <input type="checkbox"/> HISPANIC <input type="checkbox"/> WHITE-HISPANIC <input type="checkbox"/> NON-HISPANIC <input type="checkbox"/> OTHER NON-HISPANIC	Gender <input checked="" type="checkbox"/> All <input type="checkbox"/> Male <input type="checkbox"/> Female	Age <input checked="" type="checkbox"/> All <input type="checkbox"/> 16 - 34 <input type="checkbox"/> 35 - 40 <input type="checkbox"/> 41 - 60 <input type="checkbox"/> 60+	Start Date 02/01/2024	End Date 05/16/2024	<input type="button" value="Run"/> <input type="button" value="Detail"/>
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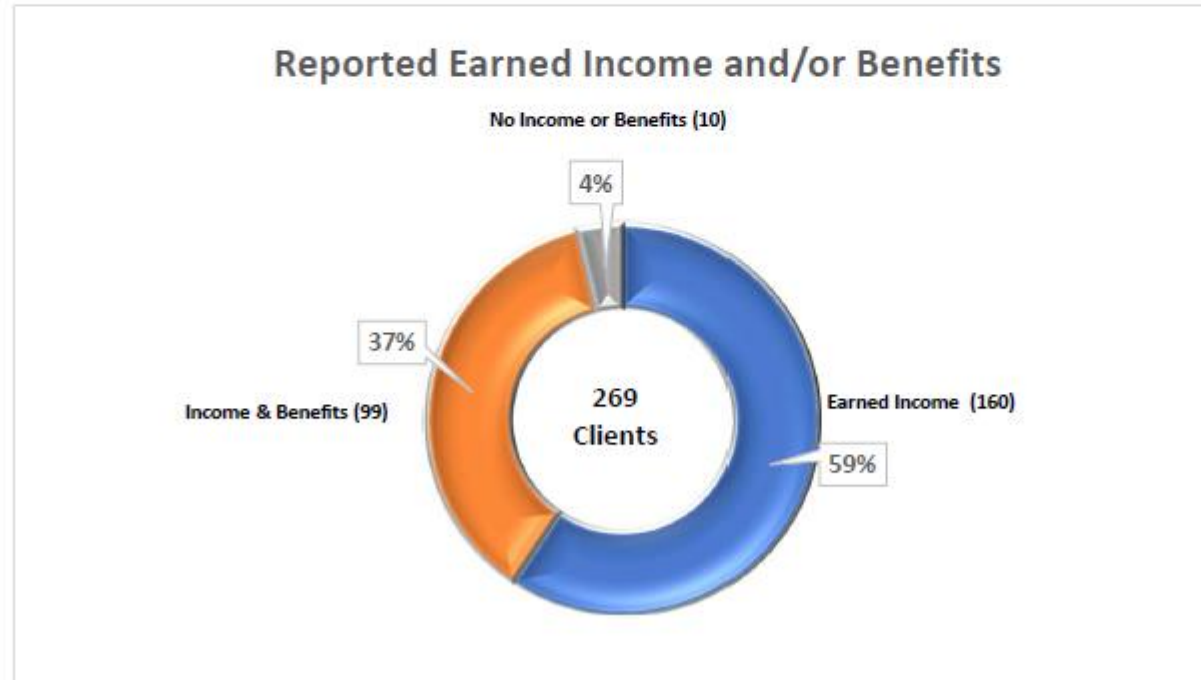
Income vs Poverty / Income vs Expense Total Monthly Income / Balance Owned Demographics

- ✓ Data is stored in a database that allows users to examine previously generated results to aid in identifying and prioritizing areas of individualized needs (e.g., education, employment, housing, etc.).
- ✓ The data is also used to gather a deeper understanding of the barriers or limitations that may impact their ability to pay.

Example of Data Utilization

The following report examines the results of the *Ability to Pay Calculator* (ATPC) as generated from the *Ability to Pay Dashboard*

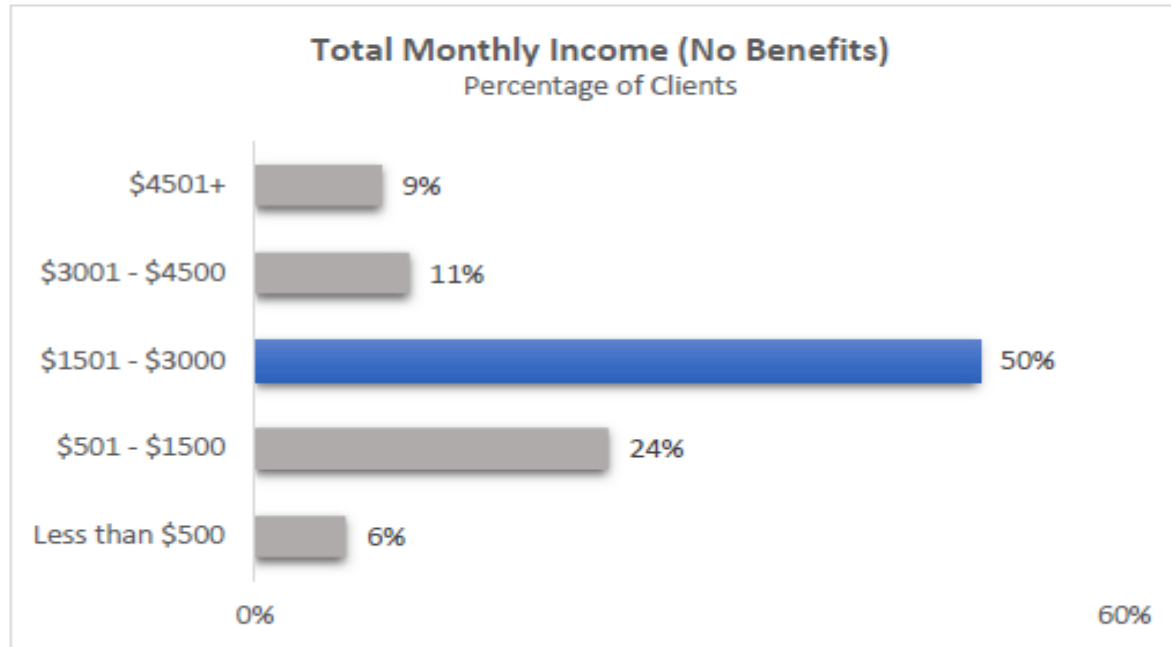
The first diagram below contains the percentage of total clients who reported income (only), both income and benefits, or no income:



Example of Data Utilization

Of the 59% reporting income only, which represents 160 total clients, 50% reported a monthly income between \$1500 to \$3000.

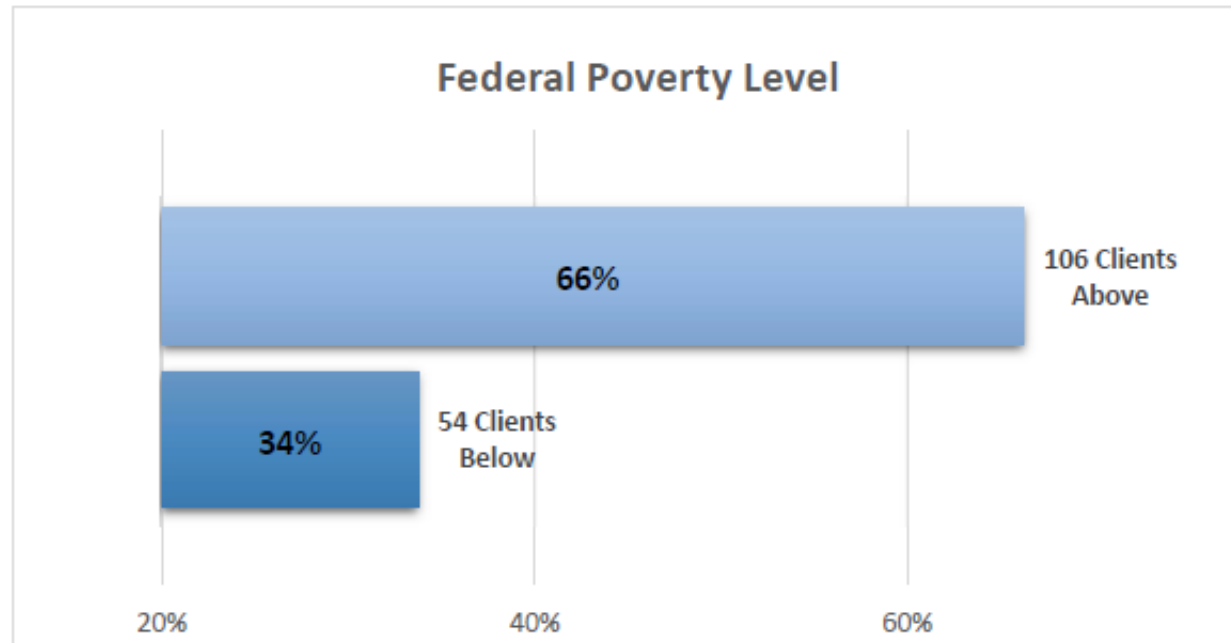
The diagram below details distribution of clients across each monthly income range:



Monthly Income Range	Total # of Clients
\$4501+	14
\$3001 - \$4500	17
\$1501 - \$3000	80
\$501 - \$1500	39
Less than \$500	10
Total	160

Example of Data Utilization

The figure below demonstrates that out of 160 total clients with a household size between one (1) and six (6) (averaging at two individuals), 66% reported income above the poverty threshold. Only 34% reported income below the poverty level.



Example of Data Utilization

While the median household income was \$2,000, it varied by race and ethnicity, as detailed below:

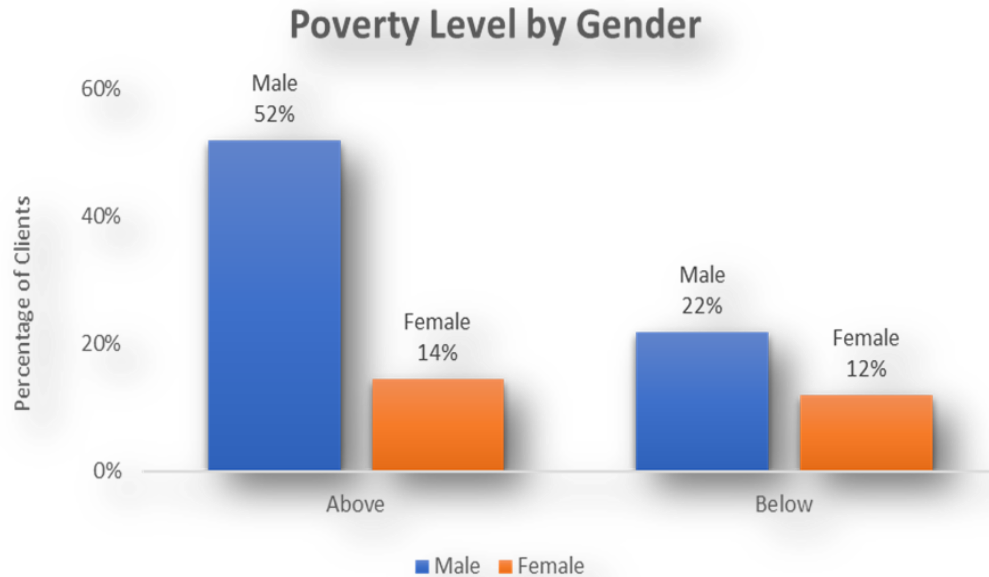
Race/Ethnicity	Total Clients w/ Income (No Benefits)	Median Household Income
All Races/Ethnicities	160	\$2,000
White Non-Hispanic	78	\$2,142
Black Non-Hispanic	60	\$1,710
Hispanic	15	\$2,400
White Hispanic	6	\$2,500
Other Non-Hispanic	1	\$2,000

The median age was 39 years. The percentage of clients by age and gender are parsed out below:

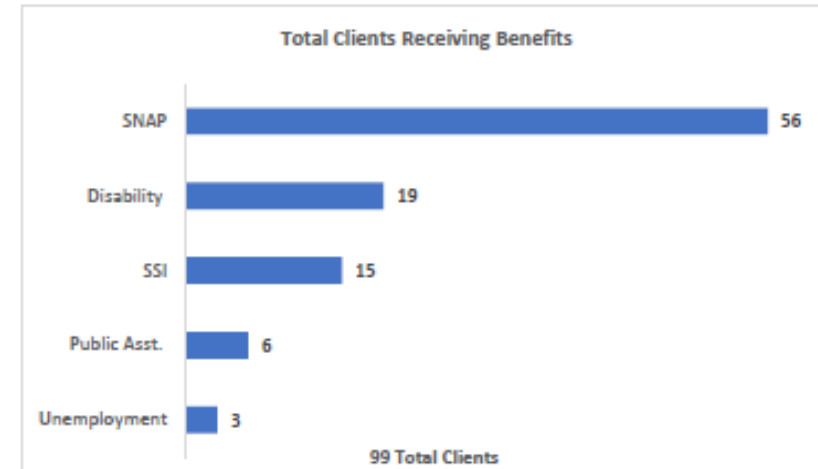
Age	Male	Female
20 to 24	4%	2%
25 to 34 years	29%	8%
35 to 44 years	19%	9%
45 to 54	17%	6%
55+	5%	1%
Total	74%	26%

Example of Data Utilization

Poverty level as it relates to gender is detailed below:



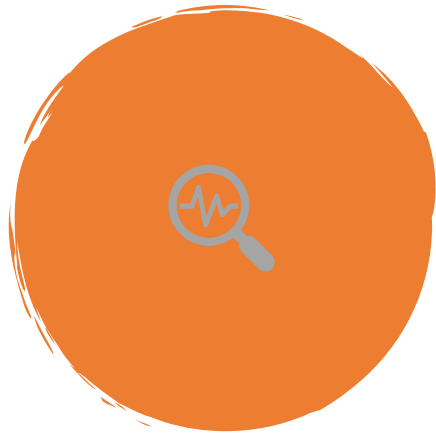
A total of 99 clients reported that they received either SNAP, disability, SSI, public assistance, or unemployment benefits as demonstrated in the figure below:



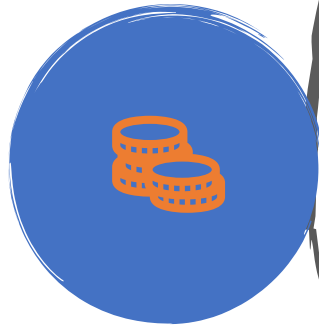
Expanded Data Utilization



Structuring Optimal
Financial Planning



Identifying
&
Prioritizing
Individualized Areas of
Need



Designing
Action Plan to
Reach Goals

Client-Focused Solutions

Helping clients achieve better outcomes in all areas of supervision, including but not limited to the financial aspect.



End users have been actively utilizing the Ability to Pay Calculator and providing feedback on their experience. Their use and review of the tool has been invaluable in reporting:

- ✓ workflow constraints
- ✓ validating concepts
- ✓ improving usability

Their findings as well as other critical requirements are continuously being reported to our system developers.