

Court Collections Program Requirements

- Each court must implement or have a collections program in place that conforms to a model developed by the SCAO and is designed to improve collections through application of best practices.
- Whenever a court attempts to enforce court-ordered financial obligations, the litigant must be given an opportunity to contest the enforcement on the basis of his or her indigency and the court must assess the litigant's ability to pay. The court should consider whether the litigant is indigent and unable to pay at that time or whether forced payment would cause a manifest hardship on the litigant or the litigant's family at that time.
- Each court will submit to the SCAO an initial collections program survey with information regarding their court's program. Courts will update information regarding collections programs when requested by the SCAO.
- Courts that do not meet the minimum requirements for a compliant collections program will prepare an action plan to implement program components, with a timetable for intermediate and full implementation, which should not exceed one year. Action plans will be submitted with the collections program survey to the SCAO for approval by the state court administrator. The court will provide a progress report to the SCAO one month after implementation. The Collections Advisory Committee has found that compliance with these requirements should not require additional staff or resources. The SCAO will assist courts in meeting the program requirements in the most effective and efficient manner.
- Information and records collected for purposes of collection activity shall be considered confidential, shall be maintained in a separate file marked confidential, and shall not be accessible to the general public. Judges and collections staff shall have access to all collections information and records of their court. Judges or collections staff shall permit designated representatives of a third-party vendor that provides collections services to the court to have access to the records pertaining to litigants whose debts have been assigned to the third-party collector. Courts shall ensure that vendors are subject to the same confidentiality rules as the courts. Auditors must be given access to records required to perform their audit functions.
- The SCAO shall provide for periodic compliance reviews of the courts to verify information reported and confirm that the court is complying with their reported program components.
- The SCAO shall:
 - Make available on its collections website collections program requirements and best practices.
 - Assist courts in implementing a program by providing training, consultation, and technical assistance.
 - Provide courts with current collections data, which includes collections rates and collections programs implemented by the courts.
 - Ensure that appropriate training programs are in place to educate all stakeholders.