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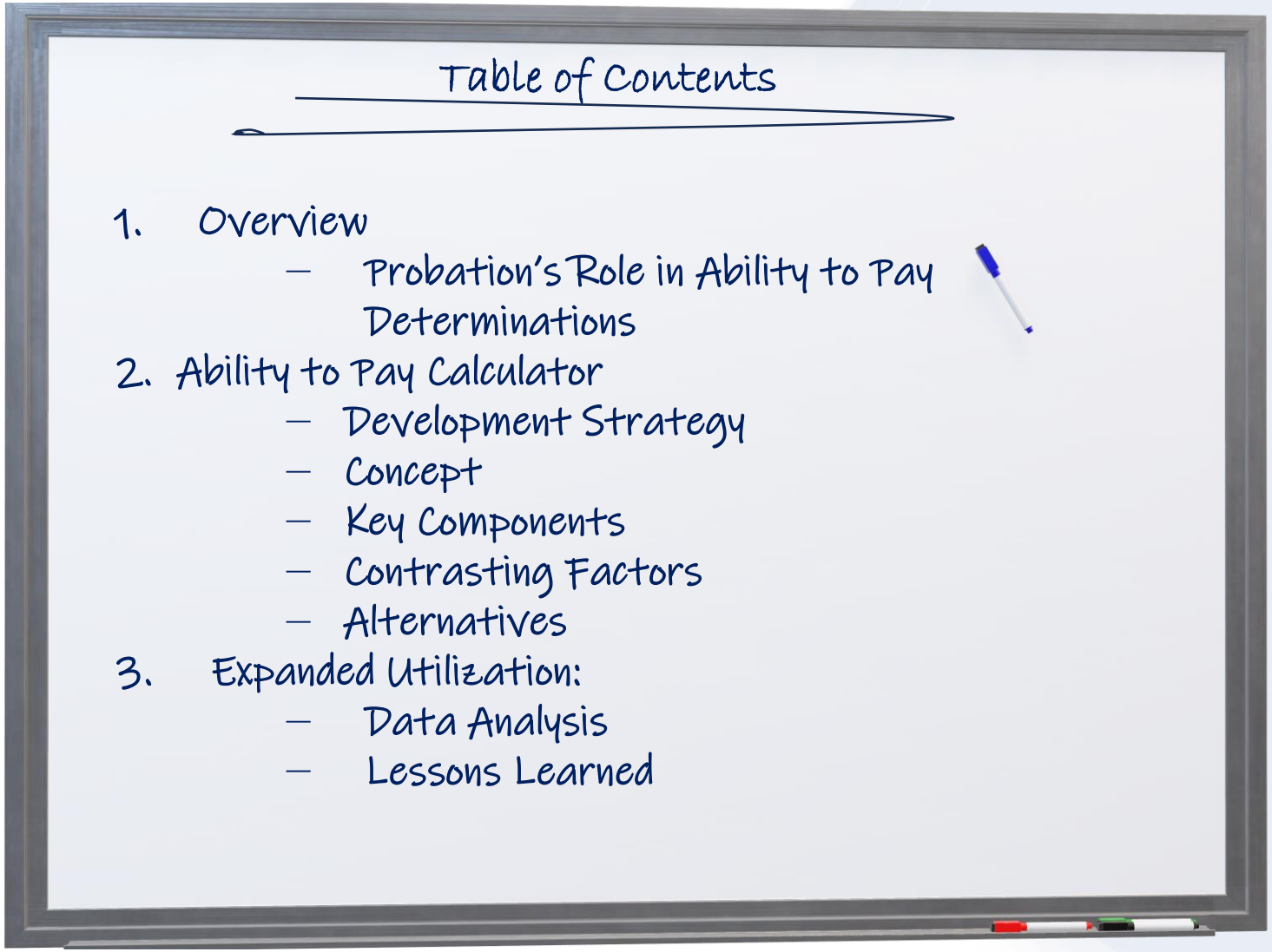
CENTRAL OFFICE OF PROBATION SERVICES

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

HISTORY

COLLECTION AUTHORITY

COMPREHENSIVE ENFORCEMENT PROGRAM

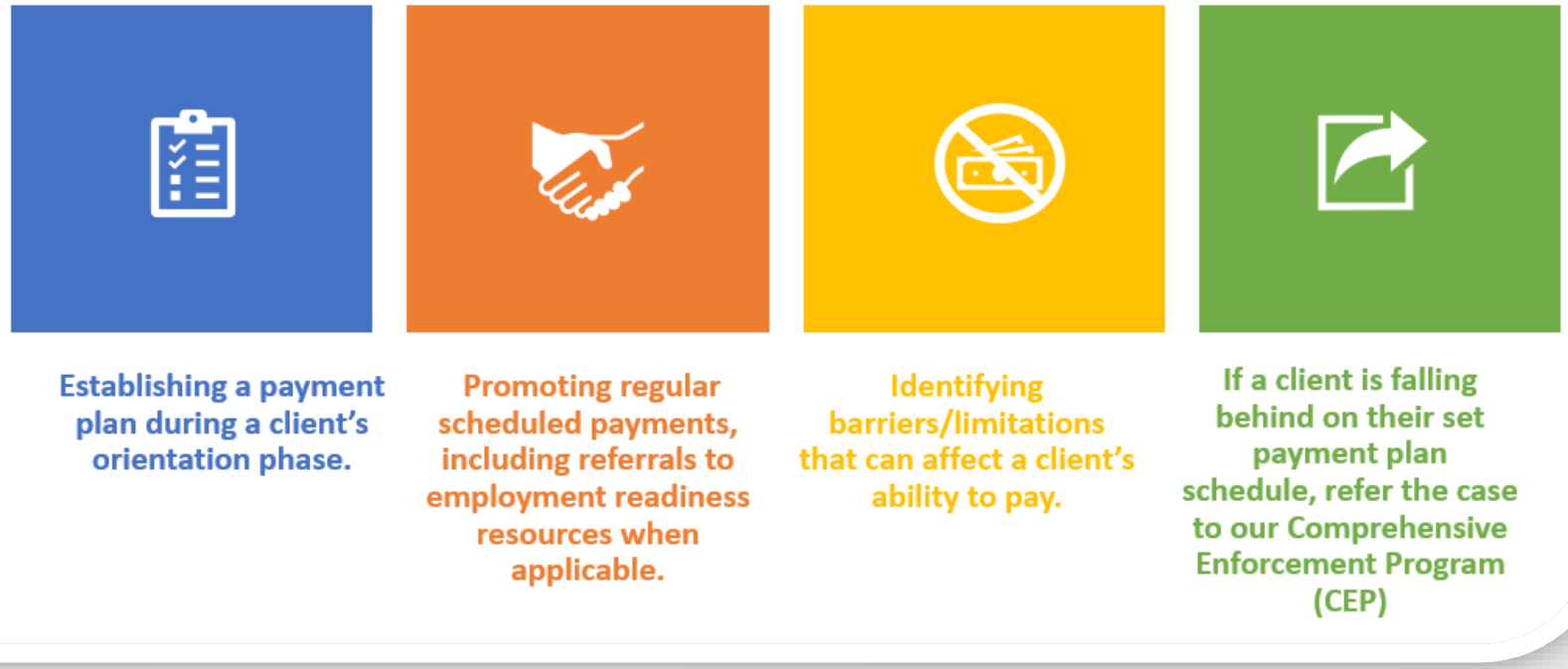
For more information about the Comprehensive Enforcement Program, go to www.njcourts.gov and search for Comprehensive Enforcement Program.

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).

Roles of Probation Officers

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



COLLECTION AUTHORITY

COMPREHENSIVE ENFORCEMENT PROGRAM

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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.

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

- Making findings of fact
- Utilizing the **Ability to Pay Calculator** to aid in ability to pay determinations
- Setting payment plans that individualize clients' needs

COMPREHENSIVE ENFORCEMENT PROGRAM

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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
Net Salary		Mortgage and/or Property Taxes	
Self-Employment		Rent	
Pension		Household Utilities	
Unemployment ☐ / Disabilit ☐		Other Household Expenses (ex. food, childcare, public transportation, etc.)	
Spousal / Cohabitant Contribution		Vehicle Loans / Insurance	
Supplemental Security Income (SSI)		Other Loans & Expenses	
Public Assistance / Subsidies		Child Support / Alimony: Paid Through Probation Dept. ☐ Ye ☐ No	
Food Stamps		Medical / Dental / Hospital Debts	
Child Support / Alimony		Mortgage Loan Balances	
Housing Subsidies		Support Arrearage	
Veterans Administration		Fines Owed to Other Courts	
Trust Fund Income		Credit Card Balances	
Institutional Wages		Civil Judgments Owed	
Income From Rental Properties		Other Debts (ex. Attorney Fees, Vehicle Loans, etc.)	
		Show/Hide	

Total Monthly Income	$0	Total Monthly Payments	$0
Total Assets	$0	Total Debts	$0
	Discretionary Income	$0	

RECOMMENDED PAYMEN Show/Hide	
Monthly Payment Plan	$0
Lump Sum Payment	$0

WHAT CAN THE CLIENT PAY PER MONTH?	
Enter Total Balance Owed	
Enter New Monthly Payment Plan	
Enter Lump Sum Payment Amount	
Enter New Payment Start Date	
New Payment End Date	0-Jan-00
# of Payments to Satisfy Obligation	0
CLICK HERE FOR ASSESMENT OF NEW MONTHLY PAYMENT PLAN	

CLIENT DETAIL		
Client Name		
Client ID/County Code		
Date		

ASSETS		ADDITIONAL COMMENTS
House(s) / Land Market Value		
Value of All Motor Vehicles		
Cash		
Current Balance Checking Account / Savings		
Civil Judgments Pending		
Face Value of CDs / IRAs / 401Ks / Stocks Bonds		
Money Market Accounts		
Retrievable Bail Amt		
Other Assets		

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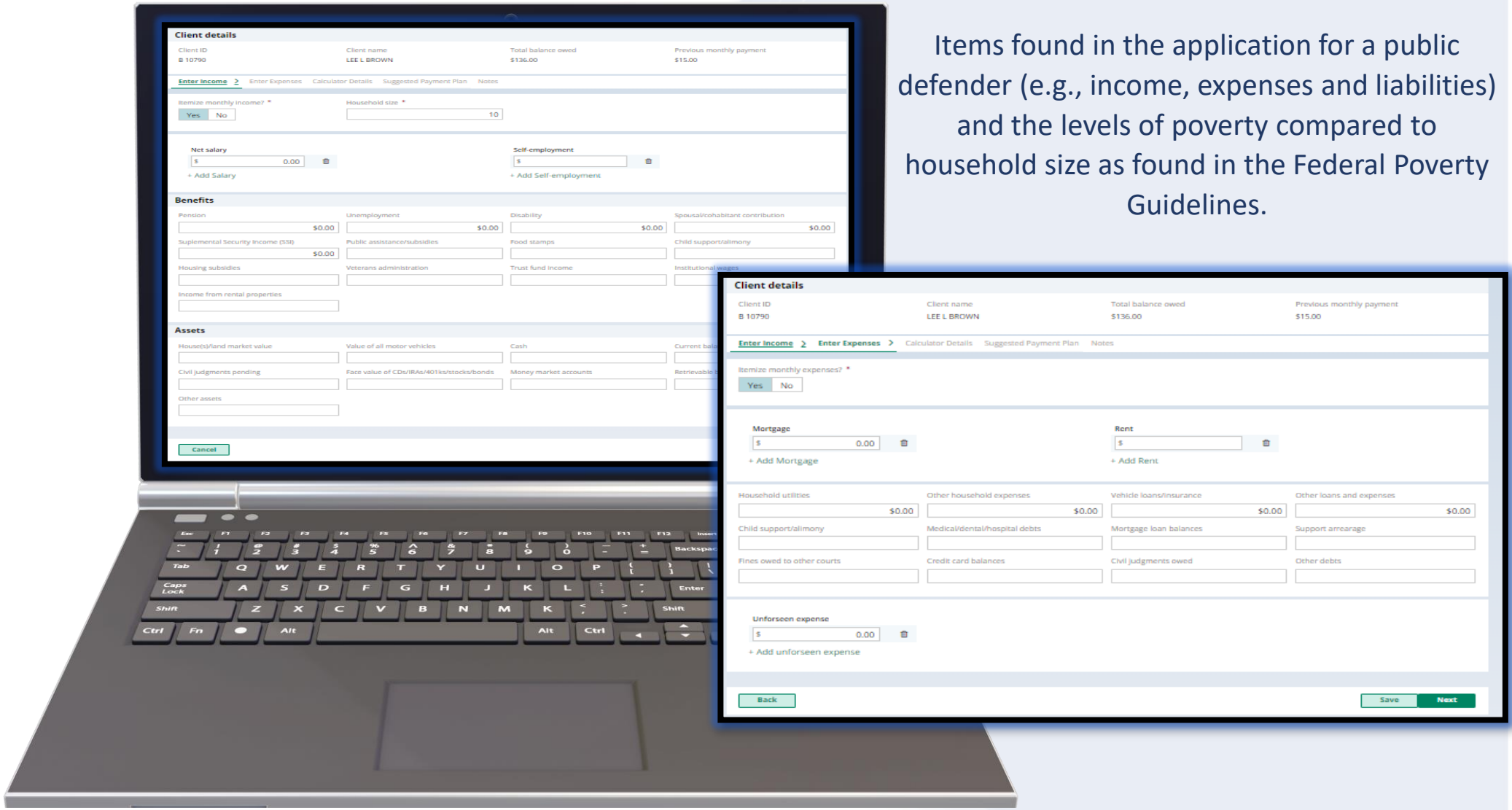
KEY COMPONENTS



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.

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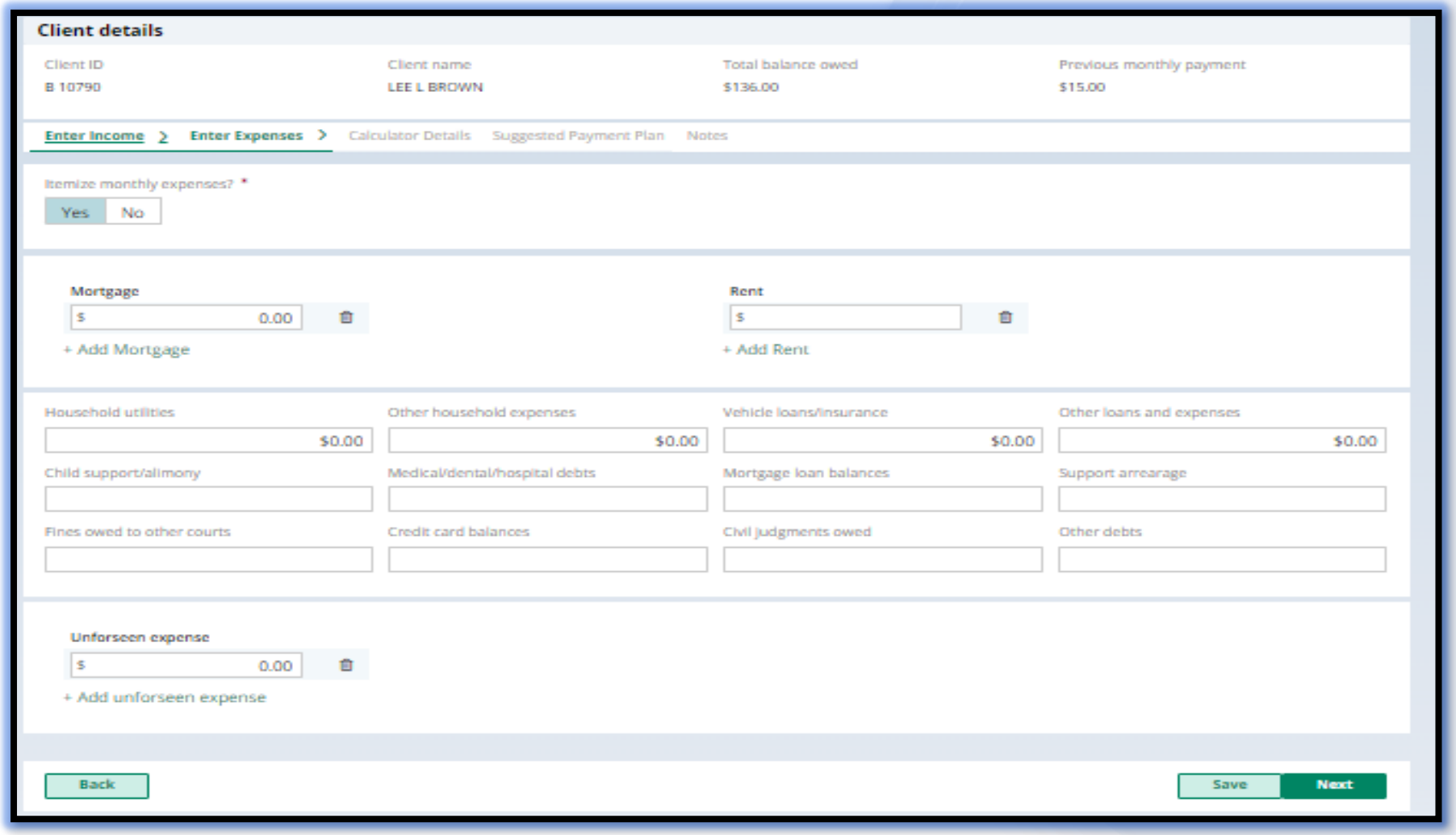
Alternatives



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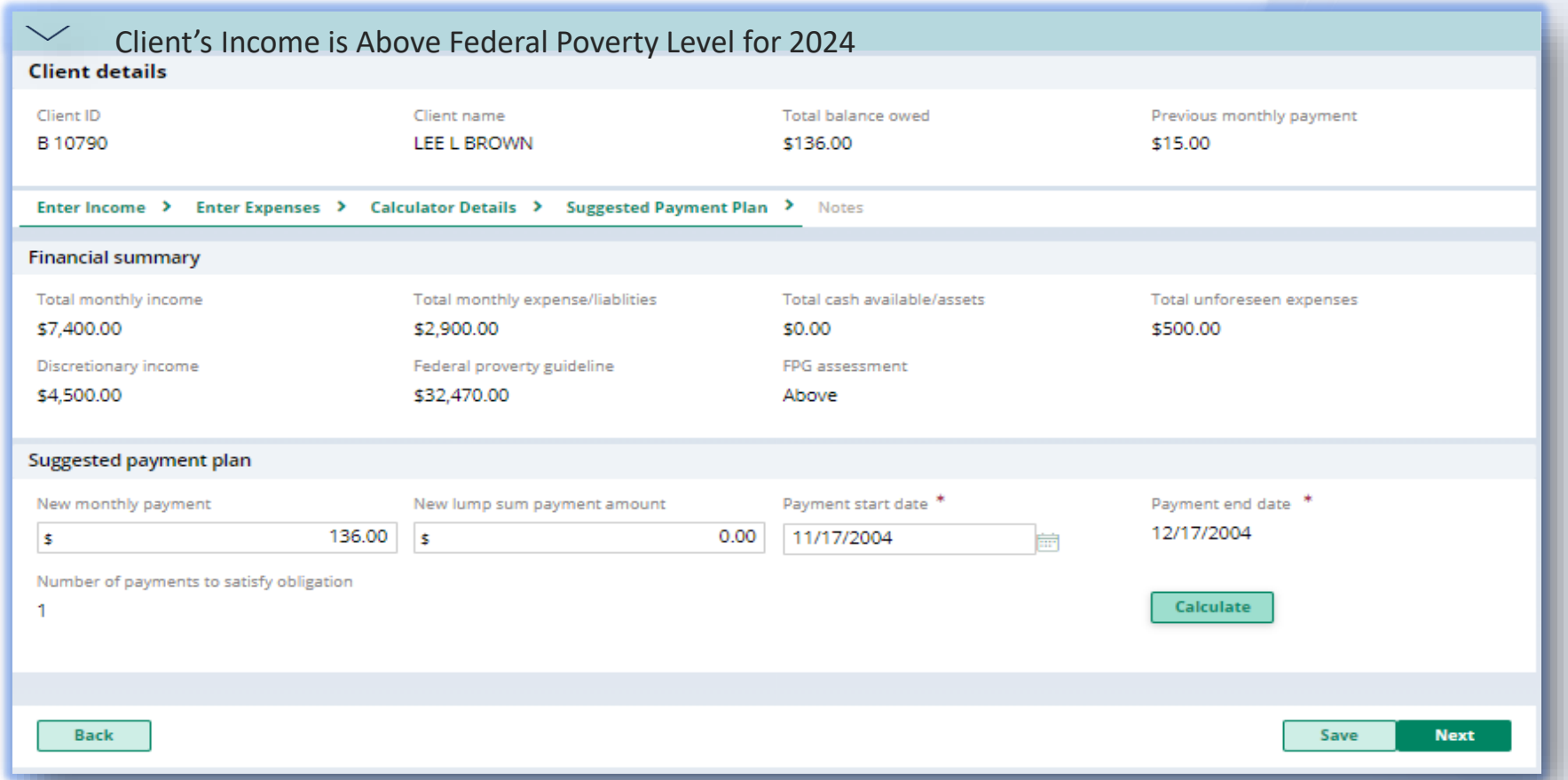
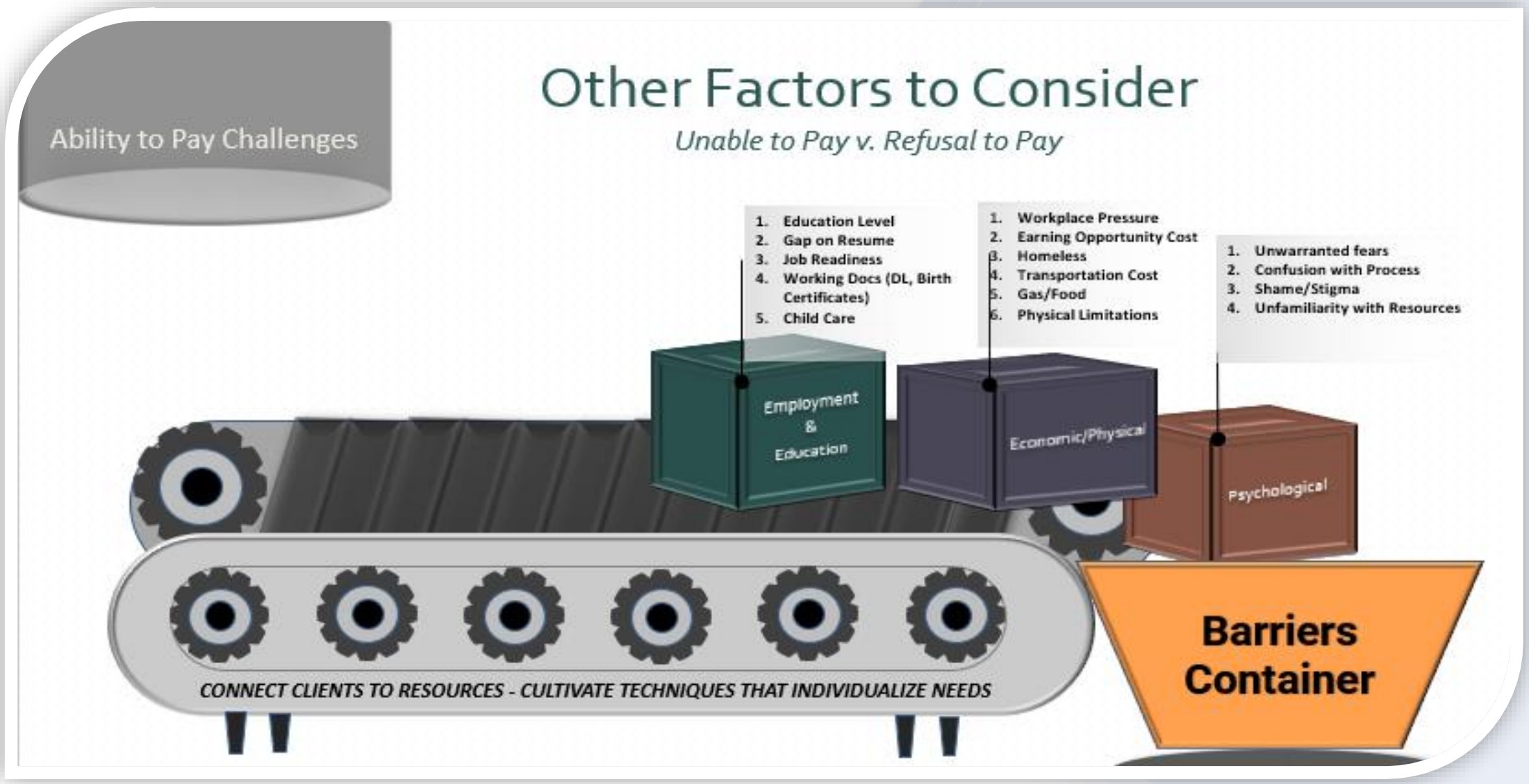
KEY COMPONENTS (Continue)



- ✓ 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)



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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 reformative 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.

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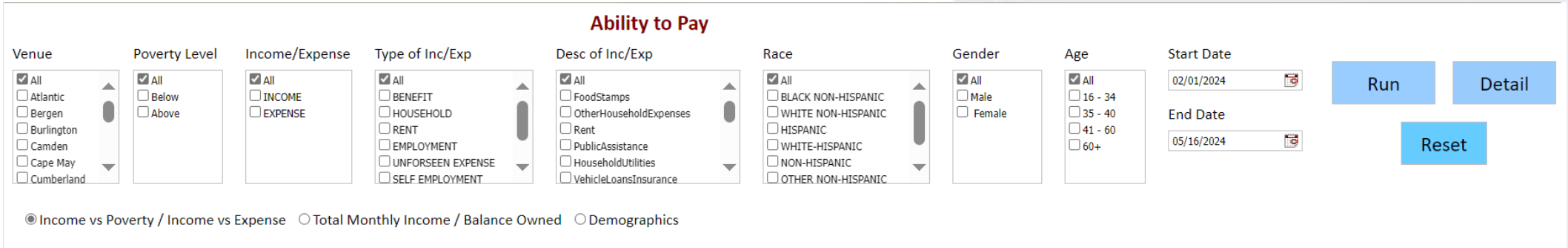
DATA REPORTS

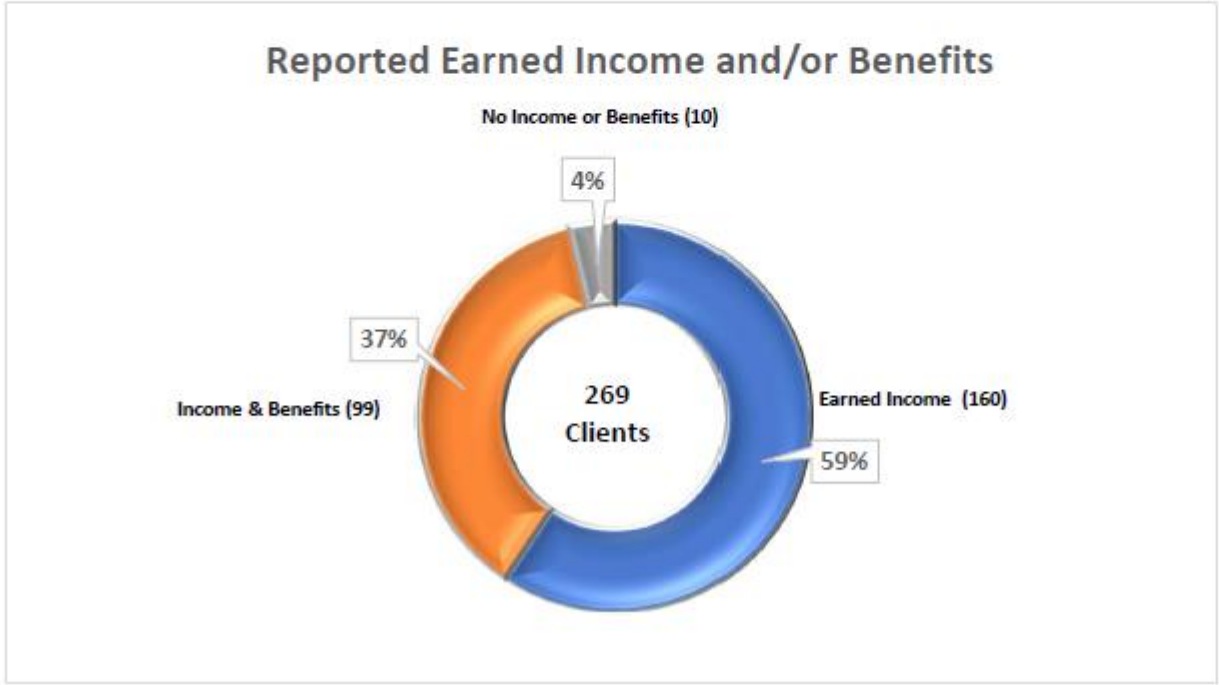


- ✓ Data is stored in a database that allows users to examine previously generated results to aid in identifying and prioritizing areas of individualized needs (e.g., education, employment, housing, etc.).
- ✓ The data is also used to gather a deeper understanding of the barriers or limitations that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

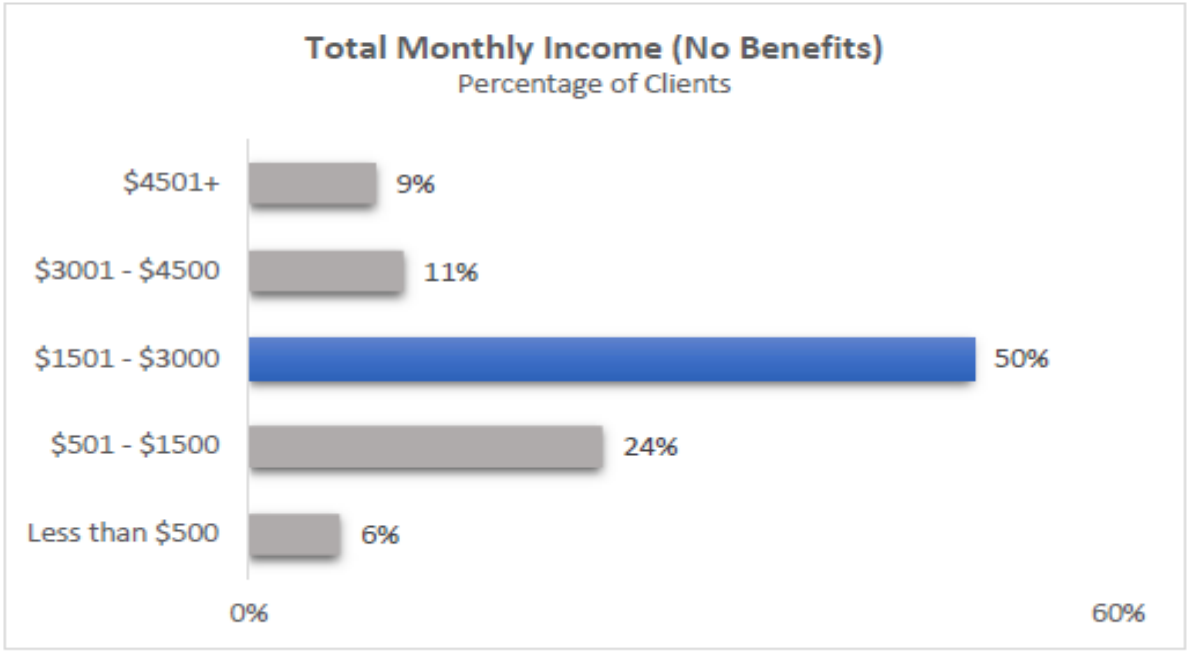
The first diagram below contains the percentage of total clients who reported income (only), both income and benefits, or no income:



Example of Data Utilization

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

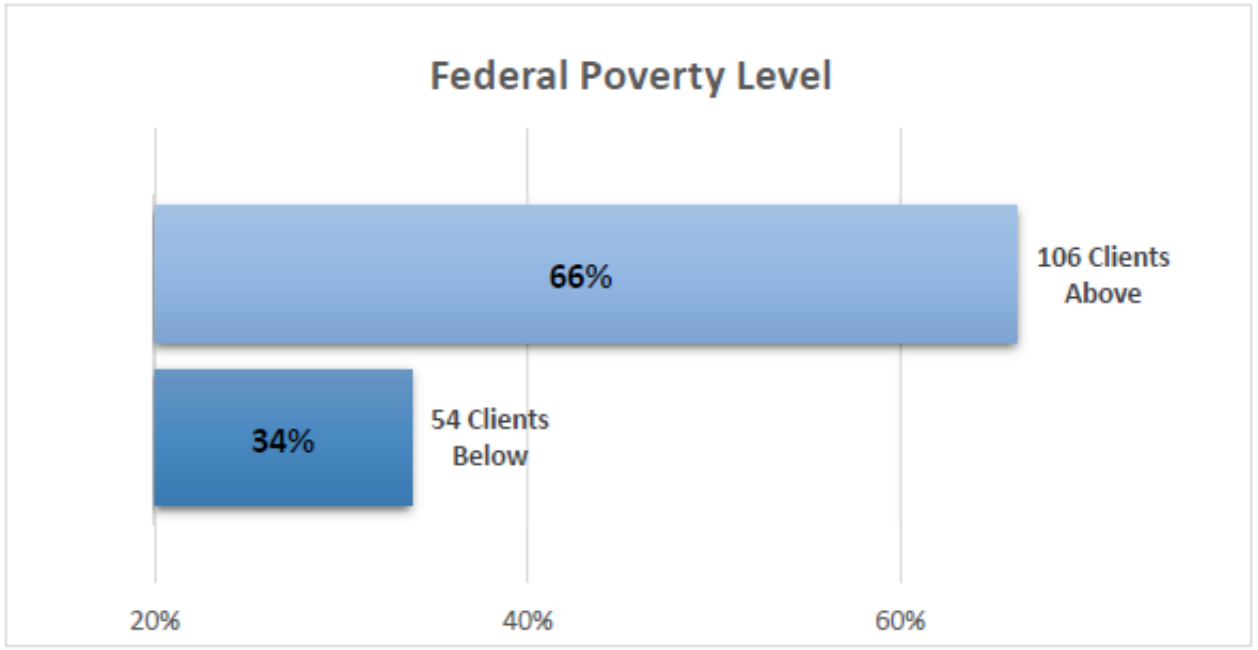
The diagram below details distribution of clients across each monthly income range:



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%

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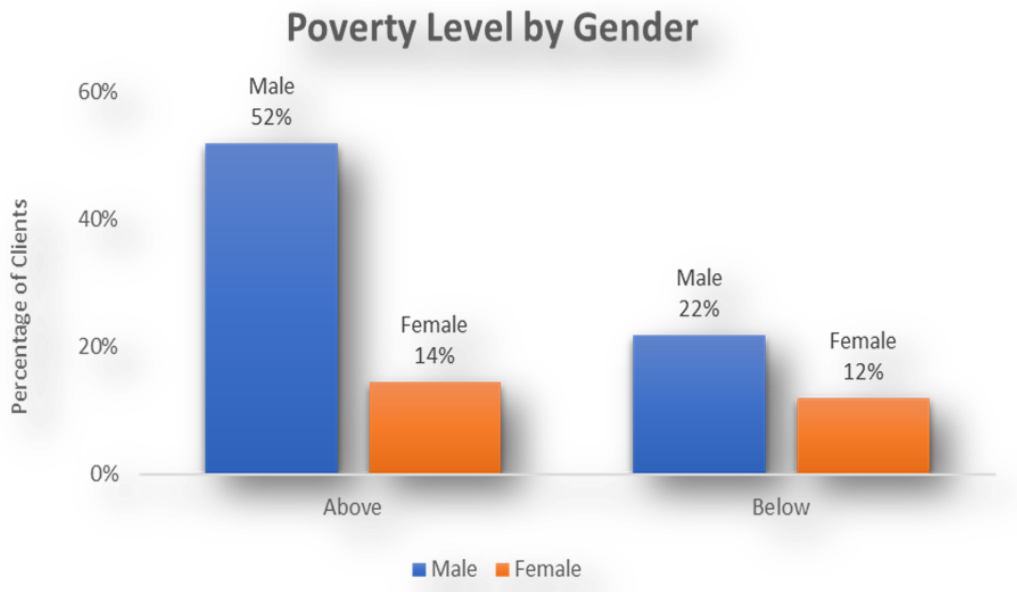
Example of Data Utilization

Poverty level as it relates to gender is detailed below:

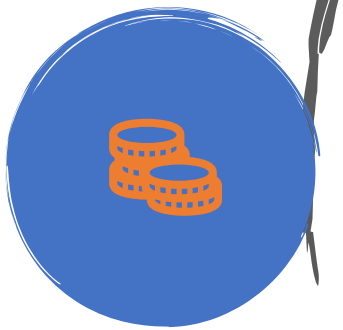


A total of 99 clients reported that they received either SNAP, disability, SSI, public assistance, or unemployment benefits as demonstrated in the figure below:

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.

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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.