

How to Fight a Bail Forfeiture/Bail Debt to the Court

What is a Bail Judgment (also called Bail Forfeiture)?

- When you are released on bail, the court asks you post a small part of it (usually 10%). If you don't show up for court when you're supposed to, you might owe the other 90%. This is called a **bail forfeiture** and it means there may be a **judgment** against you for the total amount.
- You also may owe all the money if you posted bail for someone else who did not show up.
- The courts are now trying to collect lots of bail judgments, even really old ones. You may get a notice in the mail or calls from a collection agency trying to get you to pay this money.

What If I Disagree?

- **You may have had a good reason for not showing up in court.** Maybe you were in lockup on your court date. Maybe you were in the hospital. *These are good reasons.*
- **It may be a mistake.** If you think it wasn't you or you didn't post bail for someone.
- **If you think you already paid some/all of the debt,** ask to see the records! They may be wrong.
- *Note that fighting bail is different from fighting other debts to the criminal court.* If you want to fight costs, fines, supervision fees, restitution, you need to request a **payment plan conference** by calling 215-683-1482. If you don't want to fight the bail but *just can't afford to pay the judgment*, you can also ask for a lower monthly payment amount in a payment plan conference.

You May Be Able to Get Your Bail Reduced!

- **If you showed up within 6 mos. of your court date,** your bail may be reduced. Ask the court to bring your court files – they will show if you appeared soon after your missed court date.

How Do I Challenge a Bail Judgment?

- **File a Petition to Vacate a Bail Judgment (attached).** These are also available at the Motions Counter at the Criminal Justice Center, 1301 Filbert Street, 2nd Floor, and online at <http://www.courts.phila.gov/pdf/forms/criminal>.
- For **help with filing it,** call **683-3710**, and court staff will help you in about 14 days. You need to file a separate petition for each time you missed court. There is a **filing fee of \$12.50**. If you cannot afford this, you should ask to file it **In Forma Pauperis** (which means without the fee).
- **Make sure the court has your correct address on file.** The hearing date will be mailed to you.

What Should I Bring to the Hearing?

- **Bring proof of your good reason for not showing up in court.** This may be proof that you were in lockup or that you were in the hospital, etc. (Or receipts to show you already paid, if that's what you want to argue, etc.). Your defense lawyer may be able to help.
- **Ask the court to help get your records before the hearing. At the hearing, ask them to provide your Quarter Sessions file.** If they don't have your files, ask for a continuance.
- Call the **Philadelphia Prison System** at 215-685-8487 for proof that you were locked up.
- **Give them a copy of your proof or documents. *Be sure to keep your copy!***

What Happens Then?

- **The court may vacate your bail judgment,** meaning make it go away. The court **may reduce it** to a lower amount. **Or they may say you still owe the full amount.** Ask at the end of the hearing for their decision. **You will get an order mailed to you within 30 days. You can APPEAL the order** if you disagree with it. You must do this within 30 days of the date of the order.

