

Information Regarding Class C Citations/Tickets Received While in Foster Care or Extended Foster Care

The Law: Article 45.041(b-6), Texas Code of Criminal Procedure, states that a judge in a municipal court or justice of the peace court may not require a defendant who is in foster care or extended foster care to pay any amount of the fine and costs imposed in a case involving a Class C misdemeanor. Instead, the judge may require the defendant to perform community service.

*****This law only applies if you were in foster care at the time you received the citation or ticket.*****

Before Going to Court

Get proof of being in foster care: If you are currently in foster care, ask your caseworker for a letter you can give the Court with the dates you have been in foster care. If you are no longer in foster care (but were in foster care when you got the ticket/citation), contact your regional PAL coordinator or the state PAL program specialist (see all contact information here: https://www.dfps.state.tx.us/child_protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/PAL_coordinators.asp).

Get information about your court case: Call the court clerk and ask for the following information for *each* citation or ticket:

- Court case number?
- Is there a future court date set?
- Have I been charged with failing to appear?
- Has a warrant been issued?
- Are there any holds on my driver's license?

Check these websites to see if you have any unresolved traffic violations in any court in Texas:

- DPS Failure to Appear/Failure to Pay (must have a Texas driver's license number to search): <https://texasfailuretoappear.com/index.php>
- DPS Driver License Eligibility (must have a Texas ID or driver's license number to search): <https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>

Fill out Request for Community Service letter: you will need to include the following information:

- Date request is filled out
- Name of the court (find the court name on your citation or ticket)
- Your name, date of birth, and driver's license or state ID number
- Court case number(s) – you should get this from the court clerk
- Number of unresolved citations or tickets in this court
- Places where you can complete community service – you should contact a few organizations in your area to find out if they will allow you to complete community service; this should be done BEFORE you put their name on the letter. If you don't know who to contact, the court may have a list or, if you live in a different area of the state, the local Justice of the Peace or Municipal Court may have a list.
- If you cannot appear in court in person – an explanation of why (example: I live too far away, I attend school during the day, or I do not have transportation)
- Your current contact information, including a complete address where you can receive mail and have successfully received mail
- Proof that you were in foster care when you got the citation or ticket

Going to Court

If you cannot go to court in person, mail your Request for Community Service letter by Certified Mail (and be sure to keep a copy!). Call the court two weeks after you mail the letter to find out if there are any updates to your case(s).

If you go to court in person, be sure to do the following:

- Take two copies of your Request for Community Service letter and proof of being in foster care – you will give one to the judge and keep one for yourself.
- Take copies of any other documents you have about your case, including your ticket.
- Arrive early and dress appropriately. You can check the court’s website for their dress code, but generally you should not wear shorts, tank tops, flip flops, or hats.
- Ask your caseworker or another supportive adult to go to court with you.
- Keep all original papers you get from the court.

Completing Community Service

Once you are approved for community service, it is very important that you complete it quickly. Be sure to keep good records of your service, get the necessary documentation from the agency that you completed the work, keep a copy for your records, submit it to the court, and make sure the court receives it. Failure to complete the community service or make sure the court has a record that you completed it could result in fine, arrest warrants, license suspension and holds, and other legal problems!

For additional information about resolving unpaid fines and restoring your driver’s license (not specific to foster youth), visit the Ticket Help Texas Toolkit at <https://tickethelp texas.org/>.

Date: _____

Court Name: _____

Court Address: _____

RE: _____

Print name, date of birth, driver's license or state ID number (if you have one)

Print court case number(s)

To Whom It May Concern:

I write concerning the open tickets I have in your court. I have _____ unresolved tickets in your Court. At the time I received this/these ticket(s), I was under the conservatorship of the Department of Family and Protective Services or in extended foster care. I have attached proof of the dates I was in foster care.

I write to request that the charges against me be dismissed. If they cannot be dismissed, I ask that disposition be deferred and that I am allowed to complete community service for what I owe to the Court as required by Article 45.041(b-6) of the Texas Code of Criminal Procedure.

If deferred disposition is not granted, I am willing to plead no contest to the charge(s), contingent on the Court allowing me to complete community service in lieu of fines and fees as required by Article 45.041(b-6).

I would like to complete community service in the city where I live. Some places where I can complete community service are:

I am very motivated to take care of this/these ticket(s) and be accountable for them.

Additionally, I respectfully request that this letter serve as a court appearance. I cannot appear in court because:

Please lift any warrants and Failure to Appear/Pay holds with this appearance.

Thank you for your time and consideration. Please let me know if you need anything further from me.

Sincerely,

Name: _____

Address: _____

Street # Street Name Apt./Unit # City State Zip Code

Phone #: _____

Email: _____

I am not currently in foster care.

I am currently in foster care. My caseworker's name is _____, their phone number is _____ and their email address is _____.

KEEP A COPY OF THIS LETTER FOR YOUR RECORDS.