**In the Iowa District Court for Polk County**

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| **State of Iowa,**  *Plaintiff*,  v.  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  *Defendant*. | **Criminal No: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***  **Motion for Reasonable Ability to Pay Determination for Category B Restitution** |

* I am the defendant in this case and I do not have the reasonable ability to pay all the debt from my case, specifically, the part called ***Category B*** ***restitution***.
* I understand that ***Category B*** ***restitution*** includes the costs of my defense attorney, crime victim assistance payments, court costs, any contribution to a local anticrime organization, and/or any restitution to the medical assistance program pursuant to chapter 249A. I understand that all of the *other* expenses from my case, which are not listed above, are called ***Category A*** ***restitution*** and that Iowa law says that I must pay ***Category A restitution.***
* I am asking the court to issue a ruling finding that I do not have the reasonable ability to pay ***Category B restitution***.
* I understand *I must show* I do not have the ability to pay the full amount of ***Category B*** ***restitution***.
* ***I understand that, to show my inability to pay, the law requires that, along with this motion, I must complete and file a sworn financial affidavit explaining my financial condition. I further understand that if I do not file this sworn financial affidavit that this motion will be denied automatically and I will be required to repay all category B restitution.***
* I understand I could have a hearing and provide evidence in addition to my sworn financial affidavit, but ***I waive (give up) my right to a hearing and*** – if the State agrees -- ***I ask the court to make a determination without a hearing based on my financial affidavit alone***. *(Delete this paragraph if you want to appear for a hearing on this issue.)*

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address(es): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone Number(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address(es)*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

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| **State of Iowa,**  *Plaintiff*,  v.  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  *Defendant*. | **Criminal No: *\_\_\_\_\_\_\_\_\_\_\_***  **Financial Affidavit for Reasonable Ability to Pay Determination: Category B Restitution** |

**In support of my request for a determination of my reasonable ability to pay Category B restitution, I swear to the following information, *under penalty of perjury*:**

List your date of birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

How much do you owe *total* in this case? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What is a mailing address *where you can be reached*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What is a phone number *where you can be reached:*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What is an email address *where you can be reached*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**What is the last level of education you completed?**

\_\_\_\_\_ Grade school or less \_\_\_\_\_ High School or GED \_\_\_\_\_ Post graduate work

\_\_\_\_\_ Junior High School \_\_\_\_\_ Some college \_\_\_\_\_ Technical or business school

\_\_\_\_\_ Some High School \_\_\_\_\_ College graduate

**Income & Assets**

**List All Current Employment**

|  |  |  |  |
| --- | --- | --- | --- |
| **List your employer(s)?** | **When did you start?** | **What is your take home pay?** | **How often are you paid that amount?**  *Hourly? Weekly? Monthly? Yearly?* |
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Check here if you listed no employment above because you are completely unemployed.

**List All Other Income from Any Source**

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| --- | --- | --- |
| **Source of Income?**  *Social Security, SSI, SSDI, Unemployment, etc.* | **How much do you receive?** | **How often do you Receive that amount?** |
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**List What You Own**

*List ALL Bank accounts, Retirement accounts, Cash, Stocks, Bonds, Land, Home(s), Buildings, Vehicles, Etc, Anything worth more than $100.*

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| --- | --- |
| **Describe the Item** | **What is the Value of this item:** |
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**Do you expect to receive any money or property in the near future such as an inheritance, gift, tax refund, etc?** No Yes

If yes, please describe the source and it’s expected value: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Debts, Liabilities & Expenses**

**Do you owe money for *other criminal* cases, in Iowa or elsewhere?** No Yes

If yes, how much do you owe in those other cases? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If you have a payment plan, how much do you pay per month? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Do you owe money for *civil cases or judgments*, in Iowa or elsewhere?** No Yes

If yes, how much do you owe in those other cases? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If you have a payment plan, how much are you paying per month? \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Are your wages being garnished?** No Yes

If yes, how much is taken from your paycheck each month?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**How many dependents, or family members, do you support with your income?** \_\_\_\_\_\_

**List All Monthly Bills**

*Mortgage, Rent, Car Payments, Utilities, Child Support, or Other monthly debts?*

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| --- | --- |
| **What is the Bill for?** | **How much do you pay Monthly for this Bill?** |
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**List All Other Monthly Expenses**

*Food, clothing, medical, transportation, child care, etc?*

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| **What is the Expense?** | **How much do you pay Monthly for this Expense?** |
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**List What You Owe**

*List ALL Bank accounts, Retirement accounts, Cash, Stocks, Bonds, Land, Home(s), Buildings, Vehicles, Etc, Anything worth more than $100.*

|  |  |  |
| --- | --- | --- |
| **Describe the Debt** | **How much do you Owe?** | **How much is Under Lien?** |
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**Describe any other circumstances, including health issues or other information, that the court should know about your ability to pay Category B Restitution:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*You may attach additional information to this form any to support your request.*

**Legal Assistance (Help from an Attorney)**

**Did you receive help from an attorney completing this form?** No Yes

If yes, you must complete the following information:

*Name of attorney or organization, if any*

*Business address of attorney or organization*

*City State ZIP code*

*Phone number Fax number*

*Email address Additional email address, if applicable*

**Oath & Signature**

By swearing to this financial affidavit, I ask the court to find that I am not reasonably able to pay Category B restitution. I understand that, by law, this financial affidavit is required and that failure to complete and submit this information properly means I waive (give up) my right to have a judge consider my ability to pay and I will be required to pay the full amount of Category B restitution.

I have read this financial affidavit and any attachments, and ***I swear and certify, under penalty of perjury***, and pursuant to the laws of the State of Iowa, that ***the information I have provided in this financial affidavit is complete, true, and correct*** to the best of my knowledge.

*Printed Name* ***and Signature\****

*Address*

*City State ZIP code*

*Phone number Alternative Phone Number*

*Email address Additional email address, if applicable*