

The seal of the State Bar of Texas is a large, light gray watermark in the background. It features a circular border with the words "STATE BAR OF TEXAS" and a central five-pointed star flanked by two olive branches.

# ABILITY TO PAY GUIDANCE FOR TEXAS COURTS AND PRACTITIONERS

In response to the evolving landscape of legal requirements concerning indigent defense and the assessment of fines, fees, and costs in criminal cases, the State Bar of Texas Board of Directors has adopted a comprehensive “Ability to Pay Guidance for Texas Courts and Practitioners” document drafted by the State Bar of Texas Legal Services to the Poor in Criminal Matters Committee. Costs and fines can easily run into the thousands, which can pose a significant strain, especially on low-income and middle-class families, and non-payment can lead to a slew of consequences ranging from suspension of a driver’s license to incarceration. This document aims to assist judges and practitioners by outlining the legal framework for these assessments and detailing the process for waiving probation-specific costs, fines, and attorneys’ fees for those found indigent. The hope is that with this information, more light is shed on how the process should unfold when an indigent defendant is being sentenced. By adopting these guidelines, courts and practitioners can play a pivotal role in ensuring that the justice system does not inadvertently penalize poverty; quite the opposite, that it recognizes the profound impact that financial penalties can have on individuals’ lives.

—Legal Services to the Poor in Criminal Matters Committee

*To read the ability to pay guidance, go to [texasbar.com/abilitytopayguidance](https://texasbar.com/abilitytopayguidance).*