

Judicial Standing Order No. 31

Failure to Appear at Initial Court Setting

Before a warrant of arrest can be issued for failure to appear at a court setting, the following procedures, consistent with Texas Code of Criminal Procedure, shall be observed.

Definitions:

“*Initial Court Setting*” shall mean the date on the written promise to appear noted by the law enforcement officer who issued the citation or the date of the first scheduled court appearance.

“*Good faith effort to resolve the arrest warrant*” shall mean, but shall not be limited to, the following:

- Entering a plea of “Not Guilty” and posting a cash or surety bond;
- Entering a plea of “Not Guilty” and completing a financial information questionnaire if the defendant claims to be indigent;
- Entering a plea of “Guilty” or “No Contest” and agreeing to pay the fine and costs by a designated date or pursuant to a payment plan;
- Entering a plea of “Guilty” or “No Contest” and completing a financial information questionnaire if the defendant claims to be indigent and signing a written promise to appear at the Failure to Appear (“FTA”) Docket.

Procedures:

If a defendant fails to appear at the initial court setting, the clerk shall, on the day following the defendant’s non-appearance, initiate a written notice to the defendant, sent by regular mail, indicating or including:

1. the new date and time (not to exceed 30 days from the date of non-appearance) when the defendant must appear before the court;
2. the name of the court and location where the defendant must appear;
3. the following paragraph:

“If you are unable to pay immediately your fine and/or costs in full (one payment), you may qualify for other options, including a payment plan or performing community service, to help you satisfy the judgment. If you have questions, please contact the court.”

4. the following paragraph:

“If you fail to appear as required by this notice, the court will issue a warrant for your arrest and will notify various state and local agencies, including the Department of Public Safety, of your failure to pay this fine which may affect your right to renew your

Texas driver's license and vehicle registration. Additional costs and fees may be added to the fine that is assessed against you in this case."

IT IS ORDERED that a defendant who fails to appear on the initial court setting but appears in court or at the Clerk's Window to resolve the arrest warrant shall be set on the FTA docket.

If a defendant, who receives notice pursuant to this order, makes a written request for an alternative date or time to appear before the court, the clerk shall set the defendant on a FTA docket for a date and time not to exceed 21 days from the date of the written request.

If a defendant voluntarily appears in Court or at the Clerk's Window after a failure to appear, and makes a good faith effort to resolve the arrest warrant, the clerk shall recall the warrant.

IT IS SO ORDERED on this the 5th day of January, 2023.

Diane Dupnik
Justice of the Peace, Pct 1,
Aransas County, TX.