

Genesee County courts turn to collections agency for those unpaid fines

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GENESEE COUNTY, Michigan -- For years, it's operated on something like an honor system - but one that hasn't worked very well.

Local courts assess fines and costs against defendants in criminal trials, and then basically hope they're paid. But it doesn't always happen.

But with a new program in Genesee Circuit and Central District courts, those who don't pay up will be sent to a collection agency.

And that's not all. The information will also go to the state treasurer's office, where officials can intercept state income taxes to pay court fees.

More than \$4 million in fees assessed by the two courts since January 2006 remains unpaid, and about 1,200 delinquent accounts were sent this month to CBCS collection agency, based in Columbus, Ohio. The money can range from about \$100 to thousands, said Circuit Court Administrator Barbara Menear.

The agency only received delinquent accounts that have the best chance of being collected, such as those of people who court records show were employed, Menear said. She said CBCS has a better means of getting the money, such as discovering unreported income or garnishing wages, than court staff does.

"It's done in an effort to make sure people comply with the order of the court and, secondly, it's to do a better job to collect money for Genesee County," said Menear.

For two years, Shawn Ray of Flint has been trying to make monthly payments on the approximately \$2,000 he owes in court costs for a probation violation and drunken driving charge.

He's down to about \$100 left to pay, but it's been a struggle. He said he's sometimes missed a month or two when he couldn't find work. Ray works odd jobs around Flint.

He knows what it's like to be behind and is worried about others like him who may be sent to collections.

"Some people make no effort to pay, and then I think (collection) would be acceptable," he said. "But for those that find it difficult to pay some months, it wouldn't be fair."

The nonpayment problem isn't just in Genesee County. Several states and other courts in Michigan have turned to collection agencies.

According to news reports, Arizona at one point had more than \$800 million in unpaid costs, fines, fees and restitution. In the four years since the state has contracted with a credit company, it has managed to bring in about \$90 million.

Officials acknowledge that not everyone will be able to pay, even with a collection agency calling. Besides hurting someone's credit score, there isn't much more that can be done.

A delinquent person can be brought before a judge, but with the ever-looming threat of jail overcrowding, he or she probably won't be kept in custody long.

Credit companies typically get a percentage of what they collect, which will be 15 percent to 25 percent for CBCS. Most overdue accounts have a 20 percent late fee already added in, so the county isn't losing much money.

"Of course there will be a cost, but it's a lot cheaper than if we tried to do it in-house or didn't collect at all," said Chief Circuit Court Judge Archie Hayman.

For Flint's District Court, the cost is too prohibitive to try a collection agency, said Interim Court Administrator Irma Chenevert. It's not that the court doesn't have money to collect: Since November 2007, it's racked up \$1.3 million in overdue fines and fees, and more than \$9 million is due from the past seven years.

Chenevert said at one time the court had an employee dedicated to setting up payment plans and getting money collected, but with the city's budget crisis, there is no longer time for that.

"It would be great if you have someone to collect it, but people have to have jobs to be able to pay it," Chenevert said. "They're going to pay rent and buy food before paying court costs. It's only logical."