



**Guide to Completing Court Form AOC-CR-415
MOTION FOR RELIEF FROM FINES, FEES AND OTHER MONETARY
OBLIGATIONS, AND ORDER ON MOTION**

What is AOC-CR-415?

This is a motion. In our court system a motion is what we call any request made to the court or a judge to do something in your favor. This particular motion is requesting the court to relieve you from your responsibility to pay, in full or in part, or requesting more time to pay, court costs/fees, fines or other money that is due to the court.

The terms “court cost” and “court fees” can be used interchangeably. They refer to the costs assessed by the court for the basic handling of a case in district or superior court. These costs are standard throughout civil and criminal cases. These include costs associated with public defenders, incarceration, probation supervision, community service, court proceedings, etc.

Court fines are **financial punishments** that are assessed by a judge as part of a sentence after conviction as a penalty. The judge usually has discretion, within limits set by the law, to decide how much of a fine to impose in a case.

Restitution is an amount of money that a court can order a defendant to pay for the purpose of compensating victims of a crime for their losses.

Here is an example of restitution: You were charged with larceny from Walmart for stealing items totaling \$147.83 and the court orders you to pay Walmart back in the amount of \$147.83 to compensate them for the items that were stolen.

****Below, the term, monetary obligations” refers to court fines, fees, and restitution****

How can this form be used?

This form can be used for various reasons such as:

- If you have a traffic ticket or have been charged with a criminal offense and can't pay the monetary obligation
- If you've already been to court and the court has ordered you to pay a monetary obligation, and you are now unable to pay any or all of the amount
- If you have not yet gone to court and want to ask the court not to impose court fees
- If you're on probation and can't pay any or all of monetary obligation
- If your financial status has changed since the monetary obligation was imposed and you would like the court to lower or cancel what you owe
- If you would like to establish a payment plan to pay back the monetary obligation that the court has ordered

How can this form NOT be used?

This form cannot be used to relieve you from the \$75 fee imposed when you request the appointment of an attorney.

What will the information that I put on this form be used for?

This form requests information that may be considered sensitive such as your monthly income and expenses and other personal financial information. This information is needed solely to allow the court to fully assess your financial situation in order to consider your request about your outstanding monetary obligations. This information will not be used beyond this extent.

What exactly do I do?

After you get the packet be sure to fill every section out completely and then file it with the clerk of court. Here is how:

STEP 1: Filling out the appropriate forms

You must complete the following:

- 1) **Motion (page 1-2 entirely):** This is where you will list your monthly income and expenses. The court will use this information to determine whether you have the ability to pay your monetary obligations. The court will not use this information beyond this process.
- 2) **Certificate of Service (Top of Page 3):** This is how you verify that you have given notice to the prosecutor that you have filed this motion with the court. Once you complete the Certificate of Service Portion, do not fill in any other portion of the document, the rest is to be completed by the judge.
- 3) **Once you finish the certificate of service, you are done. Do not try to fill out anything that follows.**

Motion Page 1:

At the top left corner, list the county that your case is in. At the top right corner of the form, under “File No.” list the file number that is assigned to the case that you are asking the court to waive the monetary obligations for. If you do not have this information, you can obtain it from the clerk of court. Put a check beside “District Court”, if your case was held in district court. If the case was held in superior court, then place a check beside the “Superior Court” box. If your case number has “CR” (for criminal district) or “IF” (for infraction) in the middle, it was held in district court. If it has “CRS” in the middle it was held in Superior Court. Be sure to completely fill out all of the boxes on the top left section of the form with your name, phone number, date of birth and home address. Select “I am self represented” if you do not have an attorney helping you file this motion.

Completely fill in every box for both sections labeled: “Ability to Pay Worksheet” and “Public Assistance.” If a section does not apply to you, put a zero in the box.

IMPORTANT NOTE: PLEASE MAKE EVERY EFFORT TO ACCURATELY REPORT YOUR INCOME AND EXPENSES AS REQUIRED IN THIS MOTION. IF A COURT FINDS IN THE FUTURE THAT YOU INTENTIONALLY PROVIDED FALSE INFORMATION, YOU ARE SUBJECT TO A PROSECUTION FOR PERJURY. IF YOU ARE UNSURE ABOUT AN EXACT AMOUNT, YOU CAN ALWAYS ADD (“APPROXIMATELY”) IN THE BOX BEFORE THE NUMBER AMOUNT ENTERED.

Ability to Pay Worksheet:

Monthly Income:

- a. **Employment Income (after taxes):** List how much money you make from your place of employment after taxes each month. If you do not have a job, check the box that says “I am unemployed.” If you have multiple jobs include the income from all of your jobs here.

- b. **Spouse’s Employment Income (after taxes):** If you are married, list how much money your partner makes from their place of employment after taxes each month. If you are not married, or your spouse does not work, check the box that says “My spouse is unemployed or I have no spouse.” If you are married but your spouse does not live with you or provide any support, and you don’t know how much your spouse earns, include that information here. For example, you could say, “Separated, information unknown”.

c. **Investment Income:** List any income that you have made from investments. This includes any money that you have made in return for giving money or purchasing something. For example, stocks, 401k, and Roth IRA accounts.

d. **Rental Property Income:** List any payment you receive for the use or occupation of property. For example, if you own a home and rent it out to someone else, or if you rent out a room in your house.

e. **Pension Payments:** List any payments you receive from your retirement plan from your employer or previous employer.

f. **Child Support Payments Received By You:** List any payment you receive for child support from your child (ren)'s other parent.

g. **Gifts From Others:** List the dollar amount of any major valuable objects that you receive monthly as a gift from someone else.

h. **Other Income (specify):** List any income you receive that has not already been listed above. For example, any social security retirement benefits

This income supports me and _____ other people: List how many people either within or outside of your household that you currently support with the income that you have listed above. This can include but is not limited to individuals that you claim as dependents on your taxes.

Public Assistance: Payments provided by the government to you

- a. **TANF** (temporary assistance for needy families): Temporary monthly payments (for up to 60 months) for families in need usually given through connection with the state Work First program.
- b. **Supplemental Security Income (SSI):** Monthly payments provided by the federal government to help the elderly, blind or disabled community who have little to no income.
- c. **Social Security Disability Insurance (SSDI):** This is another form of disability payment from the federal government that is awarded to those who are insured, meaning that they worked long enough and paid Social Security taxes.
- d. **SNAP/Food Stamps:** Monthly nutritional benefits, usually provided on an EBT card for the purpose of providing food to those in need.

- e. **Veteran's Benefits:** Monthly government assistance received as a result from being a US Veteran.
- f. **Other public assistance:** Any other form of government assistance that you receive that was not listed above.

This public assistance supports me and ____ other people: State how many people either within or outside of your household that you currently support with the public assistance that you have listed above. This can include but is not limited to individuals that you claim as dependents on your taxes.

Motion Page 2:

Monthly Expenses: Money that you pay out each month

REMEMBER TO BE AS ACCURATE AS POSSIBLE. YOU CAN ALWAYS ADD (“APPROXIMATELY”) IN THE BOX BEFORE THE NUMBER AMOUNT ENTERED IF YOU DON’T KNOW A SPECIFIC AMOUNT.

- a. **Rent/Mortgage:** List how much you spend monthly for housing.
- b. **Food/groceries:** List how much you spend monthly for food, including groceries and going out to restaurants.
- c. **Utilities:** List how much you spend monthly on services such as electricity, natural gas, water, sewage, trash, internet, cable TV, phone, and recycling.
- d. **Health Care/ Medications:** List how much you spend monthly on all health care expenses such as health insurance, medical bills, medications
- e. **Car/Transportation:** List how much you spend on your monthly car payment, car insurance and gas. If you do not have a car, list how much you spend on public transportation such as train/bus fare or Uber and Lyft, etc.
- f. **Entertainment:** List how much you spend on leisure activities per month. Examples include: going to the movies, bowling, skating, Apple music, Spotify, books, Hulu/Netflix subscription fees, etc.

- g. **Childcare/child support payments:** List how much you spend monthly on caring for your children. This can include money that you pay out in child support, child clothing, babysitting and daycare fees.
- h. **Education (school tuition/fees) (list school or program attended):** List how much you spend monthly on your school tuition, books, trainings, certification programs, or other school-related expenses, as well as the school that you attend.
- i. **Taxes:** List how much you pay monthly on state and federal taxes. This information can be found on your employment pay stub. This could also include things such as rental or property taxes that you pay monthly.
- j. **Other expenses (specify):** List out any other monthly expenses that you pay that have not already been listed above. This could include things such as household supplies, additional costs associated with caring for elderly family members, credit card debt, student loan debt, drug tax debt assessed by NC Department of Revenue, etc.

Additional Information

- A. **Total Value of Bank and Other Investment Accounts Owned By You** (specify types, but do not include account numbers)
- b. **Total Value of Residence and Other Real Property Owned By You** (be specific): List the amount of any residential (home) property or land that you own. Only include property that is completely paid off. If you are still paying for the property, do not include anything here.
- c. **Total Value of Jewelry and Other Personal Property Owned By You** (be specific)
- d. **Total Value of Vehicles Owned By You** (motor vehicles, watercraft, etc.): List how much each of the vehicles that you own are worth (be specific). Only include property that is completely paid off. If you are still paying for the property, do not include anything here.
- e. **Total Value of Debt You Owe to Others** (be specific)
- f. **Other Information:** List any other financial information that has not already been stated above that you would like for the court to consider. For example, if you have been laid off from work or your hours at work have been significantly impacted as a result of Covid-19, you recently had an unexpected major expense such as a car or household appliance repair/replacement, etc. you should include those details here.

Request/Motion: This is the section where you ask the Court specifically for your desired result.

Only select one box in this section:

- 1) Check the first box if you are asking the Court to forgive the balance of ALL costs, fees, fines and restitution.
- 2) Check the second box if you are asking the Court to forgive certain costs, fees, and/or restitution, but not all of them. Then, in the larger box list the specific fees that you are requesting forgiveness of. Ex. Probation fees, community service fee, restitution, late fees, etc.
- 3) Only check the third box if you want to ask to pay the monetary obligation back by a specific date, and on the line, write out the date that you are requesting to pay by.
- 4) Check the fourth box if you would like to schedule a monthly payment plan with the court. If this is your request, list the maximum amount you can pay per month on the blank line.
- 5) Check the fifth box if you would like to do community service as a substitute for making the payments to the court.
- 6) Check the sixth box if you are able to pay some amount towards your legal fees today and list the amount in the blank space.

At the very bottom of page two be sure to date, print and sign your name.

Make Copies

Make 2 copies of the form, you will have a total of three (the original version you filled out plus the two copies). One copy will go to the District Attorney's Office, one copy will be filed with the clerk's office, and they will keep it, and the last copy will be for you to keep for your own records.

Motion Page 3:

Now turn to the top section under the header "Certificate of Service."

You must provide a copy of the motion to the prosecutor (this is called "serving the motion on the opposing party"). You can choose 1 of 3 ways to serve the prosecutor: by mailing it, by handing it to the prosecutor, or by leaving it with an employee of the prosecutor's office. Make two copies of the motion (for a total of three including the original).

If you deliver the motion to the prosecutor by mail, select box 2 on the form and mail one of the copies to the prosecutor at his or her office.

OR

If you deliver the motion by personally handing it to the prosecutor or someone who works for the prosecutor, make one copy of the motion (without the certificate of service section at the top of page filled out) and bring it to the prosecutor or the prosecutor's employee. You need to fill in that person's name and title, and have them sign and enter the date. You also need to sign as the person who is serving the document.

You should keep the original copy with the boxes checked and the signatures.

STOP FILLING OUT THE MOTION HERE

STEP 2: Filing the Motion

Make two copies of the motion with the completed certificate of service and take all of the documents to the Clerk of Court. Have the clerk file stamp it and keep the original or one of the copies. Be sure to ask the court about the process to schedule a hearing.

STEP 3: HEARING

Before the Court can waive or eliminate your court debt, there must be a court hearing held so that both parties can go before the court and be heard in front of a judge. If you have previously been to court and a final judgement has been issued in your case, some counties require you to file a notice of hearing in order to get a new court date. Check with the clerk to figure out the local procedure for scheduling a hearing in your county. At your hearing be sure to make a note of the names of the judge, district attorney, and anyone else who participates in the process.

Once you obtain your court date, be sure to show up on time for your hearing. Be prepared to explain your financial situation and why the court should waive your fees.

Frequently Asked Questions

Q: What if I have multiple cases with different file numbers that I want fees to be waived for?

A: File a separate form for each file number and walk through the same process for each one.

Q: What if a judge denies my motion?

A: Contact us at <http://www.endcriminaljusticedebtnc.org/fines-fees-relief> and fill out our survey.

Q: I can't pay the court appointed attorney fee. Are there ways to get this fee reduced or waived?

A: No, at this time the law does not allow a judge to reduce or waive the \$75.00 attorney appointment fee.