

Ability to Pay and Online Traffic Adjudication

Session D
May 2022

Housekeeping

2



– <http://www.courts.ca.gov/revenue-distribution.htm>



Agenda

Ability to Pay


- Background
- Governing Code Section

MyCitations

- Onboarding Schedule
- What happens: CMS, Litigant, Clerk/Judicial Officer

Fiscal Impacts

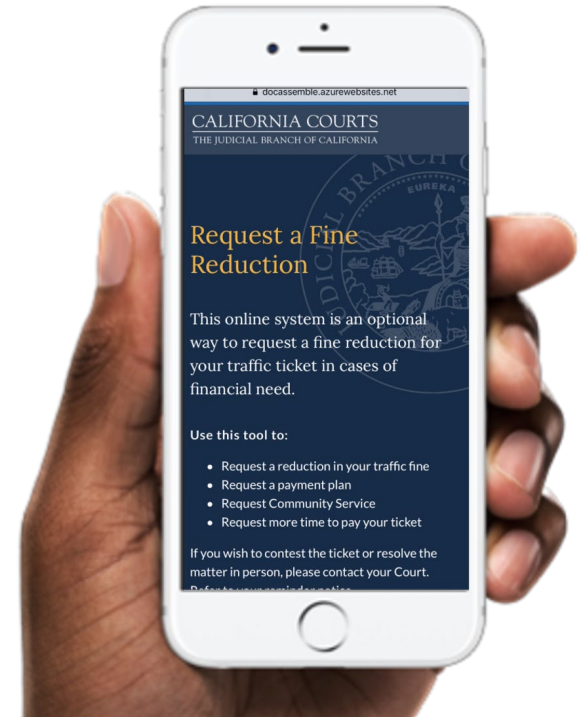
- Serving Californians
- Funding Backfill – fines and fees



Martha Wright
Criminal Justice Services

2021-22 State Budget Bill

- Budget Act of 2021 funds expansion of the online ability to pay determinations pilot program and provides backfill of associated judicial branch revenue reductions.
- \$7.9 million in FY 2021-2022
- Increases over three years to \$58 million ongoing annually
- Courts onboarded quarterly in cohorts
- All 58 trial courts must offer online ability to pay by June 30, 2024



Gov. Code 68645



Requirements When Determining Ability to Pay

- The tool must recommend at least a 50% reduction for a defendant on benefits
 - Current pilot court tool recommendations vary from 50-80% for defendants on benefits.
- If the defendant on benefits is granted an installment plan, it shall be no more than \$25 a month.
- While statute does not mandate specific reduction recommendations for defendants *not on* benefits, pilot program policy has been to treat similarly situated defendants similarly.
- Generally, litigants at poverty levels of 125-250% receive reduction and payment plan similar to those on benefits.

Gov. Code 68645

General Guidance

- Each court can configure their own parameters for calculator recommendations for reductions.
- In all cases, judicial officers have discretion to alter tool recommendation when necessary.

Gov. Code 68645

- Courts may not impose administrative fees for payment plans, on nondelinquent and delinquent accounts, if a defendant makes an online or in-person ability-to-pay request.
 - Determination requests are offered free of charge to individual.
 - Payment plans are offered free of charge to individual.



Administrative Fees

Courts or counties may recover costs as part of their comprehensive collection programs, including up to \$35 per nondelinquent case.



Administrative costs recovered:

Nondelinquent: Cost recovered up to \$35 (PC 1463/007(d)) per approved payment plan.

Delinquent: cost recovered, up to actual, per normal collections practices.



Backfill Funding for Amounts Reduced

- Courts that have adopted the use of *MyCitations* will receive backfill funding for fines and fees reduced under the ability to pay program for both electronic and paper submissions.



Suzanne Schleder
Information Technology

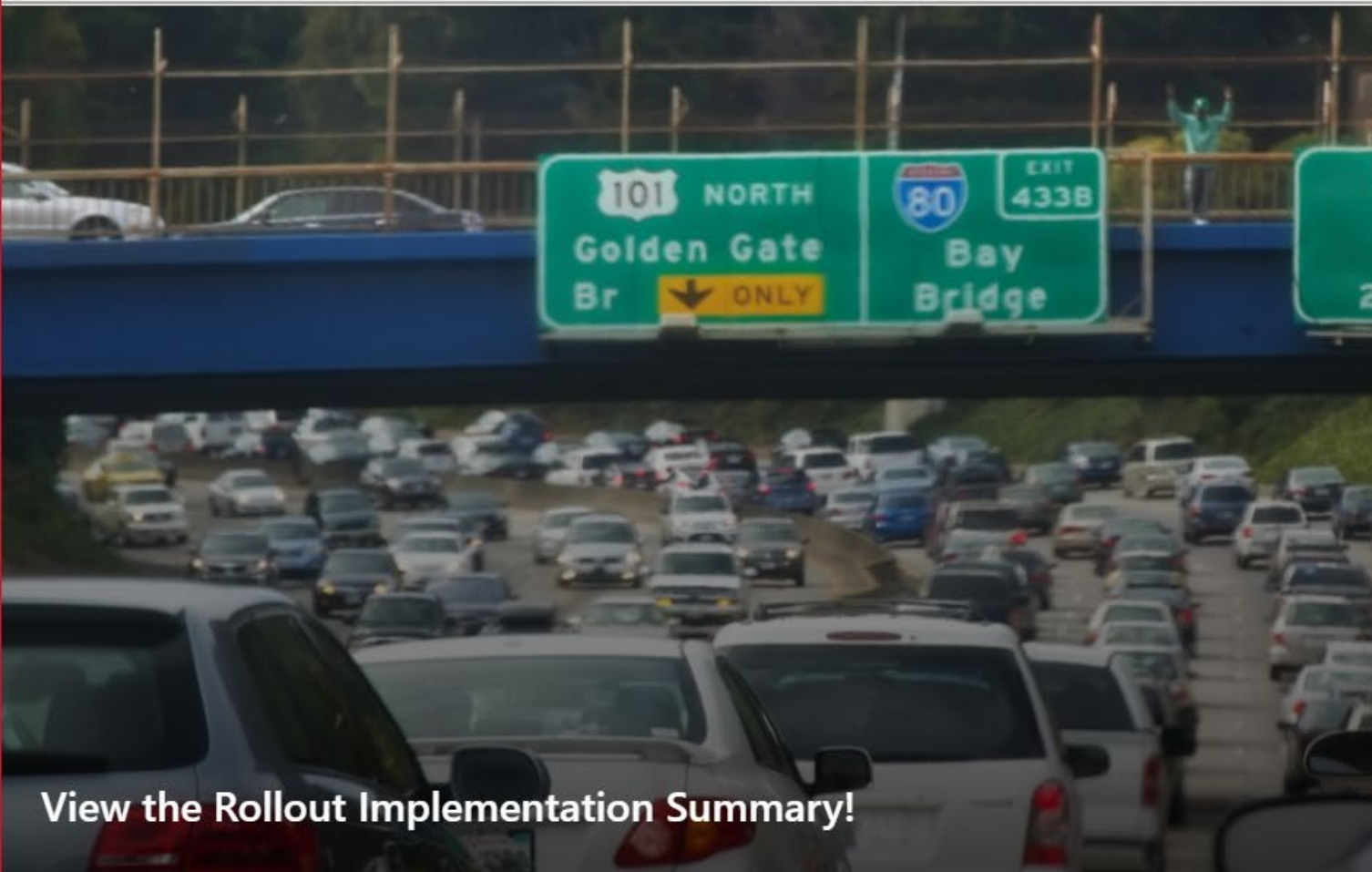
Cohort Schedule

FY 21-22			
July-Sept	Oct-Dec	Jan-Mar (Est. Go Live April 2022)	Apr-June (Est. Go Live July 2022)
Hire 5 PMS, Full-time Staff	PM Training and Finalize Court Implementation Schedule	Cohort 2	Cohort 3
		Humboldt	Mono
		Imperial	San Benito
		Modoc	San Luis Obispo
		Placer	
		Santa Cruz	

FY 22-23			
July-Sept (Est. Go Live Oct. 2022)	Oct-Dec (Est. Go-Live Jan. 2023)	Jan-Mar (Est. Go-Live April 2023)	Apr-June (Est. Go-Live July 2023)
Cohort 4	Cohort 5	Cohort 6	Cohort 7
Mendocino*	Amador	Butte	Colusa
Merced*	Madera	Glenn	Kings
San Diego*	Riverside	Del Norte	Nevada
San Joaquin	Sierra	San Mateo	Stanislaus
Yolo*	Trinity	Solano	Tehama
		Tuolumne	Lake

FY 23-24			
July-Sept (Est. Go-Live Oct 2023)	Oct- Dec (Est. Go-Live Jan 2024)	Jan-Mar (Est. Go-Live April 2024)	Apr-June (Est. Go-live July 2024)
Cohort 8	Cohort 9	Cohort 10	Cohort 11
Calaveras	Alameda	Alpine	El Dorado
Lassen	Los Angeles	Contra Costa	Inyo
Marin	Mariposa	Napa	Kern
Plumas	Santa Barbara	San Bernardino	Orange
Sutter	Yuba	Sonoma	Sacramento
			Siskiyou

*¹st Tyler courts w/extended implementation of 3 to 6 mos.



View the Rollout Implementation Summary!



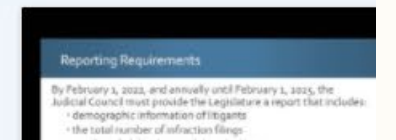
Onboarding Guide with Technical Specifications



Ability to Pay Project Background

Links to Important Resources and Content

A screenshot of a data table with multiple columns and rows, likely representing a rollout schedule or status report.



What does MyCitations get from the CMS?



Citation Information



Person information



Status –
Adjudicated or
Unadjudicated



Total Amount Due



Civil Assessment



Collections flag



Citation image

What happens in MyCitations?

Your Citations

We found your citation.

A request for the following citation(s) below has already been submitted. If financial circumstances have changed, please wait at least 24 hours to resubmit.

MY112234	
Name	CHARLES TEST
Citation Number	MY112234
County	SHASTA
Violation Date	2019-02-05
Total Due	\$749.00

Continue

None of these are right

- **Litigant sees:**
- Violation date
- Total Amount due
- **Litigant enters:**
- Income, Expenses, Household size, benefit status
- Plea, waivers if applicable
- Declaration under penalty of perjury

Case Information

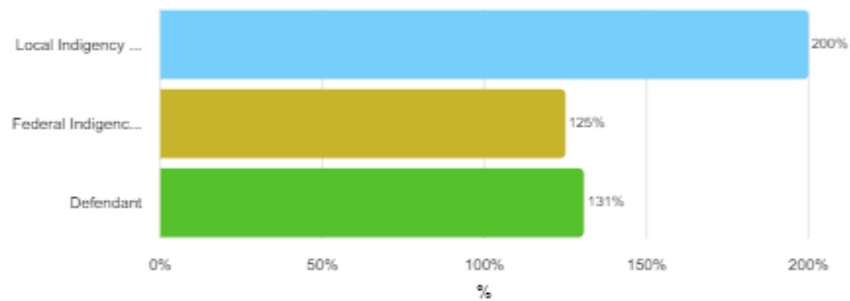
Defendant	Case Number	Citation Number	Total Due Amount
CHARLES TEST	MCRDINTR190001973001	MY112234	\$749.00

Defendant Request

Court/Judicial Order

Defendant Details

Income Level



	Total Annual Income	Total Annual Expense	Total Due Amount	View Citation	View Past Petitions
<input checked="" type="checkbox"/> Benefits Status	\$24,000.00	\$16,704.00	\$749.00		

Violation(s)

Count 1-NOTICE OF CHANGE
Count 2-STOP SIGN

Clerk Comments

What the clerk/judicial officer sees:

- Litigants Submission
- Indigency Level Comparison
- Citation
- Past Petitions
- Clerk's comments



Reduction of Fines

Fine Amount: Reduced To:

By Date

Accept Deny Request

Payment Plan

Pay Monthly

Accept Deny Request

More Time to Pay

Pay \$ By Date

Accept Deny Request

Community Service

You will do hours of community service

By Date

Accept Deny Request

Judgment/Order

-
- Calculator Recommendation
 - Judgment/Order
 - Reduced Amount
 - Payment Plan
 - Community Service
 - More time to pay

THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF SHASTA

For Ability to Pay Court Determination

Defendant Name : CHARLES TEST
Case Number : MCRDINTR190001973001
Citation Number : MY112234

Judgment/Order

See below for the court's decision:

Request Granted: The court decided that you don't have enough money to pay what you owe.



Reduction of Fine

The total amount you owe has been lowered to \$374.50. Please pay by due date: 09-30-2021

You can pay reduced amount here:

[Not available at this time for adjudicated cases.](#)

OR

You can pay by mail or in person here:

Address: 1500 Court Street, Room 219, Redding CA 96001

Phone: (530) 245-6789

Email: traffic@shasta.courts.ca.gov

/s/ Y. Aitsamlal

Date: 09-13-2021 Court Clerk:

What the litigant gets back

- Email
- Judgment/Order

What goes back to the CMS?

Petition Submitted

Petition Approved

- Plea (if entered)
- Total Amount Now Due (after reduction)
- Payment plan, community service, more time to pay

Petition Denied

Order Served

Petition Vacated



Case Management System Vendors

JTI – Requires upgrade to 2021.17

Tyler- Full 2-way interface requires CATS2019

Other – Specifications available online



How does this impact Business Process?

- Sentencing
- Applying adjustment/credit type
- Tracking online and in-court (paper) requests
- Collections
 - Current total due/applied payments
 - Modified payment terms - \$25.00 per month max

LaFatima Jones

Budget Services – Funds & Revenue

MyCitations System Data

AtP Pilot Program 4/19-6/21

- 25,000+ requests received
 - 84% of requests approved for a reduction
- 16,000+ litigants
 - 48% of litigants were on benefits
 - 91 % of litigants below CA Poverty level



Income assistance:
TANF, SSI, and tax
credits



Food programs:
SNAP, WIC, and
child nutrition



Housing aid: subsidized
housing, public housing,
and vouchers




Health insurance:
Medicaid and CHIP

AtP System Data

ATP Pilot Program 4/19-6/21

	Before AtP Reduction	After AtP Reduction
Total Amount Owed	\$17,485,898	\$9,154,800
Average Amount Owed Per Ticket	\$693	\$362

Judicial Branch Fines/Fees Reduced



Fund	Revenue/Object Code	Code Section	Description
159	164602	GC §68090.8	Trial Court Improvement Fund – 2% Automation
932	16743	PC §1465.8	Court Operations Assessment
932	164400	PC §1214.1	Trial Court Trust Fund – Civil Assessment
3037	164801	GC §70372(a)	State Court Facilities Construction Fund - Penalty on Criminal Fines
3037	164803	GC §70373	State Court Facilities Construction Fund – Assessment on Infraction Convictions
3066	131707	VC §42006	Court Facilities Trust Fund – Night Court Assessment & VC 42006(h)(1) – Night Court Fund Transfer

What do we need for Backfill Funding?

REPORT TO JUDICIAL COUNCIL FOR ABILITY TO PAY BACKFILL – ONLINE

County Name-Number	Alameda	01					COUNTS
Collections For the Month of (Mo/Yr):	01 - Jan.	2021					NUMBER OF CASES
							NUMBER OF CASES WITH NIGHT COURT FEES
Total Reduction Amount:	-						NUMBER OF VIOLATIONS
Backfill Needed:	-						NUMBER OF CIVIL ASSESSMENTS

FUND	AGENCY	FY	REV / OBJ	TOTAL AMOUNT DUE	NEW BALANCE DUE	REDUCTION AMOUNT	CODE SECTION & DESCRIPTION	
159	250		164602			-	Trial Court Improvement Fund - Government Code 68090.8 - 2% Automation	
932	250		164743			-	Trial Court Trust Fund - PC 1465.8 - Court Operations Assessment	
932	250		164400			-	Trial Court Trust Fund - PC 1214.1 - Civil Assessment	
3037	250		164801			-	State Court Facilities Construction Fund - GC 70372(a) - Penalty on criminal fines	
3037	250		164803			-	State Court Facilities Construction Fund - GC 70373 - Assessment on infraction convictions	
3066	250		131707			-	Court Facilities Trust Fund - VC 42006 - Night Court Assessment & VC 42006(h)(1) - Night court fund transfer	
Other State Funds							-	
County Funds							-	
Other Local Entities							-	
Totals:						-		

(SIGNED)

OFFICIAL TITLE

CONTACT PERSON

PHONE

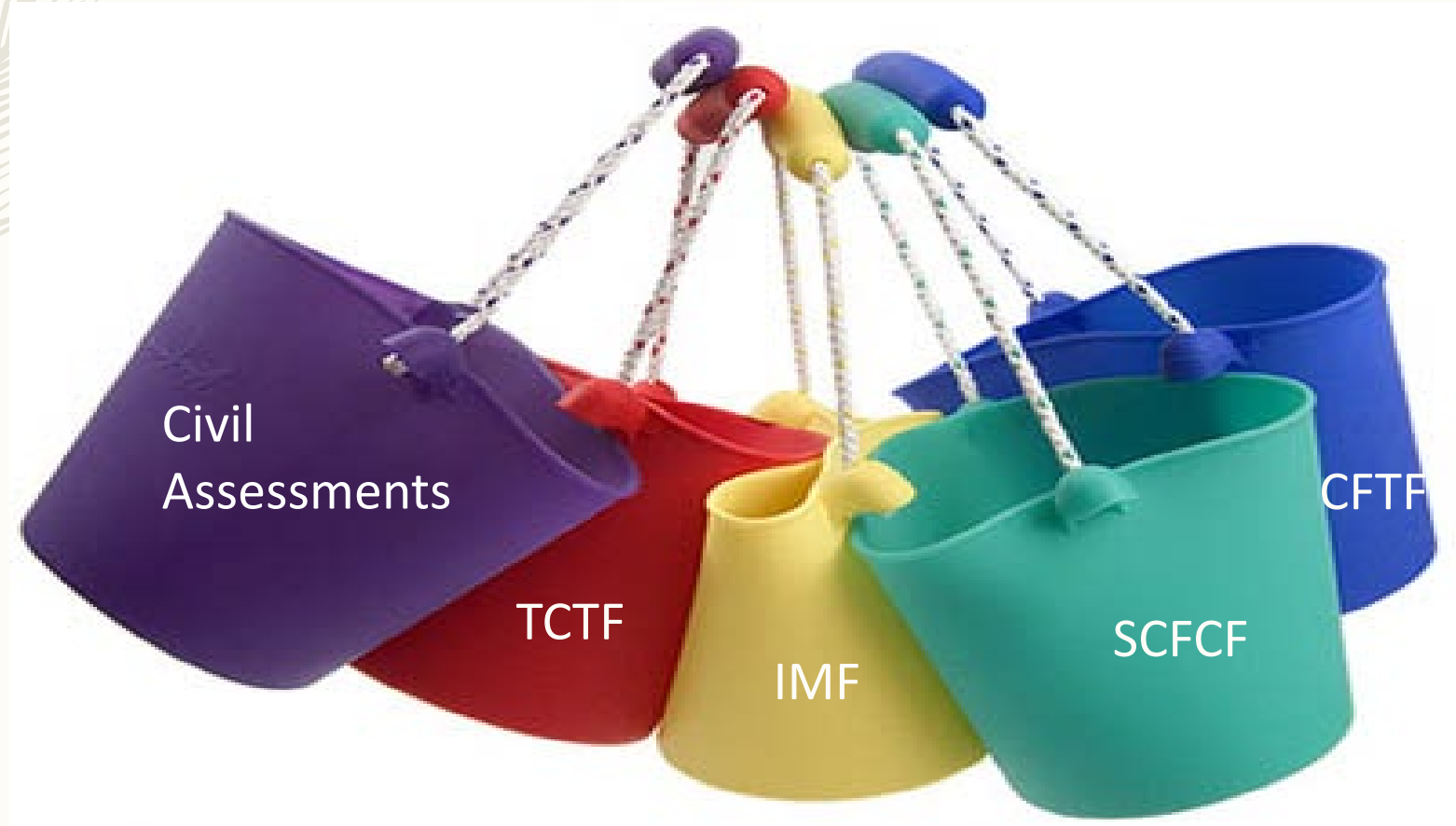
ADDRESS



Definitions

- **Total Amount Due:** The sum of the base fine, penalty assessments, civil assessments, and fees, including mandatory fees, owed and unpaid by the defendant at the time the AtP determination was applied.
- **New Balance:** Amount owed after AtP reduction applied
- **Reduction Amount:** Total revenue loss for AtP reductions; "Total Amount Due" - "New Balance" = "Reduction Amount".
- **Backfill Requested:** The total revenue loss due to AtP reductions, eligible for backfill.

Revenue Distribution—JCC Funds





Poll

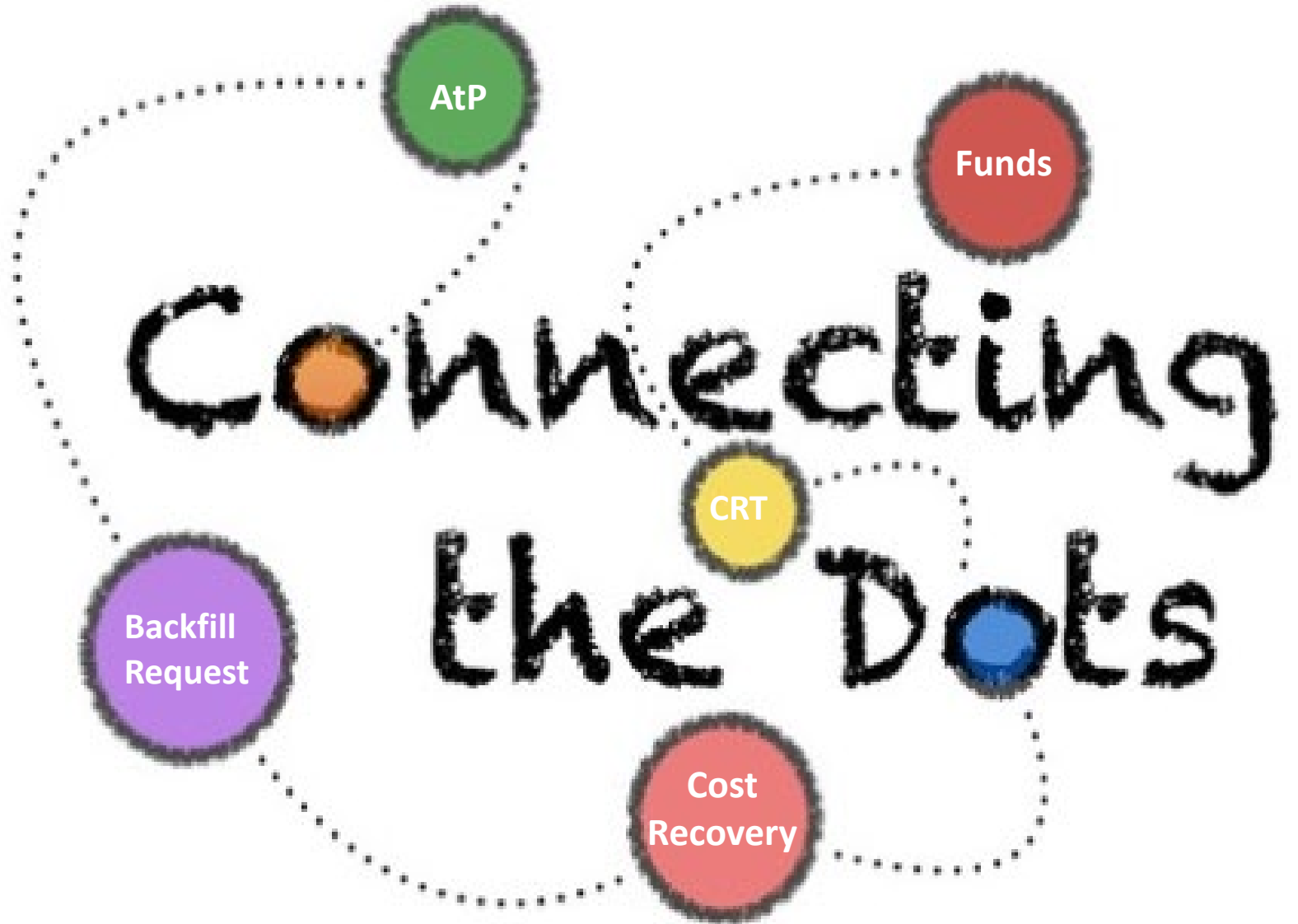
San Benito court is scheduled to onboard the MyCitations tool in July 2022. They have submitted monthly AtP Backfill Templates for Fiscal Year (FY) 2021-22 in the amount of \$50,675 - Civil Assessments in the amount of \$3500. How much backfill for Civil Assessments will San Benito receive for FY 2021-22?

- A. \$50,675
- B. \$3,500
- C. \$0
- D. \$27,088

Cost Recovery Reporting Template

ABILITY TO PAY DETERMINATION REQUESTS (ATP)			
	Number of non-delinquent installment payment plans ordered	Fee (up to \$35.00) charged and waived by court	
Approved ATP Installment Plans		\$ 35.00	\$ -
All Revenue should be recorded in Phoenix as follows: GL 821203 Enhanced Collections - Cost Recovery for Installment Fees for Abilit-to-Pay Fund 110001			
		Phoenix General Fund 110001 Total	\$ -
		Phoenix Enhanced Collections Fund 120007 Total	\$ -
Total Costs subject to recovery prior to any revenue distribution			\$ -

<https://www.courts.ca.gov/partners/documents/Cost-Recovery-Report-Template-2022.xlsx>



Request a Fine Reduction

This online system is an optional way to request a fine reduction for your traffic ticket in cases of financial need.

Use this tool to:

- Request a reduction in your traffic fine
- Request a payment plan
- Request Community Service
- Request more time to pay your ticket



What's Next?!



Resources

- **Statewide Rollout Portal SharePoint site**

<https://calcourts02.sharepoint.com/sites/ATPStatewideRollOut>

- **ATP Annual Report**

- **Judicial Council ATP Contacts**

- *LaFatima Jones, Budget Services* – LaFatima.Jones@jud.ca.gov

- *Suzanne Schleder, Information Technology* – Suzanne.Schleder@jud.ca.gov

- *Martha Wright, Criminal Justice Services* – Martha.Wright@jud.ca.gov



Questions? |



- **Training Evaluation**

- SurveyMonkey:

- <https://www.surveymonkey.com/r/2022SpringSessionD>

- Training certificate:

- revenue@jud.ca.gov

*Thank
you*

