



# Collaborative Court-County Working Group on Enhanced Collections Report

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ADMINISTRATIVE OFFICE  
OF THE COURTS

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Collaborative Court-County Working Group on Enhanced Collections  
Sheila Calabro, Chair  
Jessica Sanora, Manager, Enhanced Collections Unit, (818) 558-3068  
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DATE: August 25, 2006

SUBJECT: Report of the Collaborative Court-County Working Group on Enhanced Collections (Action Required)

Issue Statement

Penal Code section 1463.010 requires the Judicial Council to adopt guidelines for a comprehensive program for the collection of fees, fines, forfeitures, penalties, and assessments imposed by the courts. In August 2004, the council adopted the recommendations of the Collaborative Court-County Working Group on Enhanced Collections and directed the working group to continue its work developing additional recommendations concerning current and future collection methods. Over the term of the working group's efforts, its members have concluded that additional guidance from the council is needed to further enhance current collection efforts by the courts and counties.

Recommendation

The Collaborative Court-County Working Group on Enhanced Collections recommends that the Judicial Council:

1. Direct staff to distribute the Sentencing Fines and Fees Access Database statewide to the courts and other justice partners who are interested in using the database, including but not limited to district attorneys, probation officers, and public defenders;
2. Direct the Fee Waiver Subcommittee to
  - a. Continue as a working group to develop legislation, rules, and forms based on the recommended proposals outlined in the Fee Waiver Subcommittee report;
  - b. Circulate proposed legislation to the appropriate advisory committees, and report the Fee Waiver Subcommittee's recommendations concerning proposed legislation to the Judicial Council in December 2006; and

- c. Circulate any proposed rules or forms for comment and report its recommendations for adoption of rules or forms on fee waivers to the Judicial Council in 2007.
3. Adopt the *Guidelines and Standards for Cost Recovery* proposed by the Cost Recovery Subcommittee for use by courts and counties in recovering the costs of operating a comprehensive collection program as defined in Penal Code section 1463.007;
4. Adopt the revised collections reporting template proposed by the Reporting Subcommittee, which includes action plans and aging data, to be used collaboratively by courts and counties beginning in fiscal year 2006–2007; and
5. Adopt guidelines for collecting court-ordered sanctions by approving the *Alternatives for Collection of Court-ordered Sanctions* as proposed by the Sanctions Subcommittee.

#### Rationale for Recommendation

Penal Code section 1463.010 requires that the Judicial Council establish a collaborative court-county working group on collections and report to the Legislature on the effectiveness of current collection efforts statewide; adopt guidelines for a comprehensive collection program; require that each superior court and county, in carrying out a collection program, develop a cooperative plan to implement the Judicial Council guidelines; and report jointly to the Judicial Council on the effectiveness of the cooperative court-and-county collection program not more than once per year. Each of the recommendations enables the council to meet the requirements of Penal Code section 1463.010.

#### *Rationale for Recommendation 1 (Standard Fines and Fees)*

The Sentencing Fines and Fees Access Database will provide the best tools available at this time to assist judicial officers in assessing appropriate fines, fees, and assessments in criminal and traffic cases. This program will also provide court staff with additional tools to assist in the collection of criminal and traffic fines, fees, and assessments.

#### *Rationale for Recommendation 2 (Fee Waiver)*

The Fee Waiver Subcommittee proposal will balance the court's fiscal responsibility with the need to ensure access to justice for those without the means to pay court fees.

#### *Rationale for Recommendation 3 (Revised Reporting Template)*

The reporting template has been revised to capture additional data relating to the age of uncollected items and includes action plans to improve existing collection programs. These elements will help courts and counties more effectively report on the status and success of their collection programs.

#### *Rationale for Recommendation 4 (Cost Recovery)*

Penal Code section 1463.007, in conjunction with Penal Code section 1463.010, provides the guidelines for a comprehensive collection program. A court or county may recover the cost of operating a comprehensive collection program from the court-ordered fees, fines, forfeitures,

penalties, and assessments collected under the program before making any distribution of these revenues to any other governmental entity. The *Guidelines and Standards for Cost Recovery* will enable courts to appropriately and effectively offset the costs of operating a comprehensive collection program.

#### *Rationale for Recommendation 5 (Court Sanctions)*

Consistent enforcement of court-ordered sanctions collections will promote trust and confidence in the court system and enhance respect for the rule of law. Courts will be better able to enforce sanctions orders with a set of guidelines to follow.

#### Alternative Actions Considered

The working group members explored numerous alternatives and on the basis of the subcommittees' expertise, developed the proposed recommendations. Additionally, Penal Code section 1463.010 requires collaborative court-county collection programs.

#### Comments From Interested Parties

After approving the Cost Recovery Subcommittee's recommendations, the Collaborative Court-County Working Group on Enhanced Collections authorized the circulation of the *Cost Recovery Guidelines and Standards* for public comment. The guidelines and standards were circulated to all presiding judges, court executive officers, and all county administrative officers. Based on the comments received, the guidelines and standards were modified.

#### Implementation Requirements and Costs

Continued implementation costs will vary by court and county and will depend on the collection method used. There may be one-time startup costs; however, ongoing costs of the comprehensive collection programs will be reimbursed from funds collected if programs meet the criteria specified in Penal Code section 1463.007.

- Attachments:
- Collaborative Court-County Working Group Members (page 6)
  - Collaborative Court-County Working Group Subcommittee Members (page 7)
  - Fines and Fees Subcommittee Report (Tab A) (page 13)
  - Fee Waiver Subcommittee Report (Tab B) (page 86)
  - Cost Recovery Subcommittee Report (Tab C) (page 97)
  - Reporting Subcommittee Report (Tab D) (page 108)
  - Sanctions Subcommittee Report (Tab E) (page 123)
  - Court-County Plans Subcommittee Report (Tab F) (page 129)
  - SWAT Subcommittee Report (Tab G) (page 135)
  - Education and Training Subcommittee Report (Tab H) (page 147)
  - Statewide Request for Proposals Subcommittee Report (Tab I) (page 157)
  - Legislation Subcommittee Report (Tab J) (page 160)

# Collaborative Court-County Working Group on Enhanced Collections Report

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WORKING GROUP MEMBERS



ADMINISTRATIVE OFFICE  
OF THE COURTS

## **Collaborative Court-County Working Group on Enhanced Collections**

Sheila Calabro, Chair  
Christine Hansen, Vice-Chair  
Hon. Carolyn Kuhl  
Hon. William Pangman  
Mr. Carl Cline  
Mr. Curt Coad  
Ms. Laura Hill  
Mr. Bill Jones  
Ms. Mary Lawrence  
Mr. Kip Lowe, PhD.  
Ms. Susan Null  
Ms. Jody Patel  
Mr. Fred Plane  
Mr. Michael Planet  
Mr. Dick Puelicher  
Ms. Micki Regan-Silvey  
Ms. Jennifer Shaffer  
Ms. Linn Smith  
Mr. Larry Spikes  
Ms. Kiri Torre

Committee Liaisons  
*California State Association of Counties*  
Mr. Ruben Lopez

*California State Controller*  
Mr. Robert Stonehouse

*Advisory Members*  
Hon. Douglas P. Miller  
Ms. Inga McElyea

# Collaborative Court-County Working Group on Enhanced Collections Report

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SUBCOMMITTEE MEMBERS



ADMINISTRATIVE OFFICE  
OF THE COURTS

## **Judicial Council Collaborative Court-County Working Group on Enhanced Collections Subcommittee Members**

### **TAB A**

#### **Standard Fine Fee Schedule Subcommittee**

Chair: Hon. William Pangman, Superior Court of Sierra County  
Members: Vanessa Balinton-White, Superior Court of Contra Costa County  
Hon. Jim Bishop, Superior Court of Riverside County  
Robert Bradley, Superior Court of San Diego County  
Jackie Davenport, Superior Court of El Dorado County  
Hon. Michael Dest, Superior Court of San Bernardino County  
Kim Kampling, Superior Court of Fresno County  
Hon. Adrienne Miller, Superior Court of San Francisco County  
Hon. Douglas Miller, Superior Court of Riverside County  
Kim Pedersen, Superior Court of Sacramento County  
Debbie Soo Hoo, Superior Court of Los Angeles County  
Hon. Alice Vilardi, Superior Court of Alameda County  
Lead Staff: Jessica Sanora, Administrative Office of the Courts  
Staff: Khin Chin, Administrative Office of the Courts  
Ruben Gomez, Administrative Office of the Courts  
David Koon, Administrative Office of the Courts  
Colin Simpson, Administrative Office of the Courts  
Courtney Tucker, Administrative Office of the Courts  
Mark Yuan, Administrative Office of the Courts

### **TAB B**

#### **Fee Waiver Subcommittee**

Chair: Hon. Carolyn Kuhl, Superior Court of Los Angeles County  
Vice-Chair: Michael Planet, Superior Court of Ventura County  
Members: Ken Babcock, Public Law Center  
Hon. Charles Campbell, Jr., Superior Court of Ventura County  
Hon. Donna Hitchens, Superior Court of San Francisco County  
Mitch Kamin, Bet Tzedek Legal Services  
Hon. Monica Marlow, Superior Court of Shasta County  
Jody Patel, Administrative Office of the Courts  
Hon. Donna M. Petre, Superior Court of Yolo County  
Toby Rothschild, Legal Aid Foundation of Los Angeles  
Jan Shaw, Superior Court of Orange County  
Hon. Paul Vortmann, Superior Court of Tulare County  
Suzanne Whitlock, Superior Court of Stanislaus County  
Lead Staff: Florence Prushan, Administrative Office of the Courts  
Staff: Deborah Chase, Administrative Office of the Courts  
Khin Chin, Administrative Office of the Courts  
Michael Fischer, Administrative Office of the Courts  
Bonnie Hough, Administrative Office of the Courts



John Judnick, Administrative Office of the Courts  
Tracy Kenny, Administrative Office of the Courts  
Cara Vonk, Administrative Office of the Courts

**TAB C**

**Cost Recovery Subcommittee**

Chair: Robert Stonehouse, State Controller's Office  
Members: Robert Bradley, Superior Court of San Diego County  
Carl Cline, County of San Bernardino Revenue Collections  
Robert Sherman, Superior Court of Ventura County  
Linn Smith, San Joaquin County Office of Revenue Recovery  
Ray Tickner, Superior Court of Shasta County  
Lead Staff: Jessica Sanora, Administrative Office of the Courts  
Staff: Khin Chin, Administrative Office of the Courts  
John Judnick, Administrative Office of the Courts

**TAB D**

**Reporting Subcommittee**

Chair: Susan Null, Superior Court of Shasta County  
Members: Robert Bradley, Superior Court of San Diego County  
Richard Cabral, Superior Court of Ventura County  
Alan Crouse, Superior Court of San Bernardino County  
Marita Ford, Superior Court of Riverside County  
Michael Gatiglio, Superior Court of Los Angeles County  
Kim Kampling, Superior Court of Fresno County  
Sean Metroka, Superior Court of Nevada County  
Ray Tickner, Superior Court of Shasta County  
Lead Staff: Jessica Sanora, Administrative Office of the Courts  
Staff: Steven Chang, Administrative Office of the Courts  
Khin Chin, Administrative Office of the Courts

**TAB E**

**Sanctions Subcommittee**

Chair: Jody Patel, Administrative Office of the Courts  
Members: Tonna Brodie, Superior Court of Ventura County  
Renee Gibson, Franchise Tax Board  
Diana Landmann, Superior Court of San Joaquin County  
Kevin Lane, Fourth Appellate District, Division One  
Lead Staff: Jessica Sanora, Administrative Office of the Courts  
Staff: Pat Haggerty, Administrative Office of the Courts  
Linda Nguyen, Administrative Office of the Courts

**TAB F**

**Court-County Collaborative Plans Subcommittee**

Co-Chairs: Larry Spikes, Kings County Administrator's Office  
Kiri Torre, Superior Court of Santa Clara County

Members: Roy Blaine, Superior Court of Santa Cruz County  
Carl Cline, County of San Bernardino  
Michael Gatiglio, Superior Court of Los Angeles County  
Sandra Silva, Superior Court of Fresno County  
Linn Smith, San Joaquin County Office of Revenue Recovery  
Phyllis Taylor, Superior Court of Ventura County

Lead Staff: Jessica Sanora, Administrative Office of the Courts

Staff: David Amos, Administrative Office of the Courts  
Khin Chin, Administrative Office of the Courts  
John Judnick, Administrative Office of the Courts

**TAB G**

**SWAT Subcommittee**

Chair: Jody Patel, Administrative Office of the Courts

Members: Carl Cline, Superior Court of San Bernardino County  
Marita Ford, Superior Court of Riverside County  
Renee Gibson, Franchise Tax Board  
Inga McElyea, Superior Court of Riverside County  
Susan Null, Superior Court of Shasta County  
Michael Planet, Superior Court of Ventura County

Lead Staff: Jessica Sanora, Administrative Office of the Courts

Staff: Khin Chin, Administrative Office of the Courts

**TAB H**

**Education & Training Subcommittee**

Co-Chairs: Inga McElyea, Superior Court of Riverside County  
Hon. Douglas Miller, Superior Court of Riverside County

Members: Carl Cline, County of San Bernardino  
Marita Ford, Superior Court of Riverside County  
Laura Hill, Victim Compensations & Government Claims Board  
Kim Kampling, Superior Court of Fresno County  
Kip Lowe, California Youth Authority  
Hon. William D. O'Malley, Superior Court of Contra Costa County  
Peggy Spencer, Superior Court of Riverside County  
Elaine Sterling, Superior Court of San Bernardino County  
Charlene Ynson, Superior Court of Fresno County

Lead Staff: Rod Cathcart, Administrative Office of the Courts

Staff: Claudia Fernandes, Administrative Office of the Courts  
Steven Chang, Administrative Office of the Courts  
Maggie Cimino, Administrative Office of the Courts  
Colin Simpson, Administrative Office of the Courts

**TAB I**

**Statewide Request for Proposals Subcommittee**

Chair: Tina Hansen, Administrative Office of the Courts  
Members: Robert Bradley, Superior Court of San Diego County  
Elizabeth Howard, California State Association of Counties  
Renee Gibson, Franchise Tax Board  
Rubin Lopez, California State Association of Counties  
Fred Plane, Kern County Administrator's Office  
Robert Sherman, Superior Court of Ventura County  
Kiri Torre, Superior Court of Santa Clara County  
Lead Staff: Grant Walker, Administrative Office of the Courts  
Staff: Khin Chin, Administrative Office of the Courts  
John Judnick, Administrative Office of the Courts

**TAB J**

**Legislation Subcommittee**

Chair: Jennifer Shaffer, Department of Corrections Victim Services & Restitution  
Members: Fred Acosta, Superior Court of Orange County  
Vanessa Balinton-White, Superior Court of Contra Costa County  
Robert Bradley, Superior Court of San Diego County  
Carl Cline, County of San Bernardino  
Hon. Mary Fuller, Superior Court of San Bernardino County  
Renee Gibson, Franchise Tax Board  
Robert Sherman, Superior Court of Ventura County  
Sandra Silva, Superior Court of Fresno County  
Linn Smith, San Joaquin County Office of Revenue Recovery  
Ray Tickner, Superior Court of Shasta County  
Mark Willman, Superior Court of Los Angeles County  
Lead Staff: Eraina Ortega, Administrative Office of the Courts  
Staff: Khin Chin, Administrative Office of the Courts  
Ruben Gomez, Administrative Office of the Courts



# Collaborative Court-County Working Group on Enhanced Collections Report

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STANDARD FINE FEE SCHEDULE  
SUBCOMMITTEE

TAB A

**REPORT OF THE STANDARD FINE FEE SCHEDULE SUBCOMMITTEE  
of the Collaborative Court-County Working Group on Enhanced Collections  
June 22, 2006**

Members: Hon. William Pangman, Chair, Superior Court of Sierra County  
Vanessa Balinton-White, County of Contra Costa  
Hon. Jim Bishop, Superior Court of Riverside County  
Robert Bradley, Superior Court of San Diego County  
Jackie Davenport, Superior Court of El Dorado County  
Hon. Michael Dest, Superior Court of San Bernardino County  
Kim Kampling, Superior Court of Fresno County  
Hon. Adrienne Miller, Superior Court of San Francisco County  
Hon. Douglas P. Miller, Superior Court of Riverside County  
Kim Pederson, Superior Court of Sacramento County  
Debbie Soo Hoo, Superior Court of Los Angeles County  
Hon. Alice Vilardi, Superior Court of Alameda County  
Sheri Wert, Superior Court of Plumas County

AOC Staff: Jessica Sanora, Lead Staff, Enhanced Collections  
Scott Burritt (former Lead Staff), AOC Southern Regional Office  
Khin Chin, Enhanced Collections  
Ruben Gomez, Finance Division  
David Koon, Finance Division  
Courtney Tucker, Office of the General Counsel  
Mark Yuan, Information Systems Division

### Objectives

The Standard Fine Fee Schedule Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections has been charged with developing a system to assist judicial officers in rapidly determining the appropriate fines, penalties, assessments, surcharges, and fees in criminal cases.

### Goals

The Standard Fine Fee Schedule Subcommittee has the following approved goals:

- Release the interim Excel spreadsheet in first-quarter 2005;
- Release the Access database by July 2005;
- Work with the Education and Training Subcommittee to develop training; and

Report of the Standard Fine Fee Schedule Subcommittee  
June 22, 2006

- Continue working with the California Case Management System (CCMS) project director to ensure that the database elements are integrated into CCMS.

### Status Report

The interim Excel-based fine schedule, containing 334 pages, was released on May 3, 2005. The fine schedule was released via memo to the presiding judges and court executives of each county. Prior to release, the spreadsheet was reviewed by the AOC Internal Audit Services Unit. Seventy-three individuals from 32 superior courts downloaded the spreadsheet. Training on the spreadsheet was conducted at the Cow County Judges Institute, the Traffic Adjudication Workshop, and the annual meeting of the Probation Officers of California. The data contained in the interim Excel-based spreadsheet was used as the foundation for the creation of an Access-based fine schedule database.

The Access-based fine schedule was released in October 2005 for review and comment. Since then, 125 individuals from 44 courts have downloaded the application. Feedback on functionality was received, and technical issues were addressed, improvements were continually made, and functionality added during development of the application's final version. The final version is scheduled for release in July 2006 to each court's presiding and court executive officer. Court leadership must decide how this tool will be used in their courts. If a court decides to use the database, it will be necessary for the court to input locally determined assessment information prior to the database's release to judicial officers and court staff. Education and training issues were addressed by the working group's Education and Training Subcommittee in coordination with the Administrative Office of the Court's Education Division/Center for Judicial Education and Research (CJER) and the Standard Fine Fee Schedule Subcommittee.

### Recommendations/Action Items

The Standard Fine Fee Schedule Subcommittee recommends the following to the Collaborative Court-County Working Group on Enhanced Collections:

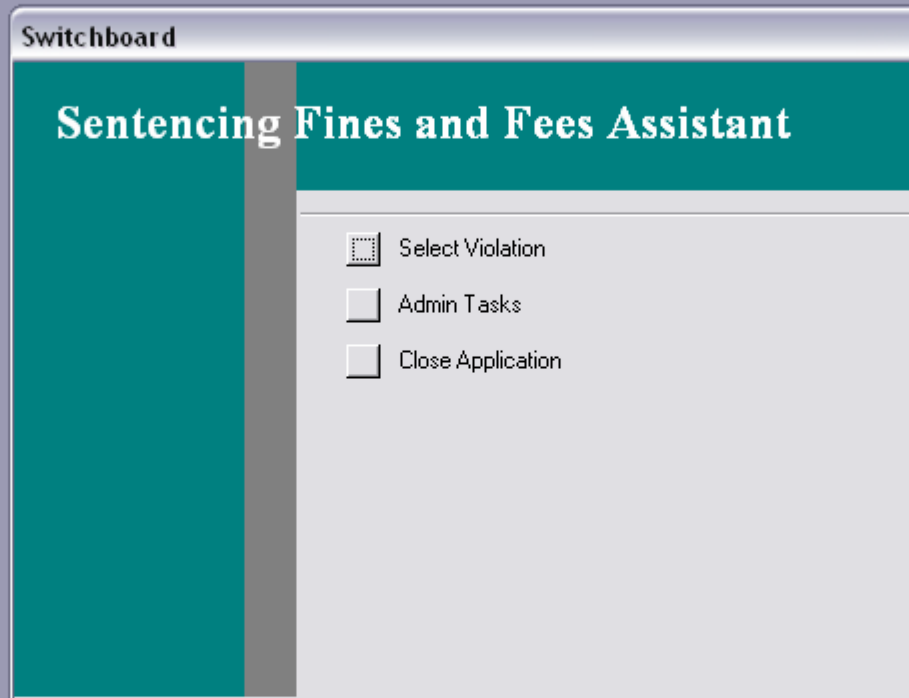
1. Recommend that the Access database be distributed statewide, including to district attorneys, probation officers, public defenders, and other justice partners;
2. Request that the AOC Enhanced Collections Unit survey users of the Access-based fine schedule in December 2006;
3. Request that the AOC Enhanced Collections Unit integrate court recommendations for application enhancement;

Report of the Standard Fine Fee Schedule Subcommittee  
June 22, 2006

4. Request that the AOC Enhanced Collections Unit provide updates to the database that reflect legislative changes and amendments to the *Uniform Bail and Penalty Schedule*;
5. Request that the AOC Enhanced Collections Unit, as requested by courts, add common charges not currently in the database; and
6. Request that the AOC Enhanced Collections Unit continue working with CCMS integration when CCMS is rolled out in the California superior courts, based on the outcome of the December 2006 survey.

Attachments: PowerPoint User Instructions for Access Database  
PowerPoint Administrative Users Instructions for Access Database

# Welcome to the Sentencing Fines and Fees Assistant





# Sentencing Fines and Fees Assistant

- Select Violation
- Admin Tasks
- Close Application

Click the "Select Violation" button to begin. This will open a new form, "Single Violation Case View."

## Single Violation Case View

Code Section

Level

Violation

Total

The "Add" button allows users to add code section violations to the "Single Violations Case View."

The "Back" button returns you to the previous screen.

Case Total

\$0.00

Clear

Drop

Add

Details

Back

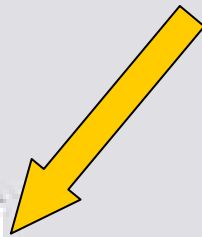
# Violation Query

Click the down arrow button to choose the code title such as Vehicle Code or Penal Code.

Select code title then enter section or section name.

You can locate the specific violation by code section number or a keyword included in the section title. Leaving these textboxes blank will list all violations related to that code.

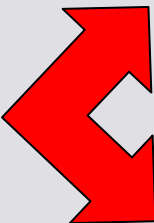
Code Title:  



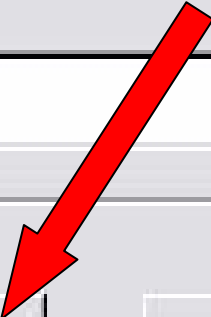
Section:

OR

Section Title:



The "Search" button locates the related violations.



\$0.00

## Violation Query

The first example is a single violation of Vehicle Code section 23152(a).

Select code title then enter section or section name.

Code Title:

Vehicle Code



Section:

23152

OR

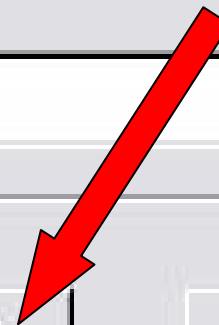
Section Title:

Print

Search

Back

Here is an example of using the code section number. The "Search" button locates the related violations.



Clear

Drop

Add

Details

Help

## Violation Query

Select code title then enter section or section name.

Code Title:

Vehicle Code



Section:

OR

Section Title:

Alcohol

Print

Search

Back

Here is an example of using a keyword in the Section Title box. The "Search" button locates the related violations.



Clear

Drop

Add

Details

Help

Click on the button on the left to select the code section violation number.

Violation Search Results

Code  
Vehicle Code

Section	Subsection:	Violation:	Level
<input type="checkbox"/>	23152	(a) Driving Under Influence of Alcohol/Drugs	Misdemeanor
<input type="checkbox"/>	23152	(a) Driving Under Influence of Alcohol/Drugs-Construction Zone	Misdemeanor
<input type="checkbox"/>	23152	(b) Driving Under Influence of Alcohol/Drugs	Misdemeanor
<input type="checkbox"/>	23152	(b) Driving Under Influence of Alcohol/Drugs-Construction Zone	Misdemeanor

A violation can also be selected by clicking on the "Section" textbox and pressing the "Select" button.

Click on the "Back" button to return to the "Violation Query" form.

Checking the "Priors" check box adds \$10 to the Base Fine per prior offense and recalculates the related assessments. This appears only for violations subject to prior offenses.

Single Violation Case View

Code Section	Level	Violation	Total
VC 23152 (a) M		Driving Under Influence of Alcohol/Drugs	1,695.00
<input type="checkbox"/> Traffic School	<input type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile <input type="checkbox"/> Priors	

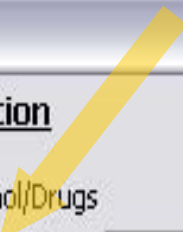
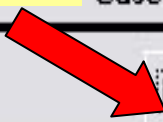
Case Total \$1,695.00

Buttons: Clear Drop Add Details Back

Checking the "Juvenile" check box removes the \$20 Court Security Fee from the total. (Based on Welf. & Inst. Code 203)

Clicking the "Details" button opens a "Sentence Summary Detail" form that provides the fine, fee, and assessment detail for the violation selected. This also allows users to make adjustments to the total fine.

Preliminary total amount due including penalty assessments. (based on the bail schedule or statute)



The code section, level and violation are displayed at the top. The minimum fine, maximum fine and total are also displayed on the screen. (Based on bail schedule or statute)

**Sentence Summary Detail**

**Vehicle Code**

<b>Section:</b>	<b>Subsection:</b>	<b>Violation:</b>	<b>Level:</b>
23152	(a)	Driving Under Influence of Alcohol/Drugs	Misdemeanor

---

<b>Minimum Fine</b>	<b>Maximum Fine</b>	<b>Total Fine &amp; All Other Assessments</b>
390.00	1,000.00	1,695.00

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**Base Fine/Bail**   **Assessments**   **Specific Fees**   **Community Service**   **Jail Time**

Assess This Fee?

<input type="checkbox"/>	390.00	Base Bail/Fine, PC 1269b,1463.001
<input type="checkbox"/>	0.00	Victim Restitution, PC 1202.4
<input type="checkbox"/>	100.00	Restitution Fund Fine, PC 1202.4(b)(1) <b>Maximum Fine: \$1,000</b>
<input type="checkbox"/>	35.00	Accounts Receivable Fee, PC 1205(d)
<input type="checkbox"/>	25.00	Administrative Screening Fee, PC 1463.07
<input type="checkbox"/>	10.00	Citation Processing Fee, PC 1463.07

**Print**   **Back**

Yellow callout box: Tabs list other details you can select.

Yellow callout box: Check the box to add a specific fee or assessment to the total fine. The values in the textboxes are based on statute but can be modified.



## Sentence Summary Detail

Vehicle Code

Section: Subsection:

23152

(a)

Violation:

Driving Under Influence of Alcohol/Drugs

Level:

Misdemeanor

Minimum  
Fine

390.00

Maximum  
Fine

1,000.00

Total Fine  
& All Other Assessments

1,695.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

390.00 State Penalty Assessment Fund, PC 1464(a)  
273.00 County Penalty Assessment, GC 76000(a)(e)  
195.00 Court Facilities Construction Fund Penalty Assessment, GC 70372  
78.00 State Criminal Fines Surcharge PC 1465.7(a)  
20.00 Court Security Fee, PC 1465.8  
0.00 Restitution Surcharge, PC 1203.1(l)  
10.00 Restitution Fund Fine Administrative Fee, PC 1202.4(l)  
39.00 DNA Penalty Assessment, GC 76104.6

The "Assessments" tab details the assessments, fees, and surcharges calculated from the Base Fine, Restitution, Surcharge, and Restitution Fund Fine. The Court Security Fee is listed here as well.

These assessments cannot be modified as they are calculated on the Base Fine, Restitution Fund Fine or Victim Restitution amount in the Base Fine/Bail tab.

Print

Back

## Sentence Summary Detail

Vehicle Code

Section: Subsection:

23152

(a)

Violation:

Driving Under Influence of Alcohol/Drugs

Level:

Misdemeanor

Minimum  
Fine

390.00

Maximum  
Fine

1,000.00

Total Fine  
& All Other Assessments

1,695.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Assess This Fee?

- |                                     |     |  |
|-------------------------------------|-----|--|
| <input checked="" type="checkbox"/> | 50  | Alcohol Abuse Prevention PA PC 1463.25, VC 23645 |
| <input checked="" type="checkbox"/> | 50  | Alcohol Testing PC PC 1463.14(b)                 |
| <input checked="" type="checkbox"/> | 100 | Alcohol and Drug Program PA VC 23649             |
| <input type="checkbox"/>            | 1   | Night Court Fee VC 42006                         |
| <input type="checkbox"/>            | 0   | Additional Late Charge VC 40310                  |
| <input type="checkbox"/>            | 0   | Civil Assessment PC 1214.1                       |
| <input type="checkbox"/>            | 0   | Assessment for Recording Priors VC 40508.6       |
| <input type="checkbox"/>            | 39  | DNA ID Fund Penalty Assessment GC 76104.7        |

The "Specific Fees" tab lists fees that relate to a specific code section violation or a specific county.

Note that the DNA Identification Fund Penalty Assessment appears on this tab. It can be applied by checking the check box to cases where a violation was committed after the bill was chaptered. In this example, the violation occurred before the legislation was effective.

Print

Back

Sentence Summary Detail

Vehicle Code

Section: Subsection:

23152

(a)

Violation:

Driving Under Influence of Alcohol/Drugs

Level:

Misdemeanor

Minimum Fine

390.00

Maximum Fine

1,000.00

Total Fine & All Other Assessments

1,695.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Best practice is for a court to impose community service in lieu of a fine or penalty only where there is statutory authority for doing so.

Total Fine and Assessments to Community Service

211.875 Hours

Fine Amount to Convert to Community Service Hours:

[Input Field]

Convert Dollars to Hours

[Input Field]

Community Service Hours to Convert to Fine Amount:

[Input Field]

Convert Hours to Dollars

[Input Field]

The "Community Service" tab converts fine amounts to community service hours or vice versa.

Print

Back

## Sentence Summary Detail

Vehicle Code

Section: Subsection:

23152

(a)

Violation:

Driving Under Influence of Alcohol/Drugs

Level:

Misdemeanor

Minimum  
Fine

390.00

Maximum  
Fine

1,000.00

Total Fine  
& All Other Assessments

1,695.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Total Fine and Assessments to Community Service

33.9 Days

Fine Amount to Convert to Jail  
Time (Days):

Convert Dollars to Jail Time (Days)

Jail Time (Days) to Convert to  
Fine Amount:

Convert Jail Time Days to Dollars

Click on the "Print" button to create a printable Word document listing the violation details.

The "Jail Time" tab converts fine amounts to jail time (days) or vice versa.

Print

Back

# Sentence Summary Detail

Vehicle Code

Section: Subsection:

23152

(a)

Violation:

Influence of Alcohol/Drugs

Level:

Misdemeanor

Printing

Now outputting page 1 of  
'Sentence Summary' to the  
file 'ViolationSummary.rtf'

Cancel

num

ne

0.00

Total Fine  
& All Other Assessments

1,695.00

Total Due

Base Fine/Bail

Assessment

Community Service

Jail Time

Total Fine and Assessments to Community Service

Fine Amount to Convert to Jail  
Time (Days):

Convert Dollars to Jail Time (Days)

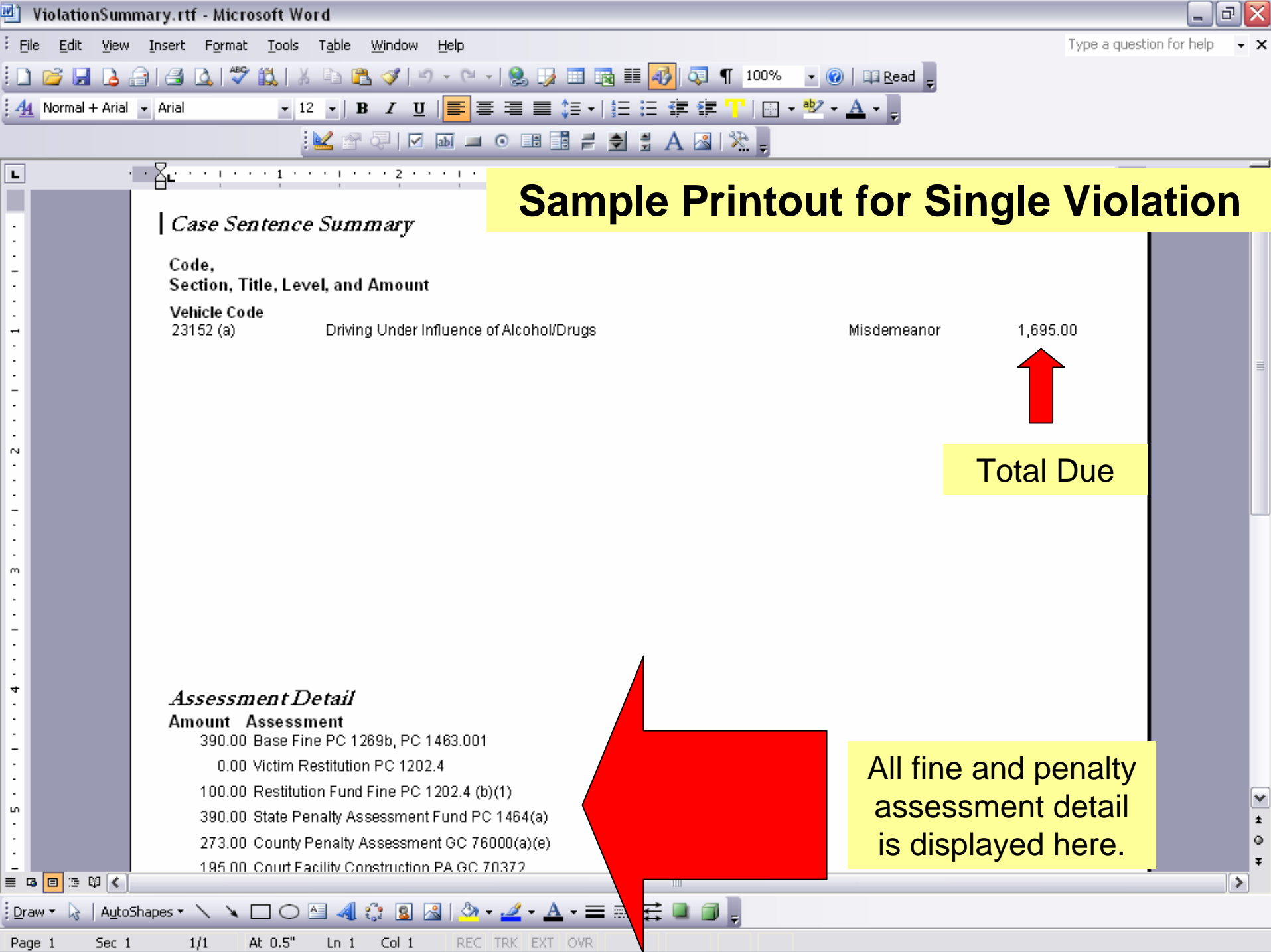
Jail Time  
Fine Am

Convert

The "Printing" window indicates that a document detailing all fines, fees, penalties, and assessments is being created in Microsoft Word.

Print

Back



# Sample Printout for Single Violation

## *Case Sentence Summary*

**Code,  
Section, Title, Level, and Amount**

**Vehicle Code**

23152 (a)	Driving Under Influence of Alcohol/Drugs	Misdemeanor	1,695.00
-----------	--	-------------	----------

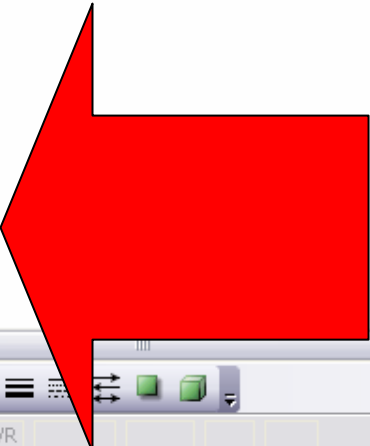


Total Due

## *Assessment Detail*

**Amount Assessment**

- 390.00 Base Fine PC 1269b, PC 1463.001
- 0.00 Victim Restitution PC 1202.4
- 100.00 Restitution Fund Fine PC 1202.4 (b)(1)
- 390.00 State Penalty Assessment Fund PC 1464(a)
- 273.00 County Penalty Assessment GC 76000(a)(e)
- 195.00 Court Facility Construction PA GC 70372



All fine and penalty assessment detail is displayed here.

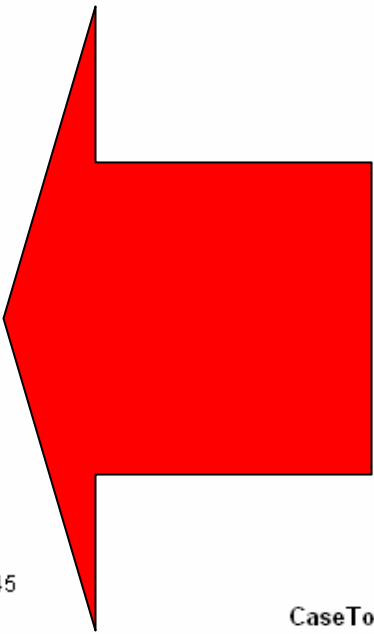


# Sample Printout for Single Violation

***Assessment Detail***

**Amount Assessment**

- 390.00 Base Fine PC 1269b, PC 1463.001
- 0.00 Victim Restitution PC 1202.4
- 100.00 Restitution Fund Fine PC 1202.4 (b)(1)
- 390.00 State Penalty Assessment Fund PC 1464(a)
- 273.00 County Penalty Assessment GC 76000(a)(e)
- 195.00 Court Facility Construction PA GC 70372
- 78.00 State Criminal Fine Surcharge PC 1465.7(a)
- 20.00 Court Security Fee PC 1465.8
- 0.00 Restitution Surcharge PC 1203.1(f)
- 10.00 Restitution Fund Fine Surcharge PC 1202.4(l)
- 39.00 DNA Penalty Assessment GC 76104.6
- 100.00 Alcohol and Drug Program PA VC 23649
- 50.00 Alcohol Testing PC PC 1463.14(b)
- 50.00 Alcohol Abuse Prevention PA PC 1463.25, VC 23645



All fine and penalty assessment detail is displayed here.

CaseTotal: \$1,695.00

***Probation Terms/Advisements***



Space available for additional text

## Single Violation Case View

<u>Code Section</u>	<u>Level</u>	<u>Violation</u>	<u>Total</u>
<input checked="" type="radio"/> VC 23152 (a)	M	Driving Under Influence of Alcohol/Drugs	1,695.00
<input type="checkbox"/> Traffic School	<input type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Priors <input type="text" value="0"/>

Click the "Drop" button to remove the selected violation.

Case Total \$1,695.00

---



The second case example involves two Vehicle Code violations that are ***correctable*** or ***traffic school eligible***.

Violation Search Results

Code  
Vehicle Code

Section	Subsection:	Violation:	Level
<input type="checkbox"/> 14600	(a)	Failure to Notify DMV of Address Change Within 10 Days	Infraction
<input type="checkbox"/> 14600	(b)	Failure to Present DMV Change of Address Form to Peace Officer	Infraction


Select Back

Clear Drop Add Details Back

This example includes one corrected violation of section 14600(a) and one violation of 21461(a) where the individual has elected to attend traffic school.

## Single Violation Case View

	<u>Code Section</u>	<u>Level</u>	<u>Violation</u>	<u>Total</u>
⊙	VC 14600 (a)	I	Failure to Notify DMV of Address Change Within 10 Days	154.00
<input type="checkbox"/>	Traffic School	<input type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Priors <input type="text"/>



Checking the “Corrected” check box removes all fines, fees, and assessments and adds a \$10 Proof of Correction fee. This check box appears only for correctable violations.

Case Total \$154.00

Clear

Drop

Add

Details

Back

## Single Violation Case View

<u>Code Section</u>			<u>Level</u>	<u>Violation</u>	<u>Total</u>		
<input checked="" type="radio"/>	VC	14600 (a)	I	Failure to Notify DMV of Address Change Within 10 Days	10.00		
<input type="checkbox"/>	Traffic School	<input checked="" type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/>	Juvenile	<input type="checkbox"/>	Priors	<input type="text"/>



Note that the total has now changed to \$10.00.

Case Total \$10.00

Clear

Drop

Add

Details

Back

## Sentence Summary Detail

Vehicle Code

Section: Subsection:

14600

(a)

Violation:

Failure to Notify DMV of Address Change Within 10 Days

Level:

Infraction

Minimum  
Fine

0.00

Maximum  
Fine

100.00

Total Fine  
& All Other Assessments

10.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Assess This Fee?

- |                          |                                   |  |
|--------------------------|-----------------------------------|--|
| <input type="checkbox"/> | <input type="text" value="0.00"/> | Base Bail/Fine, PC 1269b,1463.001        |
| <input type="checkbox"/> | <input type="text" value="0.00"/> | Victim Restitution, PC 1202.4            |
| <input type="checkbox"/> | <input type="text" value="0.00"/> | Restitution Fund Fine, PC 1202.4(b)(1)   |
| <input type="checkbox"/> | <input type="text" value="0.00"/> | Accounts Receivable Fee, PC 1205(d)      |
| <input type="checkbox"/> | <input type="text" value="0.00"/> | Administrative Screening Fee, PC 1463.07 |
| <input type="checkbox"/> | <input type="text" value="0.00"/> | Citation Processing Fee, PC 1463.07      |

All applicable fines, fees, penalties, and assessments have been reduced to zero except . . .

Print

Back

## Sentence Summary Detail

Vehicle Code

Section: Subsection:

14600

(a)

Violation:

Failure to Notify DMV of Address Change Within 10 Days

Level:

Infraction

Minimum  
Fine

0.00

Maximum  
Fine

100.00

Total Fine  
& All Other Assessments

10.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Assess This Fee?



10

Proof of Correction Fee VC 40611



...the \$10.00 Proof of Correction Fee, which is specific to correctable offenses.

Print

Back

## Violation Query

Select code title then enter section or section name.

Code Title:

Vehicle Code



Section:

21461

Now we will add a second offense that is traffic school eligible.

OR

Section Title:

Print

Search

Back

Clear

Drop

Add

Details

Home

## Violation Search Results

Code

Vehicle Code

We then select the appropriate violation. In this case, 21461(a) will be selected.

Section	Subsection:	Violation:	Level	
<input checked="" type="checkbox"/>	21461	(a)	Driver Failure to Obey Signs/Signals	Infraction
<input type="checkbox"/>	21461	(a)	Driver Failure to Obey Signs/Signals-Construction Zone	Infraction
<input type="checkbox"/>	21461.5		Pedestrian Failure to Obey Signs/Signals	Infraction

Select

Back

### Multi Violation Case View

	<u>Code Section</u>	<u>Level</u>	<u>Violation</u>	<u>Total</u>
<input checked="" type="radio"/>	VC 14600 (a)	I	Failure to Notify DMV of Address Change Within 10 Days	10.00
	<input type="checkbox"/> Traffic School	<input checked="" type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile <input type="checkbox"/> Priors	<input type="text"/>
<input type="radio"/>	VC 21461 (a)	I	Driver Failure to Obey Signs/Signals	154.00
	<input type="checkbox"/> Traffic School	<input type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile <input type="checkbox"/> Priors	<input type="text" value="0"/>

Click the button to select the violation.

Checking the "Traffic School" check box adds to the bail schedule or total fine amount the \$24 Traffic Violator School Fee and the Traffic School Monitoring Fee as determined by the county board of supervisors. This check box appears only with violations eligible for traffic school.

Multiple Violation Summary Case Total \$164.00



## Multi Violation Case View

	<u>Code Section</u>	<u>Level</u>	<u>Violation</u>	<u>Total</u>
<input type="radio"/>	VC 14600 (a)	I	Failure to Notify DMV of Address Change Within 10 Days	10.00
	<input type="checkbox"/> Traffic School	<input checked="" type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile <input type="checkbox"/> Priors	<input type="text"/>
<input checked="" type="radio"/>	VC 21461 (a)	I	Driver Failure to Obey Signs/Signals	178.00
	<input checked="" type="checkbox"/> Traffic School	<input type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile <input type="checkbox"/> Priors	<input type="text" value="0"/>



Note that the total fine for Vehicle Code section 21461(a) has increased by \$24.00.

Multiple Violation Summary Case Total \$188.00

Clear

Drop

Add

Details

Back

## Sentence Summary Detail

Vehicle Code

Section: Subsection:

21461

(a)

Violation:

Driver Failure to Obey Signs/Signals

Level:

Infraction

Minimum  
Fine

0.00

Maximum  
Fine

100.00

Total Fine  
& All Other Assessments

178.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Assess This Fee?

35.00

Base Bail/Fine, PC 1269b,1463.001

0.00

Victim Restitution, PC 1202.4

0.00

Restitution Fund Fine, PC 1202.4(b)(1)



35.00

Accounts Receivable Fee, PC 1205(d)



25.00

Administrative Screening Fee, PC 1463.07



10.00

Citation Processing Fee, PC 1463.07

All fines, fees, penalties,  
and assessments remain  
unchanged except . . .

Print

Back

## Sentence Summary Detail

Vehicle Code

Section: Subsection:

21461

(a)

Violation:

Driver Failure to Obey Signs/Signals

Level:

Infraction

Minimum  
Fine

0.00

Maximum  
Fine

100.00

Total Fine  
& All Other Assessments

178.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Assess This Fee?

- Night Court Fee VC 42006
- Additional Late Charge VC 40310
- Traffic Violator School Fee VC 42007.1
- Civil Assessment PC 1214.1
- Traffic School Monitoring and Service Fee VC 11205
- Assessment for Recording Priors VC 40508.6
- DNA ID Fund Penalty Assessment GC 76104.7

... the Traffic Violator School Fee and the Traffic School Monitoring and Service Fee, which have now been checked and added.

Print

Back

## Multi Violation Case View

	<u>Code</u>	<u>Section</u>	<u>Level</u>	<u>Violation</u>	<u>Base</u>	
<input type="radio"/>	VC	14600	(a)	I	Failure to Notify DMV of Address Change Within 10 Days	0.00
	<input type="checkbox"/> Traffic School	<input checked="" type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Priors	<input type="text"/>	
<input checked="" type="radio"/>	VC	21461	(a)	I	Driver Failure to Obey Signs/Signals	35.00
	<input checked="" type="checkbox"/> Traffic School	<input type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Priors	<input type="text" value="0"/>	

If the Multiple Violation Summary check box is checked and the “Details” button is clicked, the “Sentence Summary Detail” window will provide the total fine, fee, and assessment details for all violations listed.

Multiple Violation Summary      Case Total      \$188.00

Clear

Drop

Add

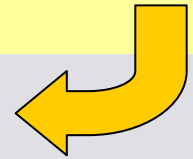
Details

Back

The violations and their code sections and minimum and maximum base fines are listed at the top.

### Sentence Summary Detail

<u>Code Section</u>	<u>Level</u>	<u>Viol.</u>			
VC 14600 (a)	I	Failure to Notify DMV or Address Change within 10	0	100	
VC 21461 (a)	I	Driver Failure to Obey Signs/Signals	0	100	



**Total Fine  
& All Other  
Assessments**  
188.00

**Base Fine/Bail** | **Assessments** | **Specific Fees** | **Community Service** | **Jail Time**

Assess This Fee?

<input type="checkbox"/>	35.00	Base Bail/Fine, PC 1269b,1463.001
<input type="checkbox"/>	0.00	Victim Restitution, PC 1202.4
<input type="checkbox"/>	0.00	Restitution Fund Fine, PC 1202.4(b)(1)
<input checked="" type="checkbox"/>	35.00	Accounts Receivable Fee, PC 1205(d)
<input type="checkbox"/>	25.00	Administrative Screening Fee, PC 1463.07
<input type="checkbox"/>	10.00	Citation Processing Fee, PC 1463.07

The applicable Base Bail/Fine, Victim Restitution, and Restitution Fund Fine amounts are aggregated from the values entered on the individual violations. If the Accounts Receivable, Administrative Screening or Citation Processing fees have been checked on the individual level, they will be displayed on the Sentence Violation Summary detail. If not, they can be added here.

## Sentence Summary Detail

<u>Code Section</u>	<u>Level</u>	<u>Violation</u>	<u>Min Fine</u>	<u>Max Fine</u>
VC 14600 (a)	I	Failure to Notify DMV of Address Change Within 10	0	100
VC 21461 (a)	I	Driver Failure to Obey Signs/Signals	0	100

**Total Fine  
& All Other  
Assessments**

188.00

<b>Base Fine/Bail</b>	<b>Assessments</b>	<b>Specific Fees</b>	<b>Community Service</b>	<b>Jail Time</b>
-----------------------	--------------------	----------------------	--------------------------	------------------

40.00	State Penalty Assessment Fund, PC 1464(a)			
28.00	County Penalty Assessment, GC 76000(a)(e)			
20.00	Court Facilities Construction Fund Penalty Assessment, GC 70372			
7.00	State Criminal Fines Surcharge PC 1465.7(a)			
20.00	Court Security Fee, PC 1465.8			
0.00	Restitution Surcharge, PC 1203.1(l)			
0.00	Restitution Fund Fine Administrative Fee, PC 1202.4(l)			
4.00	DNA Penalty Assessment, GC 76104.6			

The assessments, surcharges, and fees on the "Assessments" tab are calculated based on the total Base Bail/Fine, and/or Victim Restitution and/or the Restitution Fund Fine. These amounts cannot be changed.

Print

Back

## Sentence Summary Detail

<u>Code Section</u>	<u>Level</u>	<u>Violation</u>	<u>Min Fine</u>	<u>Max Fine</u>
VC 14600 (a)	I	Failure to Notify DMV of Address Change Within 10	0	100
VC 21461 (a)	I	Driver Failure to Obey Signs/Signals	0	100

**Total Fine  
& All Other  
Assessments**

188.00

**Base Fine/Bail** **Assessments** **Specific Fees** **Community Service** **Jail Time**

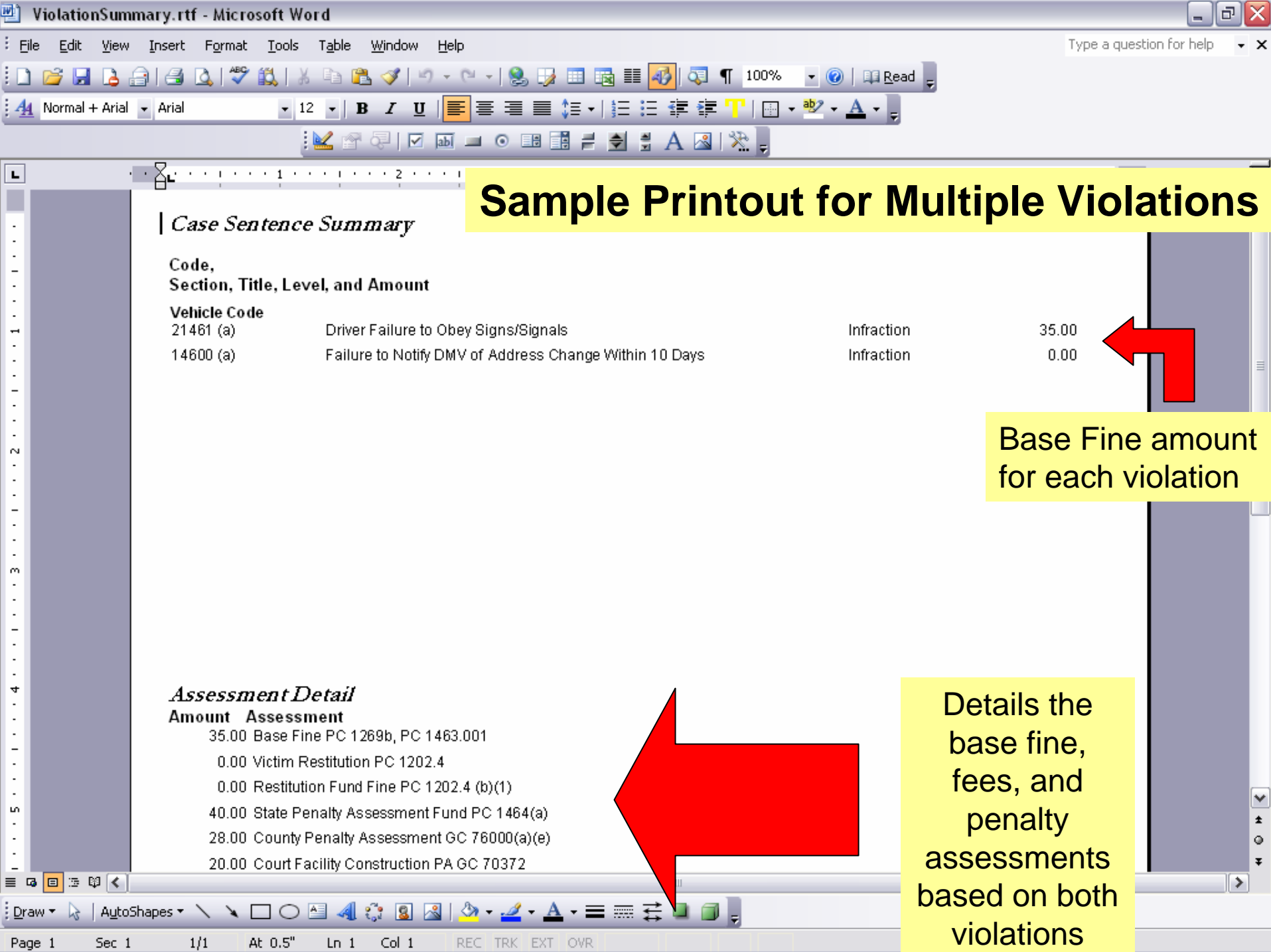
Assess This Fee?

- Night Court Fee VC 42006
- Additional Late Charge VC 40310
- Traffic Violator School Fee VC 42007.1
- Proof of Correction Fee VC 40611
- Civil Assessment PC 1214.1
- Traffic School Monitoring and Service Fee VC 11205
- Assessment for Recording Priors VC 40508.6
- DNA ID Fund Penalty Assessment GC 76104.7

All specific fees or assessments that have been checked at the individual level are displayed in the Sentence summary detail and can be selected here as well.

Print

Back



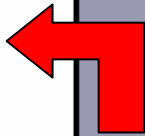
# Sample Printout for Multiple Violations

## *Case Sentence Summary*

**Code,  
Section, Title, Level, and Amount**

**Vehicle Code**

21461 (a)	Driver Failure to Obey Signs/Signals	Infraction	35.00
14600 (a)	Failure to Notify DMV of Address Change Within 10 Days	Infraction	0.00

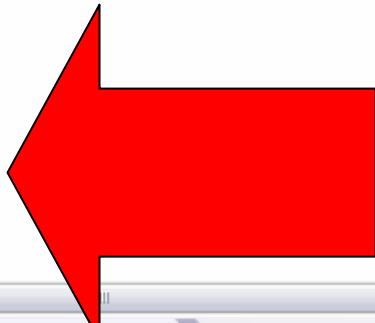


Base Fine amount  
for each violation

## *Assessment Detail*

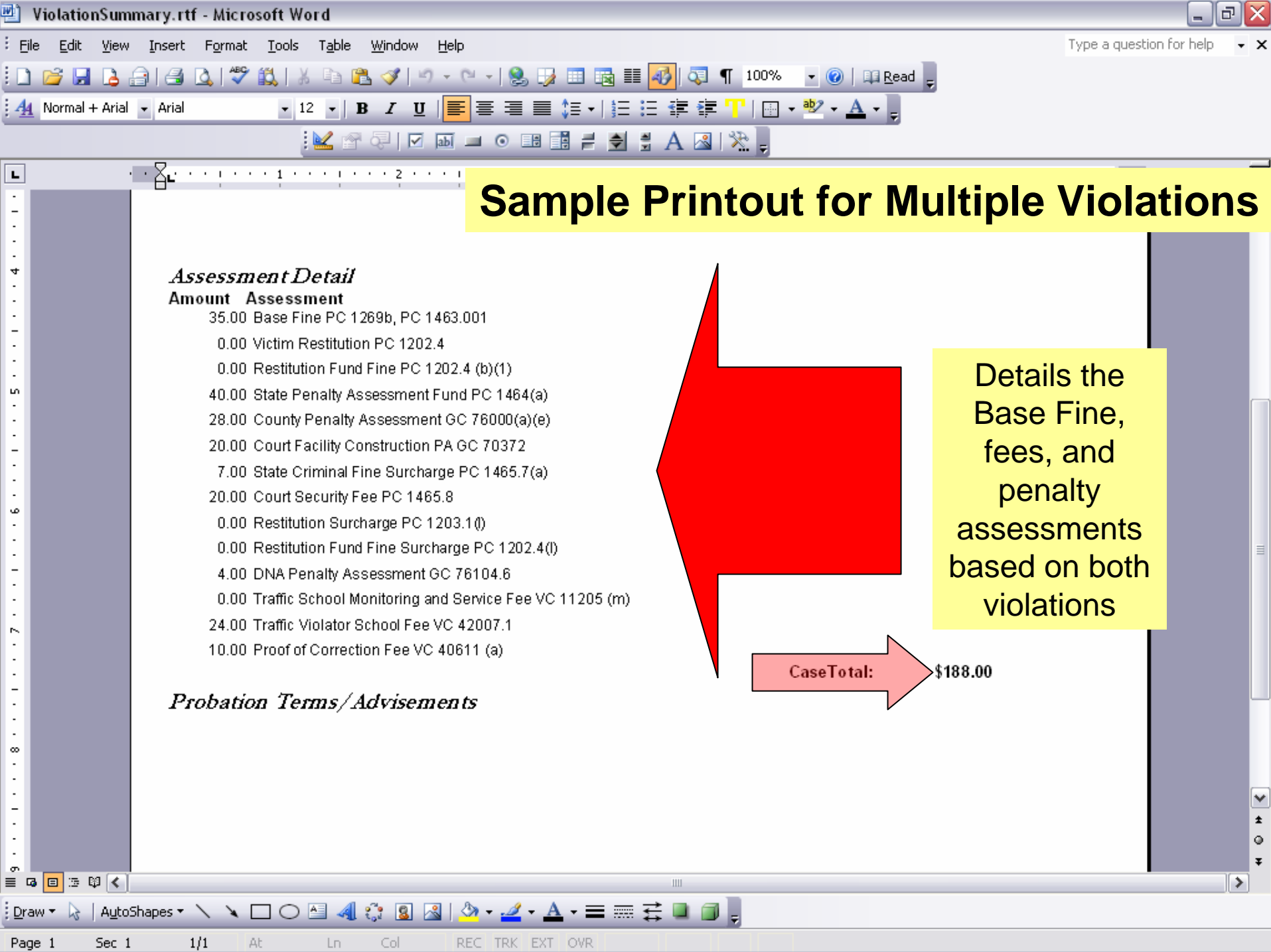
**Amount Assessment**

- 35.00 Base Fine PC 1269b, PC 1463.001
- 0.00 Victim Restitution PC 1202.4
- 0.00 Restitution Fund Fine PC 1202.4 (b)(1)
- 40.00 State Penalty Assessment Fund PC 1464(a)
- 28.00 County Penalty Assessment GC 76000(a)(e)
- 20.00 Court Facility Construction PA GC 70372



Details the  
base fine,  
fees, and  
penalty  
assessments  
based on both  
violations





# Sample Printout for Multiple Violations

## *Assessment Detail*

### **Amount Assessment**

Amount	Assessment
35.00	Base Fine PC 1269b, PC 1463.001
0.00	Victim Restitution PC 1202.4
0.00	Restitution Fund Fine PC 1202.4 (b)(1)
40.00	State Penalty Assessment Fund PC 1464(a)
28.00	County Penalty Assessment GC 76000(a)(e)
20.00	Court Facility Construction PA GC 70372
7.00	State Criminal Fine Surcharge PC 1465.7(a)
20.00	Court Security Fee PC 1465.8
0.00	Restitution Surcharge PC 1203.1(f)
0.00	Restitution Fund Fine Surcharge PC 1202.4(l)
4.00	DNA Penalty Assessment GC 76104.6
0.00	Traffic School Monitoring and Service Fee VC 11205 (m)
24.00	Traffic Violator School Fee VC 42007.1
10.00	Proof of Correction Fee VC 40611 (a)

Details the Base Fine, fees, and penalty assessments based on both violations

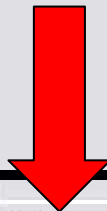
CaseTotal: \$188.00

## *Probation Terms/Advisements*

## Multi Violation Case View

	<u>Code Section</u>	<u>Level</u>	<u>Violation</u>	<u>Total</u>
<input type="radio"/>	VC 14600 (a)	I	Failure to Notify DMV of Address Change Within 10 Days	10.00
	<input type="checkbox"/> Traffic School	<input checked="" type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile <input type="checkbox"/> Priors	<input type="text"/>
<input checked="" type="radio"/>	VC 21461 (a)	I	Driver Failure to Obey Signs/Signals	188.00
	<input checked="" type="checkbox"/> Traffic School	<input type="checkbox"/> Corrected: VC 40611(a)	<input type="checkbox"/> Juvenile <input type="checkbox"/> Priors	<input type="text" value="0"/>

Click the "Clear" button to remove all violations from the "Multi Violation Case View" form.



Multiple Violation Summary Case Total \$198.00

Clear

Drop

Add

Details

Back

The third case example involves a ***felony-level Penal Code*** violation.

Violation Search Results

Code  
Penal Code

Section	Subsection:	Violation:	Level
<input type="checkbox"/> 273.5	(a)	Inflict Corporal Injury on Spouse/ Cohabitant	Felony
<input type="checkbox"/> 273.5	(a)	Inflict Corporal Injury on Spouse/ Cohabitant	Misdemeanor

Select Back

Clear Drop Add Details Back

This example involves a violation of section 273.5(a).

## Sentence Summary Detail

Penal Code

Section: Subsection:

273.5

(a)

Violation:

Inflict Corporal Injury on Spouse/ Cohabitant

Level:

Felony

Minimum  
Fine

0.00

Maximum  
Fine

6,000.00

Total Fine  
& All Other Assessments

640.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Assess This Fee?

0.00

Base Bail/Fine, PC 1269b, 1463.001

0.00

Victim Restitution, PC 1202.4

200.00

Restitution Fund Fine, PC 1202.4(b)(1) **Maximum Fine: \$10,000**



35.00

Accounts Receivable Fee, PC 1205(d)



25.00

Administrative Screening Fee, PC 1463.07



10.00

Citation Processing Fee, PC 1463.07

The Base Fine for misdemeanors and felonies has a default value of zero. Otherwise, the value required in statute will appear here.

The Restitution Fund Fine has the default minimum value of \$200 for felonies. For misdemeanors, the default minimum value is \$100. (Pen. Code 1202.4(b)(1))

Print

Back

## Sentence Summary Detail

Penal Code

Section: Subsection:

273.5

(a)

Violation:

Inflict Corporal Injury on Spouse/ Cohabitant

Level:

Felony

Minimum  
Fine

0.00

Maximum  
Fine

6,000.00

Total Fine  
& All Other Assessments

640.00

Base Fine/Bail

Assessments

Specific Fees

Community Service

Jail Time

Assess This Fee?

- Domestic Violence Fund Fee PC 1203.097
- Civil Assessment PC 1214.1
- DNA ID Fund Penalty Assessment GC 76104.7

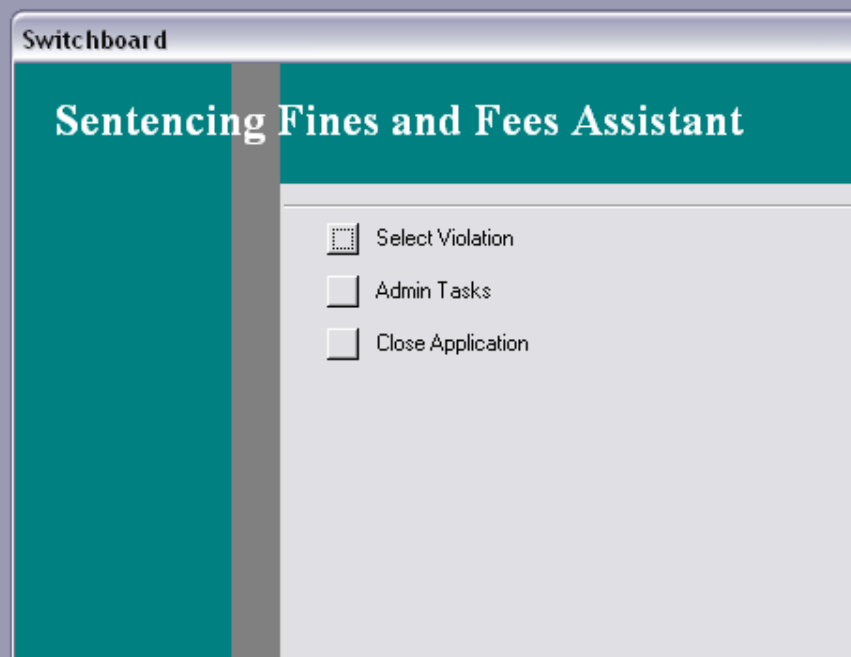


The offense-specific Domestic Violence Fund Fee in the amount of \$400 is also included. Any other specific fees that relate to a violation should be added by the administrator.

Print

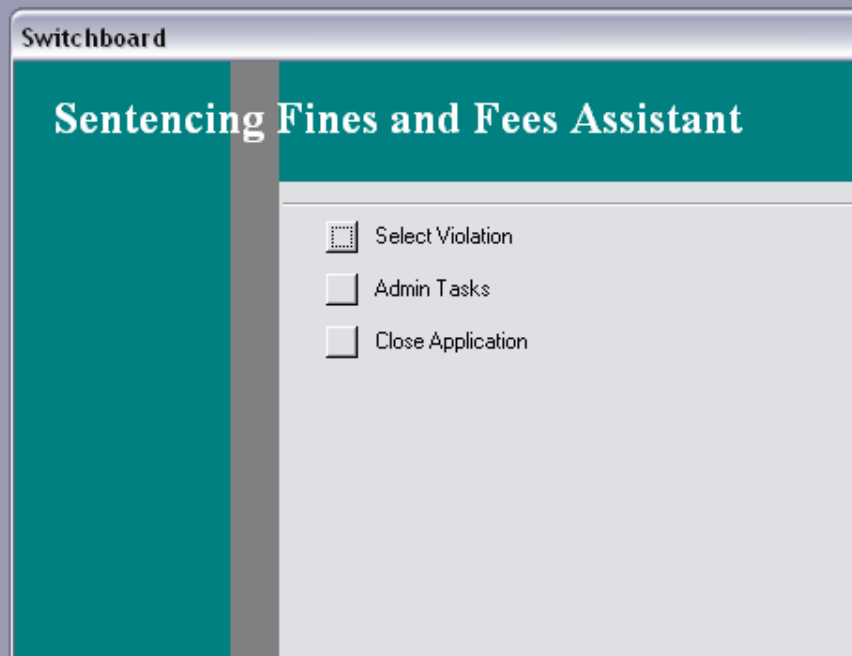
Back

# Thank you for using the Sentencing Fines and Fees Assistant



**If you have any questions or comments, please send an e-mail to [fineschedule@jud.ca.gov](mailto:fineschedule@jud.ca.gov).**

# Welcome to the Sentencing Fines and Fees Assistant



# Sentencing Fines and Fees Assistant

- Select Violation
- Admin Tasks
- Close Application

Click the “Admin Tasks” button to begin. This will open a new form, “Administrative Sign In.”



## Administrative Sign In

# Sentencing Fines and Fees Assistant

**User ID:**

**Password:**

**Sign In**

**Back**

Under "User ID" enter *admin*. Under "Password" enter *countyadmin*. Click the "Sign In" button to open the administrative "Switchboard" window. Click the "Back" button to return to the main "Switchboard."

## Sentencing Fines and Fees Assistant

The local administrator can perform several functions from the administrative "Switchboard."

- Change Password
- Import State Updates
- Add Multiple Violations
- Edit/Add Single Violation
- Edit/Add Assessments
- Edit Community Service
- Link Assessments
  
- Back to Main Menu

## Administrative Sign In

# Change Password

**User ID:**

**Current Password:**

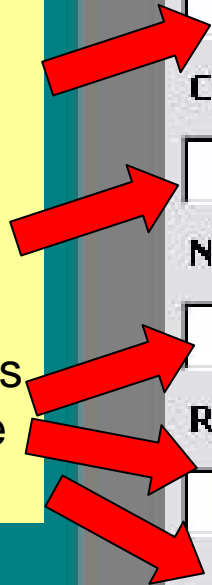
**New Password:**

**Re-Enter New Password:**

**Change Password**

**Cancel**

The Change Password Function allows the administrator to change the password required to access the administrative tools.



## Sentencing Fines and Fees Assistant

When the AOC sends out updates to violations and/or assessments in the database, you will use the Import State Updates function to update your local copy of the database with all of the changes. This function requires that the state updates be placed in the specific folder indicated below on your computer:

**C:\Program  
Files\Scheduling  
Fines And Fees\**

- Change Password
- Import State Updates
- Add Multiple Violations
- Edit/Add Single Violation
- Edit/Add Assessments
- Edit Community Service
- Link Assessments
  
- Back to Main Menu

## Sentencing Fines and Fees Assistant

The Add Multiple Violations function walks the administrator through the process of adding several violations to the database at one time.



- Change Password
- Import State Updates
- Add Multiple Violations
- Edit/Add Single Violation
- Edit/Add Assessments
- Edit Community Service
- Link Assessments
  
- Back to Main Menu

Upload Multiple Violations

Continue

Cancel

Step 1: Confirm that your Excel datasource is in the exact format as shown below, including heading row.

Note: If uploading more than one Code Title, create separate worksheets for each Code Title. Each worksheet should be named with no spaces in the name.

Code_ID	Section	Sub_Sec	Level	Offense	Min_Fine	Max_Fine	Base_Fine	Correctable	Priors	Bail_Sch	Traf_Sch	Construct	Safety_Zone
FIN	119	(c)	M	Display/Etc. Another's License		1000	75.00	Y	N	Y	Y	Y	Y
FIN	4059	(a)	I	Furnishing Dangerous Drug or Device Without a Prescription		1000	0.00	N	N	Y	N	N	N

To add multiple violations, you need to use an Excel spreadsheet template. The template is available for download from the same Web site as the Access database. Violations can also be added individually through the Edit/Add Single Violation function.

## Upload Multiple Violations

### Upload Multiple Violations - Part Two

Continue

Cancel

The following assessments will be linked based on the existing calculation values for that assessment. The amount for victim restitution can be entered on the Details tab of the case view for each individual case.

- Restitution
- Restitution Fund Fine
- Accounts Receivable Fee
- Booking or Processing Fee
- Citation Processing Fee
- State Penalty Assessment Fund
- County Penalty Assessment
- Court Facility Construction PA
- State Criminal Fine Surcharge
- Court Security Fee
- Restitution Surcharge
- Restituion Fund Fine Surcharge
- DNA Penalty Assessment

A default set of assessments will be linked to the violations that are to be added to the database via the Excel spreadsheet. These assessments are linked to each violation in the database. To edit the amounts of these assessments, use the Edit/Add Assessments tool.

# Upload Multiple Violations

## Upload Multiple Violations - Part Three

Continue

Cancel

Indicate which, if any, of the following assessments will be linked to the uploaded violations. Any Offense Specific assessments will need to be linked individually. To select multiple assessments, hold down the control key while clicking on the assessment.

ALC	Additional Late Charge
AEF	Aids Education Fine
APF	Alcohol Abuse Prevention PA
<b>ADP</b>	<b>Alcohol and Drug Program PA</b>
FBT	Alcohol Testing PC
DMV	Assessment for DL Restriction Notice to DMV
ARP	Assessment for Recording Priors
<b>AWA</b>	<b>Automated Warrant Assessment</b>
CARF	Child Abuse Restitution Fine
CRF	Citation Release Fee
CA	Civil Assessment
CAP	Court Assistance Program Fee
CLF	Crime Lab Fee
CPF	Crime Prevention Fine PC
CIPF	Criminal Justice Admin Fee

In Part Three of Upload Multiple Violations, additional assessments can be linked to the violations. The assessments selected will be linked to all violations being added. In this example, the Alcohol and Drug Program Penalty Assessment and the Automated Warrant Assessment will be linked to each of the violations being added.





### Upload Multiple Violations - Part Four

#### Upload Spreadsheet Data

Continue

Cancel

Full Path of file to upload:

C:\Documents and Settings\CSimpson\Desktop\SFFA Databases

(If the file is in the "My Documents" folder, please indicate the full path - C:\Documents and Settings\UserName\My Documents\)

Name of file:

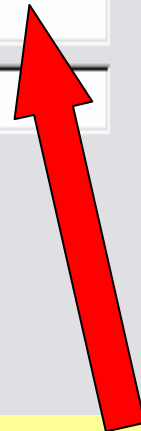
bailtoupload.xls

Name of sheet in file (i.e. Sheet1):

Sample

Number of rows - including header row:

60



In Part Four of the dialogue the local administrator indicates what fields in the Excel spreadsheet should be part of the download to the Access program. You must specify where to find the Excel file on the computer, the name of the file, the worksheet in the file to be extracted and how many rows of data to extract.

## Sentencing Fines and Fees Assistant

- Change Password
- Import State Updates
- Add Multiple Violations
- Edit/Add Single Violation
- Edit/Add Assessments
- Edit Community Service
- Link Assessments
  
- Back to Main Menu

Administrators can also individually edit/add or remove existing violations in the database.



### Violation Query

Select code title then enter section or section name.

Code Title:

Vehicle Code



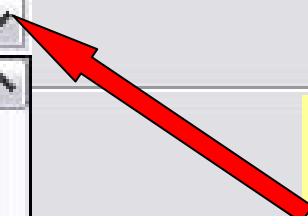
Section:

- Fish and Game Code
- Harbors and Navigation Code
- Health and Safety Code
- Penal Code
- Public Resources Code
- Public Utilities Code
- Vehicle Code**
- Welfare and Institutions Code



Section Title:

Choose the code title from the drop-down box.



Print

Search

Back

Back to Main Menu

### Violation Query

Select code title then enter section or section name.

Code Title:

Section:

OR

Section Title:

Back to Main Menu

The Print function will display a printable report of all violations in the database under the selected code title.





<i>ID</i>	<i>Section</i>	<i>Subsection</i>	<i>Level</i>	<i>Violation</i>	<i>Minimum Fine</i>	<i>Maximum Fine</i>	<i>Base Fine/Bail</i>
VC	11713	(f)	M	Engage in Business Without Maintaining Established Place of Business	\$0.00	\$1,000.00	\$250.00
VC	11713	(g)	M	Failure to Include Fee for Licensing and Transfer of Title as Added Cost in Selling Price	\$0.00	\$1,000.00	\$250.00
VC	11713	(h)	M	Employ or Fail to Report Unlicensed Salesman	\$0.00	\$1,000.00	\$250.00
VC	11713	(i)	M	Deliver Vehicle for Operation on California Highways That Fails to Meet Code Requirements	\$0.00	\$1,000.00	\$250.00
VC	11713	(j)	M	Permit or Engage in the Unauthorized Use of Special Plates	\$0.00	\$1,000.00	\$250.00
VC	11713	(k)	M	Falsely Advertise That No Down Payment is Necessary	\$0.00	\$1,000.00	\$250.00
VC	11713	(l)	M	Failure to Pay Full Sales Tax Due to IRS	\$0.00	\$1,000.00	\$250.00
VC	11713	(m)	M	Permit Unauthorized Use of Dealers License by Non-dealer	\$0.00	\$1,000.00	\$250.00
VC	11713	(n)	M	Permit Unauthorized Use of Dealers License by Non-dealer	\$0.00	\$1,000.00	\$250.00
VC	11713	(o)	M	Disconnecting or Resetting Odometer by Dealer	\$0.00	\$1,000.00	\$250.00
VC	11713	(p)	M	Acceptance of Deposit by Licensee Without Availability of Vehicle As Required	\$0.00	\$1,000.00	\$250.00
VC	11713	(q)	M	Consignment of New Vehicle for Sale to Another Dealer	\$0.00	\$1,000.00	\$250.00
VC	11713	(r)	M	Display of Vehicle for Sale at Place Not Authorized by DMV for Dealer	\$0.00	\$1,000.00	\$250.00
VC	11713	(s)	M	Advertisement of Vehicle by Dealer Using Photo With Different Year, Make, Make, or Model	\$0.00	\$1,000.00	\$250.00
VC	11713	(t)	M	Failure of Dealer to Disclose in Ad Previous Use of Vehicle	\$0.00	\$1,000.00	\$250.00
VC	11713.17	(a)	I	Violation by Dealer, Manufacturer, or Distributor of Requirements for Securing Front License on Vehicle	\$0.00	\$100.00	\$25.00

### Violation Query

Select code title then enter section or section name.

Code Title:

Section:

- Fish and Game Code
- Harbors and Navigation Code
- Health and Safety Code
- Penal Code
- Public Resources Code
- Public Utilities Code
- Vehicle Code**
- Welfare and Institutions Code

Section Title:

Print

Search

Back

Back to Main Menu

Click the "Search" button on the "Violation Query" dialogue to find an existing violation or to begin the process of adding a new violation.

## Violation Search Results

Code

Vehicle Code

Section	Subsection:	Violation:	Level
<input type="checkbox"/> 10501	(a)	False Report of Vehicle Theft With Intent to Deceive	Misdemeanor
<input type="checkbox"/> 10502	(b)	Failure to Inform CHP of Stolen Vehicle Recovery	Infraction
<input type="checkbox"/> 10552		Making Fraudulent Report of Theft of Vessel With Intent to Deceive	Infraction
<input type="checkbox"/> 10750	(a)	Unauthorized Alteration of Vehicle Numbers or Identification Marks	Misdemeanor

Add New

Select

Back

 Back to Main Menu

Click "Select" to edit an existing violation in the database.

# Edit Violation

Vehicle Code

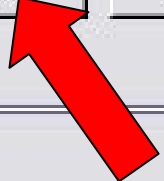
Last Updated: 1/11/2006

Code ID:  Section:  Subsection:  Level:

Violation:  
False Report of Vehicle Theft With Intent to Deceive

Minimum Fine:  Maximum Fine:  Base/Suggested Fine:

Correctable  Subject to Priors  
 TVS Eligible  Local Violation



Enter the violation data and click "Update" to enter the new violation data into the database.

Click "Delete" to remove the selected violation from the database.



## Violation Search Results

Code

Vehicle Code

Section	Subsection:	Violation:	Level
<input type="checkbox"/> 10501	(a)	False Report of Vehicle Theft With Intent to Deceive	Misdemeanor
<input type="checkbox"/> 10502	(b)	Failure to Inform CHP of Stolen Vehicle Recovery	Infraction
<input type="checkbox"/> 10552		Making Fraudulent Report of Theft of Vessel With Intent to Deceive	Infraction
<input type="checkbox"/> 10750	(a)	Unauthorized Alteration of Vehicle Numbers or Identification Marks	Misdemeanor

Alternatively, the administrator clicks "Add New" to create a new violation to be entered into the database.

## Violation Form

# Edit Violation

Last Updated: 5/5/2006

Code ID:

Section:

Subsection:

Level:

Violation:

Minimum Fine:

Maximum Fine:

Bail/Fine:

Correctable

Subject to Priors

TVS Eligible

Local Violation

Add New

Delete

Close

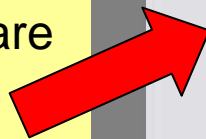


This is the Violation Form for adding a single violation. Enter the violation information and then click "Add New" to create a new violation in the database.

## Sentencing Fines and Fees Assistant

- Change Password
- Import State Updates
- Add Multiple Violations
- Edit/Add Single Violation
- Edit/Add Assessments
- Edit Community Service
- Link Assessments
  
- Back to Main Menu

With the Edit/Add Assessments function the local administrator can manage the available assessments that are associated with specific violations.



The "Assessment Form" window displays every fine, fee, surcharge, assessment, or other item that can be included in the total fine for a violation that currently resides in the database. The local administrator can update only the assessments identified as "County Controlled Values."

Assessment Form

Assessment Code: CFC      Assessment Type: Penalty

Assessment: Court Facility Construction PA      Authority: GC 70372      Sub

Determined by County       Only Specific Violations will have this assessment

Bail Schedule       Assessment created by County/City

**County Controlled Values**

Calculate Per Sentence?      Priority: 100

Calculate on:

Base Fine       Restitution       Other      0

Flat rate      \$0.00

Percent of      0

Multiple of      5 / 10

Record    <<    11    >>    \*    of    46

Update      Close

The authority box cites the statutory authority for the given assessment, fine, fee, or surcharge.

The local administrator can make changes only to the options and values located in the box to the left. Once changes are made, clicking the "Update" button will update the database and all violations to which the assessment is linked.

The user can scan through the existing assessments in the database by clicking on the left and right arrows. The local administrator cannot add or delete assessments.

## Assessment Form

Assessment Code

ACC

Assessment Type

Fee

Assessment:

Accounts Receivable Fee

Authority:

PC 1205(d)

Subsection:

Determined by County

Only Specific Violations will have this assessment

Bail Schedule

Assessment created by County/City

### County Controlled Values

Calculate Per Sentence?

Priority: 100

Calculate on:

Base Fine

Restitution

Flat rate

\$35.00

Percent of

0

Multiple of

0

/ 0

Record



1

of 45

Print

Update

Close

Example: The administrator could change the "Flat rate" for the Accounts Receivable Fee.

## Sentencing Fines and Fees Assistant

- Change Password
- Import State Updates
- Add Multiple Violations
- Edit/Add Single Violation
- Edit/Add Assessments
- Edit Community Service
- Link Assessments
  
- Back to Main Menu

Clicking the “Edit Community Service” button will open the “Community Service” window.



Se

### Community Service

#### Community Service

Enter the dollar amount for the  
Community Service Calculation

#### Jail Time (Days)

Enter the dollar amount per  
day for the Jail Time  
Calculation

Update

In the "Community Service" window, the administrator can change the hourly dollar rate for community service and/or the daily dollar rate for jail time. Click the "Update" button to complete the update.

## Sentencing Fines and Fees Assistant

- Change Password
- Import State Updates
- Add Multiple Violations
- Edit/Add Single Violation
- Edit/Add Assessments
- Edit Community Service
- Link Assessments
- Back to Main Menu

Clicking the "Link Assessments" button will open the "Violation Assessment Linking Form" window.





The “Violation Assessment Linking Form” window allows the local administrator to link or unlink a specific assessment to all violations under one code, one specific code section at all violation levels, or one specific code section and violation level.

**Violations**

Code

Section

Level

Select All Violations for this code

**Assessment**

Assessment

The admin can select the assessment, code, section, and level by clicking on the down arrow for the drop-down box and clicking on the selection or by typing in the information in the text box. The assessment is linked or unlinked by clicking either the “Link” or “Unlink” button. This adds or removes the value and calculation rules for that assessment to or from all the selected violations and their total possible fines.

Violation Assessment Linking Form

**Violations**

Code Penal Code

Section 243

Level Misdemeanor

Select All Violations for this code

**Assessment**

Assessment Domestic Violence Fund Fee

New

Unlink

Link

Close

For instance, the administrator could link the Domestic Violence Fund Fee to Penal Code section 243.

## Violation Assessment Linking Form

**Violations**

Code

Section

Level

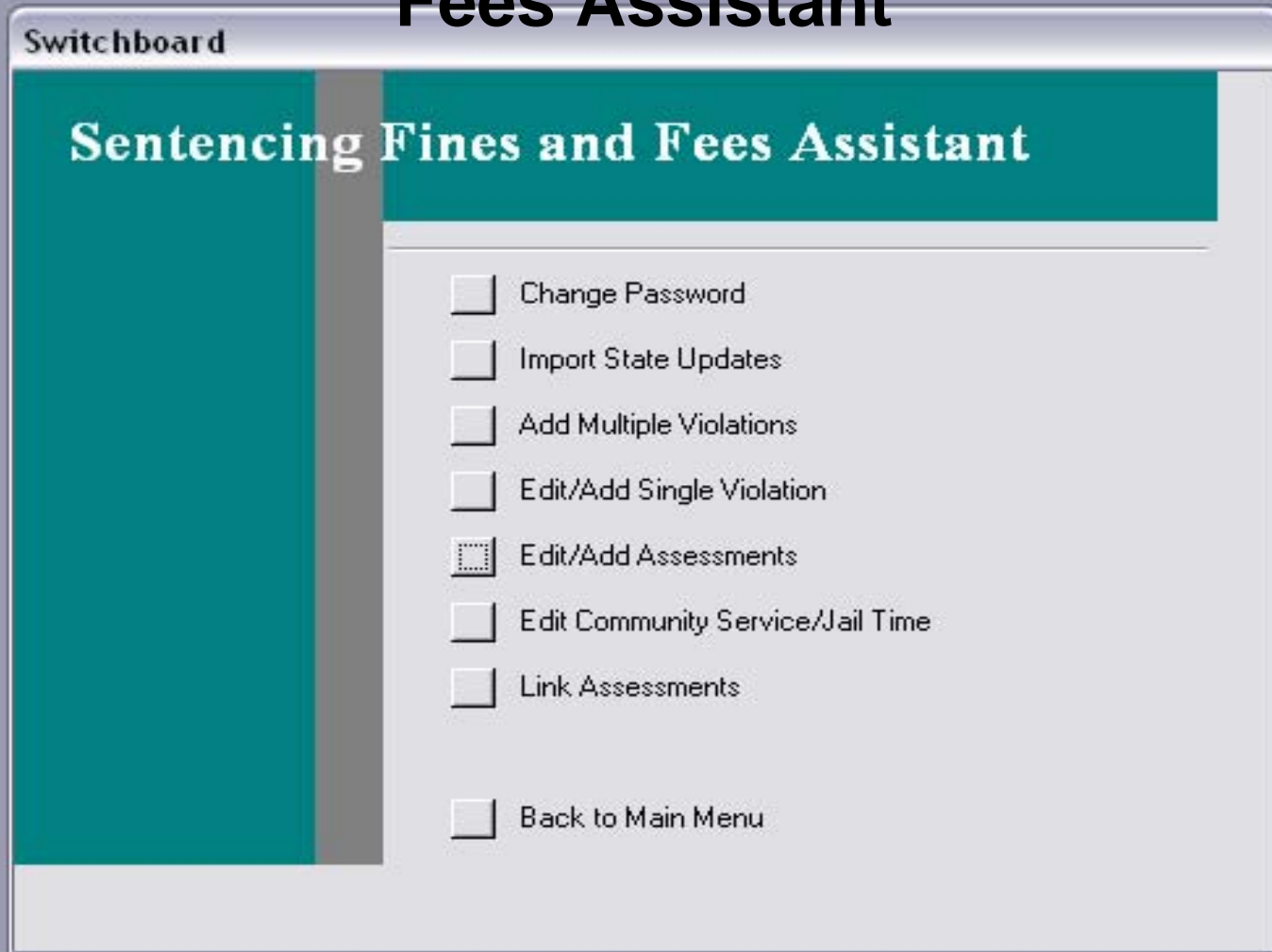
Select All Violations for this code**Assessment**

Assessment

UnlinkLinkClose

Note that the DNA ID Penalty (Gov. Code 76104.7) is not automatically linked to any violations added to the database by the local administrator. This assessment must be linked by using the “Violation Assessment Linking Form.”

# Thank you for using the Sentencing Fines and Fees Assistant



If you have any questions or comments, please send an e-mail to [fineschedule@jud.ca.gov](mailto:fineschedule@jud.ca.gov).



# Collaborative Court-County Working Group on Enhanced Collections Report

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FEE WAIVER SUBCOMMITTEE

TAB B

**REPORT OF THE FEE WAIVER SUBCOMMITTEE**  
**Collaborative Court-County Working Group on Enhanced Collections**  
**June 22, 2006**

Members: Hon. Carolyn Kuhl, Chair, Superior Court of Los Angeles County  
Michael Planet, Vice Chair, Superior Court of Ventura County  
Ken Babcock, Public Law Center, Orange County  
Hon. Charles Campbell, Jr., Superior Court of Ventura County  
Hon. Donna Hitchens, Superior Court of San Francisco County  
Mitch Kamin, Bet Tzedek Legal Services  
Hon. Monica Marlow, Superior Court of Shasta County  
Jody Patel, Administrative Office of the Courts  
Hon. Donna Petre, Superior Court of Yolo County  
Toby Rothschild, Legal Aid Foundation of Los Angeles  
Hon. Paul Vortmann, Superior Court of Tulare County  
Suzanne Whitlock, Superior Court of Stanislaus County

AOC Staff: Florence Prushan, Lead Staff, Southern Regional Office  
Deborah Chase, Center for Families, Children & the Courts  
Bonnie Hough, Center for Families, Children & the Courts  
Tracy Kenny, Office of Governmental Affairs  
Cara Vonk, Office of the General Counsel

#### Issue Statement

The Fee Waiver Subcommittee is developing proposed legislation, rules, and forms to implement fee waiver policies and goals developed over a two-year period and approved by the Collaborative Court-County Working Group on Enhanced Collections in March 2006. The subcommittee's fee waiver legislative proposal should be ready for review by the Judicial Council in December 2006, after it has circulated for comment to Judicial Council advisory committees and other interested persons. Although the Collaborative Court-County Working Group on Enhanced Collections will be ending, the Fee Waiver Subcommittee seeks authorization to continue in operation until its work is completed. Revised forms in a plain language format will be developed to implement the proposed legislation to coincide with its effective date of January 1, 2008.

#### Recommendation

The Fee Waiver Subcommittee recommends that the Collaborative Court-County Working Group on Enhanced Collections recommend to the Judicial Council that the Fee Waiver Subcommittee be directed to:

1. Continue as a working group to develop legislation, rules, and forms based on the recommended proposals outlined in the Fee Waiver Subcommittee report *System for Granting Initial Fee Waivers and for Recovering Fees in Certain Instances*;
2. Circulate the proposed legislation, rules, and forms for comment to appropriate Judicial Council advisory committees and other interested persons and organizations; and
3. Complete the preceding tasks and report its recommendations to the Judicial Council; present proposed legislation in December 2006 and proposed rules and forms in 2007.

### Rationale for Recommendation

In August 2004, the Collaborative Court-County Working Group on Enhanced Collections (working group) made a comprehensive report to the Judicial Council consisting of recommendations by the working group's nine subcommittees.

The Operations/Fee Waivers Subcommittee reported on proposals for a comprehensive fee waiver program. To implement the program it also recommended that the Judicial Council "establish a task force to develop standards and guidelines to assist judicial officers and staff in the approval or denial of fee waivers." The task force was to work "under the direction of the Collaborative Court-County Working Group on Enhanced Collections composed of judicial officers, court executive officers, legal service providers, Civil and Small Claims Advisory Committee and Family and Juvenile Law Advisory Committee members and other interested persons. The Working Group would consider the suggestions made by this subcommittee and develop statewide effective practices and procedures for processing fee waivers." (Judicial Council Reports and Recommendations (August 27, 2004) Tab 5, page 2 of the Recommendations; page 9 of the Operations/Fee Waivers Subcommittee report.)

The recommendations were approved by the council at its August 27, 2004, meeting. The task force was established in December 2004 and was called the Fee Waiver Subcommittee (subcommittee). A cross section of representatives from courts and public law organizations were appointed, with Judge Carolyn Kuhl of the Los Angeles Superior Court as Chair, and Michael Planet, Executive Officer of the Superior Court of Ventura County as Vice Chair.

The subcommittee developed recommended proposals for procedural changes, guided by a philosophy to balance the courts' fiscal responsibility with the need to ensure access to justice for those without the means to pay court fees. A report was submitted to the Collaborative Court-County Working Group on Enhanced Collections, which approved the report and proposals in March 2006. Thereafter the report with proposals was circulated for comment among the council's standing advisory committees.

The subcommittee is currently drafting legislation to implement the proposals, which would then be circulated for comment to appropriate Judicial Council advisory committees and other interested persons throughout the state before being submitted to the Judicial Council in December 2006 for approval and sponsorship. Immediately thereafter, the subcommittee will develop rules of court and plain language forms to implement the legislation, effective January 1, 2008.

Attachment: *System for Granting Initial Fee Waivers and for Recovering Fees in Certain Instances*



## **SYSTEM FOR GRANTING INITIAL FEE WAIVERS AND FOR RECOVERING FEES IN CERTAIN INSTANCES**

### Overall Philosophy

Our legal system cannot claim to provide “equal justice under law” unless all persons have access to the courts without regard to their economic means. California law and court procedures should ensure that court fees are not a barrier to court access for those with insufficient economic means to pay those fees.

A procedure for allowing the poor to use court services without payment of ordinary fees must be fair in the application of rules to similarly situated persons; must be accessible to those with limited knowledge of court processes; and must not delay access to court services. The court must not allow procedures to determine when a litigant may file a lawsuit without paying a fee to interfere with court access for those without means to pay.

The court system has a duty to be fiscally responsible, but it must serve that duty in a manner that does not interfere with litigants’ rights to access to justice. The court system should take reasonable steps to ensure that those who are able to pay court fees in fact do so; to ensure that those who have been excused from paying court fees do not abuse the privilege by making unnecessary demands for ancillary court services; and to provide for recovery of fees when a litigant has obtained a substantial judgment or settlement. To the extent possible, the requirements for administering requests to use court services without paying fees should not place excessive demands on court staff and bench officers.

### Eligibility for an Initial Waiver of Court Fees

#### **1. Eligibility of Persons Who Receive Public Assistance**

Applicants will receive an initial waiver of fees if they receive any of the following benefits:

**SSI** (specified in current law). “Supplemental Security Income” is a federal income supplement program for low income people aged 65 and over and for blind or disabled persons of any age. It provides cash to meet basic needs for food, clothing, and shelter.

**CalWORKs** (specified in current law). The CalWORKs program provides temporary financial assistance and employment focused services to low income families with children under 19 years old who have income and property below state maximum limits for their family size.

**General Relief** (specified in current law). “General Relief” is a county-funded program that provides financial assistance to indigent adults who are ineligible for federal or state programs.

**Food Stamps** (specified in current law). The federal Food Stamps Program provides funds to low income people that can only be used to buy food.

**CAPI** (proposed new addition). The “Cash Assistance Program for Immigrants” provides cash assistance to low income people aged 65 and older and for blind or disabled persons who are legal noncitizens ineligible for SSI solely due to immigration status.

**IHSS** (proposed new addition). The “In-Home Supportive Services” Program provides financial assistance for services provided to persons over age 65 or persons who are disabled or blind so that they can remain safely in their own home. Eligibility for IHSS is dependent on income. The program is considered an alternative to out-of-home care, such as nursing homes or board and care facilities.

**Medi-Cal** (proposed new addition). Medi-Cal is California’s version of the federal Medicaid program which pays for medical care for low income people, especially families, children, the disabled, and the elderly.

To establish eligibility for an initial fee waiver, applicants should be required to state under penalty of perjury that they receive a specified type or types of these categories of financial assistance. Because the documentation provided to recipients of the various types of financial aid varies, and some programs do not provide recipients with ongoing documentation of benefits received, it is not realistic to require applicants to present proof of receipt of benefits as a prerequisite to approval of an application for an initial fee waiver.

Applicants should be informed that, at a later date, the court may require proof of receipt of the benefits claimed in order to verify eligibility. Because litigants often need immediate access to the court, and because there does not seem to be an available database of benefit recipients, it is not reasonable to attempt to verify eligibility in advance of granting an initial waiver of fees. Applicants would be required to produce proof of receipt of benefits only under the procedures for reconsideration of an initial fee waiver (see below).

Fees that are waived initially may be recovered by the court under the circumstances set forth below.

The clerk shall accept for filing all applications for an initial fee waiver. A clerk may not reject or deny a fee waiver application. If an application for an initial fee waiver is submitted without all required information, a clerk should request that the party submitting the application supply the omitted information. Whenever an application is denied by the court, there must be a written statement of the reason or reasons for that determination.

## **2. Eligibility of Persons Whose Income Is 125% of Federal Poverty Guidelines or Less**

Persons whose income is 125% of federal poverty guidelines, or less, will receive an initial fee waiver. Applicants who seek an initial fee waiver under this provision are required to provide a statement of income on the application form. Information concerning assets and liabilities is unnecessary because the eligibility requirement looks only to income level.

Applicants should be informed that, at a later date, the court may require proof of income in order to verify eligibility. Because litigants often need immediate access to the court, it is not reasonable to attempt to verify eligibility in advance of granting an initial waiver of fees. Applicants would be required to produce proof of income only under the procedures for reconsideration of an initial fee waiver (see below).

Fees that are waived initially may be recovered by the court under the circumstances set forth below.

The existing application for fee waivers based on this criteria should be simplified to clearly indicate what information concerning monthly income is required to be furnished.

The clerk shall accept for filing all applications for an initial fee waiver. A clerk may not reject or deny a fee waiver application. If an application for an initial fee waiver on the basis of income of 125% or less of federal poverty guidelines is submitted without all required information, a clerk should request that the party submitting the application supply the omitted information. Whenever an application is denied by the court, there must be a written statement of the reason or reasons for that determination.

## **3. Eligibility of Persons Who Cannot Pay Court Fees Without Using Money Required for the “Common Necessaries of Life”**

Persons may apply for an initial fee waiver by showing that they cannot pay court fees without using money required for the “common necessities of life.” In order to qualify, an applicant must provide a financial statement including a summary of assets, income, and liabilities. The court may delegate to a clerk or court financial analyst the authority to approve initial fee waivers on this basis. An application only can be denied by a bench officer after notice and opportunity to be heard. After notice and opportunity to be heard, the bench officer may require that an applicant pay a sum that the court believes is compatible with the litigant’s ability to pay or that the litigant pay an amount of money over a period of time.

Fees that are waived initially may be recovered by the court under the circumstances set forth below.

An applicant must be permitted to file his or her pleading immediately even though review of the application for initial fee waiver is pending.

The clerk shall accept for filing all applications for an initial fee waiver. A clerk may not deny a fee waiver application. If an application for an initial fee waiver is submitted without all required information, a clerk should request that the party submitting the application supply the omitted information. Whenever an application is denied by the court, there must be a written statement of the reason or reasons for that determination.

#### Expenses Covered by Initial Fee Waiver and Additional Applications

When an application for an initial waiver of court fees is granted, the following fees are waived (unless modified by the court after reconsideration or unless fees are allowed to be recovered under the circumstances set forth below):

Filing fees;

Fees for reasonably necessary certification and copying;

Fees for issuance of process and certificates;

Fees for transmittal of papers;

Court-appointed interpreter's fees for parties in small claims actions;

Sheriff's, marshal's and constable's fees pursuant to article 7 of title 3 of division 2 of the Government Code;

Reporter's appearance fees for hearings and trial held within 60 days;

Fees for telephonic appearances;

Fees for the clerk's transcript on appeal;

Jury fees and expenses.

Waiver of the following fees would require an additional application to the court. The applicant would be required to show that the expense was reasonably necessary for the prosecution or defense of the case:

Court-appointed interpreter's fees for witnesses;

Witness fees of peace officers;

Reporter's appearance fees for hearings and trial held after 60 days;

Witness fees for court appointed experts;

Fees for reporters' transcripts;

Other fees and expenses as requested.

#### Reconsideration of Initial Fee Waiver

At any time prior to final determination of the case, if the court obtains information that may suggest a person was not entitled to a fee waiver, or that the person's financial situation has changed so that he/she is no longer eligible for a fee waiver, the court may give notice and have a hearing to consider whether the fee waiver should be (1) withdrawn prospectively or (2) denied retroactively based on a finding that the person was not entitled to a fee waiver at the time the initial fee waiver was granted. If the waiver is withdrawn prospectively, the person must begin paying ordinary court fees assessed for future activities in the case. If the court finds that the person was not entitled to an initial fee waiver at the time it was granted, the court shall order the fees that initially were waived to be paid to the court. The court may require the person who obtained the initial fee waiver to provide reasonably available evidence to support his/her eligibility for the fee waiver. The court may not have such a hearing more than once every 6 months.

If the court obtains information that may suggest that a person who has been granted an initial fee waiver is obtaining court services that are not reasonably necessary for the case (e.g., excessive photocopying), the court may give notice and have a hearing to consider whether limitations should be placed on the type of court services for which fees are waived.

#### Recovery of Fees That Were Waived Initially

##### **Civil Cases (except unlawful detainer)**

When a judgment is entered in favor of a litigant whose fees initially were waived, the clerk is to add the waived fees to the judgment. This applies regardless of the amount of the judgment and whether or not the judgment is entered after default.

When a person who has received an initial fee waiver recovers \$10,000 or more by way of a settlement, waived fees must be paid to the court out of the settlement. When a request for dismissal is submitted in a case in which fees have been waived, the request for dismissal must include a statement, signed under penalty of perjury by the party who received the initial fee waiver, that either (1) the party has not received money or property worth more than \$10,000 in settlement of the litigation or on account of the dismissal, or (2) all fees that were initially waived have been paid to the court. If a request for dismissal is filed without the required statement in a case in which an initial waiver was granted, the court would set an Order to Show Cause re Why Waived Fees Should Not Be Charged. If no appearance is made at the OSC hearing, the court would enter an order that waived fees should be paid, and the order could be enforced in a manner similar to enforcement of monetary sanctions.

In cases in which a person who has received an initial waiver of fees recovers \$10,000 or more, it is desirable that the fees be paid out of the settlement sum before the remainder is paid to the person who received the initial waiver. If fees are paid to the court before the remainder of the settlement sum is turned over to the party who received the initial fee waiver, collection efforts are unnecessary.

For this reason, a duty should be imposed on the party who is paying the settlement to pay fees to the court out of the settlement amount. A lien can be created as a mechanism for imposing this duty on the party who pays the settlement. The lien would be created when the summons is served. When an initial fee waiver is granted, the summons would include a notice that the court has a lien on any settlement proceeds of \$10,000 or more in the amount of fees that have been waived. A party who pays a settlement of \$10,000 or more would be liable to the court for the amount of the waived fees if that party does not pay those fees to the court out of the settlement sum before paying the remaining amount to the party who received the initial fee waiver.

If the court learns that the party subject to the lien has not paid the waived fees (for example, in the course of a hearing on an Order to Show Cause re Why Waived Fees Should Not Be Charged), the court could notice an Order to Show Cause regarding why the party paying the settlement should not be held liable for the waived fees. The outcome of the OSC hearing could be an order that the party paying the settlement shall pay the waived fees to the court.

These methods for collecting fees that initially were waived in civil cases would require that the court be able to quantify the amount of waived fees. This quantification would be required in order to add the amount of waived fees to a judgment, and in order to inform a party paying a settlement of \$10,000 or more of the amount of the waived fees.

### **Family Law Cases**

In a family law case, at the time the judgment is entered, the court will consider whether a party who has not received a fee waiver has the ability to pay all or part of the other party's initially waived fees. If the court shifts the waived fees, and if the party who is to pay the fees is not present at the time the judgment is entered, that party must be notified that he/she can challenge the fee assessment by motion.

At the time the judgment is entered, the court also will consider whether information in the file suggests that a party who received an initial fee waiver was not in fact eligible for waiver or that the person's financial situation has changed so that he/she is no longer eligible for a fee waiver. If there is such information, the court will use the procedure for reconsideration of initial fee waiver.

These methods for collecting fees that initially were waived in family law cases would require that the court be able to quantify the amount of waived fees.

**Other Proceedings**

Recovery of waived fees is not permitted other than as provided above.

**Expiration of Initial Fee Waiver**

An order waiving fees expires 60 days after the judgment, dismissal, or other manner of final disposition in the case. In family law cases where child custody or spousal support orders are in effect, the fee waiver does not expire.



# Collaborative Court-County Working Group on Enhanced Collections Report

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COST RECOVERY SUBCOMMITTEE

TAB C



**REPORT OF THE COST RECOVERY SUBCOMMITTEE**  
**of the Collaborative Court-County Working Group on Enhanced Collections**  
**June 22, 2006**

Members: Robert Stonehouse, Chair, California State Controller's Office  
Robert Bradley, Superior Court of San Diego County  
Carl Cline, County of San Bernardino  
Robert Sherman, Superior Court of Ventura County  
Linn Smith, San Joaquin County Office of Revenue Recovery  
Ray Tickner, Superior Court of Shasta County

AOC Staff: Jessica Sanora, Lead Staff, Enhanced Collections  
Khin Chin, Enhanced Collections  
John Judnick, Finance Division

### Objectives

The Cost Recovery Subcommittee was established to develop guidelines and standards that assist courts and counties in recovering costs for enhanced collection efforts pursuant to Penal Code section 1463.007.

### Proposed Goals

The Cost Recovery Subcommittee will develop guidelines and standards for cost recovery under Penal Code section 1463.007. Included in the standards and guidelines are instructions, a glossary of terms, and a template with calculations.

### Status Report

The Cost Recovery Subcommittee has completed the following for review and approval: *Guidelines and Standards for Cost Recovery*, a glossary of terms, and a template with calculations for use by courts and counties when recovering costs for enhanced collection programs. After recent legislation involving the distribution of civil assessment revenues, a revision was made to the *Guidelines and Standards for Cost Recovery*.

### Recommendation/Action Item

The Cost Recovery Subcommittee recommends that the Collaborative Court-County Working Group on Enhanced Collections approve the *Guidelines and Standards for Cost Recovery*.

Attachment: *Guidelines and Standards for Cost Recovery*  
*Attachment A – Penal Code section 1463.007*  
*Attachment B – Templates, Glossary and Samples*  
*Attachment C – Comments from Interested Parties*

# GUIDELINES AND STANDARDS FOR COST RECOVERY

## Guidelines and Standards for Cost Recovery

### Comprehensive Collection Program Cost Recovery

Penal Code section 1463.007 provides the standards by which a court or county may recover the costs of operating a comprehensive collection program. Costs may be recovered from the collection of delinquent court-ordered fees, fines, forfeitures, penalties, and assessments before revenues are distributed to another government entity.

A comprehensive collection program must meet the following requirements:

Be a separate and distinct revenue collection activity that identifies total collections received from qualifying accounts and their related operating costs

- Identify qualifying accounts as accounts receivable, which must be distinguished from forthwith payments as referenced in the definition in the *Guidelines and Standards Definition: Delinquent Accounts/Payments* approved by the Judicial Council;
- Satisfy at least 10 of the 17 collection activity components identified in Penal Code section 1463.007 (Attachment A); and
- File a report of its activities once each year with the Judicial Council.

### Definitions and Interpretations

The following definitions and interpretations, as well as those in Attachment B, use information taken directly from Penal Code sections 1463.007 and 1463.010. The interpretations presented are consistent with those made by the Collaborative Court-County Working Group on Enhanced Collections, the *Manual of Accounting and Audit Guidelines for Trial Courts*, the *Manual of Accounting Standards and Procedures of Counties*, the *Trial Courts Policy and Procedures Manual*, and the *Handbook of Cost Plan Procedures Manual for California Counties*.

### Documentation of Eligible Costs

It is advisable to maintain time sheets for employees who spend less than 100 percent of their working time on the collection of accounts in a comprehensive collection program. If a collecting entity does not use time sheets, it must be able to support personnel costs by using other means of documentation. Duty statements or other documentation are necessary to substantiate the percentage of time an employee spends performing qualifying collections. Allocation of supervisory time is allowable, provided that the cost can be supported by cost-allocation documentation. Estimated percentages are not an allowable method of substantiating the time an employee spends performing qualifying collections. Eligible costs include the following:

- Cost of salaries/wages and benefits of collection program staff, including supervisory staff. Time sheets are recommended for staff spending less than 100 percent of their time working on the collection program. Each time sheet must account for all hours worked by

# GUIDELINES AND STANDARDS FOR COST RECOVERY

the employee. Time sheets are not necessary for employees working 100 percent of their time on the collection program.

- Costs of operating expenses and equipment associated with collection program staff (court/county). Allocation of operating expenses and equipment should be proportionate to the time worked on the collection program.
- Additional operating expenses and equipment, including costs for collection agency contracts.
- Indirect costs. (For details, refer to the AOC's Indirect Cost Rate Proposal procedure and OMB Circular A-87.) In lieu of developing an indirect cost rate, a program may use a standard indirect cost allowance equal to 10 percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits).

Capital expenditures are excluded by statute from costs that can be recovered in a comprehensive collection program.

## **Revenues Collected in a Comprehensive Collection Program**

Cost recovery in a comprehensive collection program is limited to the revenues collected from the accounts in the program. Therefore, any revenue collected from accounts that qualify for a comprehensive collection program may be deposited in the court or county treasury, and costs may be recovered before revenues are distributed to other governmental entities or programs. Consequently, the court or county must be able to distinguish revenues collected from qualifying accounts and their related costs separately from those accounts that do not meet the statutory requirements for collection in a comprehensive collection program.

## **Separate and Distinct Revenue Collection Activity**

A court or county that implements a comprehensive collection program must operate that program as a separate and distinct revenue collection activity. Such an activity is defined as one with the ability to identify and collect revenue of qualifying accounts and to document the related costs of collection on the qualifying accounts/revenue (delinquent accounts) on an ongoing basis. Failure to maintain separate and distinct revenue collection activity information may result in the disqualification of accounts collected by a court or county from inclusion in a comprehensive collection program.

Collection agencies other than a court or county may be used to perform collections on accounts that qualify for collection in a comprehensive collection program. These collection agencies may perform 1 or more of the 17 collection component activities performed by a court or county. A court or county must require that these collection agencies provide distinct revenue and cost information on the qualifying accounts referred. Failure to maintain separate and distinct revenue collection activity information may result in the disqualification of accounts collected by collection agencies under contract from inclusion in a comprehensive collection program.

# GUIDELINES AND STANDARDS FOR COST RECOVERY

## Distribution of Revenues

Revenues collected from accounts in a comprehensive collection program must be distributed monthly as required by other provisions of law and by Appendix C of the *Manual of Accounting and Audit Guidelines for Trial Courts* to the extent that the revenues exceed the eligible costs of operating the program during that month. However, if the program's operating costs for a given month exceed revenues collected, the excess costs may be carried forward until qualifying revenues are available to fully recover those eligible costs. The net revenues available for distribution should be allocated equitably to those accounts on which collections were made. Additionally, net revenues collected should be equitably prorated to each distribution component of the account. Therefore, distributions to state, county, city, and court should be reduced by the eligible comprehensive collection cost in proportion to their share of the total revenues. However, victims' restitution orders cannot be reduced and are *not* part of revenues that can be used for cost recovery.

As noted in the *Assembly Bill 3000 Court Surcharge Distribution Guidelines* of the State Controller's Office, comprehensive collection program costs can be recovered before the other distributions provided in Penal Code section 1203.1(d). Therefore, if a delinquent account is collected by installment payments, the costs associated with this program are not priority 4 distributions. However, as with all installment payment distributions, the remaining priorities specified in Penal Code section 1203.1(d) should be followed. Thus, after victim restitution is paid and the program costs are recovered, the installment payments are applied to distributions in the priority order mandated by that code section, as follows:

- Second priority—20 percent state surcharge
- Third priority—fines, penalty assessments, and restitution fines
- Fourth priority—all other reimbursable costs (such as court security fee, civil assessments, and costs unrelated to collection)\*

\* *Note:* First priority—that is, victim restitution order payments received—are distributed before any program costs are recovered or any distributions are made to other entities.

## Cost Recovery—Prorated

Penal Code section 1463.010 mandates that each superior court and county develop a cooperative plan to implement a collection program pursuant to Judicial Council guidelines. If a court or county does not establish a qualifying comprehensive collection program defined in Penal Code 1463.007, with the exception of allowable fees permitted by statute, costs may not be recovered from collections.

A comprehensive collection program is permitted to deduct the cost of the program before distributing *delinquent* court-ordered fines, fees, forfeitures, penalties, and assessments to other governmental entities. An account is considered to be delinquent the day after the payment is due. Therefore, before it makes a distribution, a comprehensive collection program should first recover all documented collection program costs. Ideally, all revenue collected for the month would be placed in an account for future distribution; once the cost of the program for that month

# GUIDELINES AND STANDARDS FOR COST RECOVERY

was determined and charged to the account, the remaining amount would then be distributed to the various governmental agencies.

However, if a comprehensive collection program is required to deposit revenue collected directly to the various governmental agencies on receipt, then the way to recover the cost of the program is to charge the cost of collections on a prorated basis, each month, to the revenue collected. See the example below.

**Example**

If the cost of collections for the month is \$85,807.30 and the total revenue collected is \$512,575.00, the recovery of cost on a prorated basis would be as follows:

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF \_\_\_\_\_  
 COMPREHENSIVE COLLECTION CHARGES DISTRIBUTION  
 FY 2004–2005

FOR THE MONTH OF \_\_\_\_\_

**Collection Charges \$85,807.30**

Description Court-Ordered Debt	General Ledger Account No.	Percentage of Prorating	Total Revenue Collected	Cost of Collections
Alcohol Abuse Prevention	00806 007700	0.002%	\$ 10.00	\$ 1.67
Criminal Just Facilities Construction Fund	00810 007700	7.023%	\$ 36,000.00	\$ 6,026.56
Warrant Assessment	00811 007700	0.293%	\$ 1,500.00	\$ 251.11
Courthouse Construction Fund	00812 007700	8.779%	\$ 45,000.00	\$ 7,533.20
Domestic Violence Special Fund	00818 007700	0.059%	\$ 300.00	\$ 50.22
City General Fund	00819 317500	0.098%	\$ 500.00	\$ 83.70
City General Fund	00823 317500	0.234%	\$ 1,200.00	\$ 200.89
Booking Fee—City	00823 675801	0.351%	\$ 1,800.00	\$ 301.33
City General Fund	00824 317500	2.926%	\$ 15,000.00	\$ 2,511.07
Booking Fee—City	00824 675801	1.951%	\$ 10,000.00	\$ 1,674.04
Fingerprint ID Fund	00826 007700	1.171%	\$ 6,000.00	\$ 1,004.43
Criminal Lab Fee	00831 007700	0.195%	\$ 1,000.00	\$ 167.40
Proof of Correction	00941 007402	0.195%	\$ 1,000.00	\$ 167.40
State Penalty Fund	00941 007405	0.098%	\$ 500.00	\$ 83.70
State Sex Offender Fund	00941 007414	0.039%	\$ 200.00	\$ 33.48
Trauma Head Injury	00941 007419	0.020%	\$ 100.00	\$ 16.74
State Motor Vehicle Fund	00941 007420	0.049%	\$ 250.00	\$ 41.85
Restitution Fine	00941 007425	5.463%	\$ 28,000.00	\$ 4,687.32
State Penalty Fund	00941 007428	16.583%	\$ 85,000.00	\$ 14,229.37
Fish & Game	00941 007432	0.098%	\$ 500.00	\$ 83.70
Victim Indemnity	00941 007433	0.195%	\$ 1,000.00	\$ 167.40
State Health & Safety	00941 007434	0.390%	\$ 2,000.00	\$ 334.81
Fish & Game Preservation Fund	00941 007446	0.006%	\$ 30.00	\$ 5.02
Domestic Violence Fund	00941 007448	0.098%	\$ 500.00	\$ 83.70
Court Automation	00941 007450	1.463%	\$ 7,500.00	\$ 1,255.53

## GUIDELINES AND STANDARDS FOR COST RECOVERY

State General Fund	00941	007452	0.137%	\$ 700.00	\$ 117.18
Criminal Fine Surcharge	00941	007481	5.463%	\$ 28,000.00	\$ 4,687.32
State Courthouse Const Pen	00941	007483	1.951%	\$ 10,000.00	\$ 1,674.04
County General Fund	20110	317500	2.926%	\$ 15,000.00	\$ 2,511.07
Base Fine—County	20110	317504	8.779%	\$ 45,000.00	\$ 7,533.20
County General Fund	20110	318500	0.683%	\$ 3,500.00	\$ 585.92
Penalty Assessment	20110	319101	7.804%	\$ 40,000.00	\$ 6,696.18
Civil Assessment—County	20110	675750	4.877%	\$ 25,000.00	\$ 4,185.11
Proof of Correction	20110	675771	0.176%	\$ 900.00	\$ 150.66
DUI Admin Fee	20110	675900	0.234%	\$ 1,200.00	\$ 200.89
Returned Check Svc Chg	20110	693010	0.137%	\$ 700.00	\$ 117.18
Public Defender Fees	20300	669100	1.853%	\$ 9,500.00	\$ 1,590.34
Alcohol Content Test	22700	317500	0.683%	\$ 3,500.00	\$ 585.92
DA Child Abduction	22706	692155	0.020%	\$ 100.00	\$ 16.74
Booking Fees—County	26000	675801	1.658%	\$ 8,500.00	\$ 1,422.94
Sub Abuse Fee	26302	318540	0.002%	\$ 10.00	\$ 1.67
Cost of Probation	26302	671600	4.877%	\$ 25,000.00	\$ 4,185.11
Probation/Summary Fee	26302	671670	0.195%	\$ 1,000.00	\$ 167.40
Adult Work Prog Fee	26302	692330	0.780%	\$ 4,000.00	\$ 669.62
Juvenile Cost Probation	26303	671600	0.878%	\$ 4,500.00	\$ 753.32
Fish & Game	29400	318700	0.098%	\$ 500.00	\$ 83.70
ALC Rehab Program	42200	317531	0.683%	\$ 3,500.00	\$ 585.92
Alcohol Abuse Prevention	42200	319150	0.034%	\$ 175.00	\$ 29.30
VC Admin Assessment	97015	675770	0.585%	\$ 3,000.00	\$ 502.22
Installment Collection Fee	97015	675790	1.834%	\$ 9,400.00	\$ 1,573.60
Civil Assessment—Court	97015	675901	4.877%	\$ 25,000.00	\$ 4,185.11

COLLECTIONS TOTAL

	100.000%	\$512,575.00	\$ 85,807.30
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*The example above is given for illustrative purposes only.*

Each court or county, or both, must provide the description of accounts, the percentage of prorating based on relevant court and county accounting standards, and the guidelines and applicable statutes.

### Reporting Requirements

#### Annual Report to the Judicial Council

Once each year a court or county that implements a comprehensive collection program must file a joint court -county report of program activities with the Judicial Council. The report is due on the first Monday of October. The report should present the activities of the program on a fiscal-year basis. The report should include, at a minimum, the dollar amount of revenues collected and distributed under the program, the related operating costs deducted from those revenues, and an accounting of accounts receivable activity for the same period.

Attachment: *Attachment A – Penal Code section 1463.007*  
*Attachment B – Templates, Glossary and Samples*

## ATTACHMENT A to the Guidelines and Standards for Cost Recovery

### CALIFORNIA CODES

#### PENAL CODE

**1463.007.** Notwithstanding any other provision of law, any county or court that implements or has implemented a comprehensive program to identify and collect delinquent fees, fines, forfeitures, penalties, and assessments with or without a warrant having been issued against the alleged violator, if the base fees, fines, forfeitures, penalties, and assessments are delinquent, may deduct and deposit in the county treasury or in the trial court operations fund the cost of operating that program, excluding capital expenditures, from any revenues collected thereby prior to making any distribution of revenues to other governmental entities required by any other provision of law. Any county or court may establish a minimum base fee, fine, forfeiture, penalty, or assessment amount for inclusion in the program. This section applies to costs incurred by a court or a county on or after June 30, 1997, and prior to the implementation of a time payments agreement, and shall supersede any prior law to the contrary. This section does not apply to a defendant who is paying fees, fines, forfeitures, penalties, or assessments through time payments, unless he or she is delinquent in making payments according to the agreed-upon payment schedule. For purposes of this section, a comprehensive collection program is a separate and distinct revenue collection activity and shall include at least 10 of the following components:

- (a) Monthly bill or account statements to all debtors.
- (b) Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations.
- (c) Issuance of warning letters to advise delinquent debtors of an outstanding obligation.
- (d) Requests for credit reports to assist in locating delinquent debtors.
- (e) Access to Employment Development Department employment and wage information.
- (f) The generation of monthly delinquent reports.
- (g) Participation in the Franchise Tax Board's Interagency Intercept Collections Program.
- (h) The use of Department of Motor Vehicle information to locate delinquent debtors.
- (i) The use of wage and bank account garnishments.
- (j) The imposition of liens on real property and proceeds from the sale of real property held by a title company.
- (k) The filing of a claim or the filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings.
- (l) Coordination with the probation department to locate debtors who may be on formal or informal probation.
- (m) The initiation of drivers' license suspension actions where appropriate.
- (n) The capability to accept credit card payments.
- (o) Participation in the Franchise Tax Board's Court-Ordered Debt Collections Program.
- (p) Contracting with one or more private debt collectors.
- (q) The use of local, regional, state, or national skip tracing or locator resources or services to locate delinquent debtors.

## ATTACHMENT B to Guidelines and Standards for Cost Recovery

**NAME - COURT/COUNTY  
COST RECOVERY  
FOR THE PERIOD ENDING MM/DD/YYYY**

Description	Cost of Collections
<b>SALARIES &amp; BENEFITS:</b>	
Salaries and Wages - Regular	\$ -
Temporary Help	\$ -
Overtime	\$ -
<b>Total Salaries and Wages</b>	<b>\$ -</b>
Social Security Ins & Medicare	\$ -
Group Insurance	\$ -
Retirement (non-judicial)	\$ -
Worker's Compensation	\$ -
Unemployment Insurance	\$ -
Other Benefits	\$ -
<b>Total Fringe Benefits</b>	<b>\$ -</b>
 <b>TOTAL SALARIES &amp; BENEFITS</b>	 <b>\$ -</b>
<b>OPERATING EXPENSE &amp; EQUIPMENT</b>	
Moving and Relocation	\$ -
Dues & Memberships-Legal Staff	\$ -
Dues & Memberships-Other	\$ -
Miscellaneous Office Supplies	\$ -
Printed Library Materials	\$ -
Electronic Reference Resources	\$ -
Minor Equipment - Non-EDP (under \$5,000 per item)	\$ -
Minor Equipment - EDP (under \$5,000 per item)	\$ -
Office Equipment Rental, Maintenance & Repairs	\$ -
General Expense Not Reported Elsewhere	\$ -
Office Copier Expense	\$ -
Printed Forms & Stationery	\$ -
Telecommunications	\$ -
ISP & Leased Line Charges	\$ -
Postage	\$ -
In-State Travel	\$ -
Out-of-State Travel	\$ -
Training	\$ -
Rent	\$ -
Janitorial Services	\$ -
Utilities	\$ -
General Consultant & Professional Services	\$ -
Agency Temporary Help	\$ -
EDP Maintenance	\$ -
EDP Commercial Contract	\$ -
EDP Interagency Agreement	\$ -
EDP Repairs & Supplies	\$ -
EDP Software & Licensing	\$ -
EDP Equipment Rental/Lease	\$ -
Other EDP Expenditures	\$ -
Judgements, Settlements & Claims	\$ -
 <b>TOTAL OPERATING EXPENSE &amp; EQUIPMENT</b>	 <b>\$ -</b>
Administrative Services *(10% of Salaries and Wages as permitted under OMB Circular A-87; Attachment A; Section G)	 <b>\$ -</b>
 <b>Total Costs subject to recovery prior to any revenue distribution</b>	 <b>\$ -</b>



## ATTACHMENT B to the Cost Recovery Guidelines and Standards

### Glossary

	Term	Definition
	Account	As used in the Guidelines, "account" means judgments from a case, regardless of the number of violations involved in the judgment. The term does not refer to a file that was established for a defendant solely to consolidate the accounting and record-keeping for the collection of fines and forfeitures from multiple cases for that defendant.
	Time Payments	Time payments are equivalent to payments made in installments on an account, or a single payment required at a future date. Penal Code section 1463.007 does not apply to a defendant who is paying a fine or forfeiture through time payments, unless he or she is delinquent in making payments according to the agreed-upon payment schedule. An account that has qualified for collection in a comprehensive collection program may be reinstated to installment payments. Thereafter, the costs associated with collection activities on this reinstated installment account are eligible costs of a comprehensive collection program.
	Fines and Forfeitures	Eligible fines and forfeitures are those sums for which a judgment has been rendered, including any additional amounts ordered by the court for nonpayment. Fines and forfeitures include criminal fines and forfeitures, traffic fines and forfeitures (other than parking), and restitution fines. State and local penalties levied on eligible fines and forfeitures should be collected in conjunction with the fines and forfeitures, as well as applicable assessments.
	Operating Costs	Eligible operating costs of a comprehensive collection program may include, but are not limited to, salaries, wages, benefits, services and supplies, contractual collection costs, and indirect costs allocable to collection activities of a comprehensive collection program. Eligible services and supplies costs include, but are not limited to, communication, office supplies, postage, and data processing. Indirect costs and general administrative costs must be supported by documentation and have a reasonable basis for allocation. Only eligible operating costs are allowed to be recovered, by deducting these costs monthly, from revenues collected in a comprehensive collection program.
	Capital Expenditures	In general, capital expenditures are those expenditures made to acquire fixed assets. Fixed assets are tangible assets of significant value that have a utility that extends beyond one year, and are broadly classified as land, structures and improvements, and equipment. Capital expenditures must be excluded from the cost of operating a comprehensive collection program. Depreciation or usage charges associated with capitalized assets are not allowable costs in a comprehensive collection program. <b><u>Courts are required to use the \$5,000 capitalization threshold established by the Judicial Council in determining which acquisitions are considered capital expenditures. Counties are required to use the capitalization threshold established by their local Board of Supervisors.</u></b>
SALARIES & BENEFITS:		Summary of all objects of expenditure relating to Personal Services (salaries & wages and benefits).
	Salaries and Wages - Permanent	Summary of salaries & wages objects of expenditure
	Temporary Help	Costs of temporary employees
	Overtime	Cost of overtime paid to eligible employees
	Social Security Insurance & Medicare	Employer contribution to SSI (6.2% capped) and Medicare taxation (1.45%).
	Group Insurance	Includes medical, dental, vision care, life insurance, and long-term disability.
	Retirement (nonjudicial)	Retirement contribution for all nonjudicial employees.
	Workers' Compensation	Workers' Compensation contributions.
	Unemployment Insurance	Unemployment Insurance contributions.
	Other Benefits	Other local benefits costs, such as parking, public transit, disability insurance, etc.
	Salary and Benefit Savings	Negative adjustment for employee turnover. (Budget item, not reported as expenditure.)
Operating Expense & Equipment		Summary of all Operating Expense and Equipment objects of expenditure.
	Moving and Relocation	Includes employer reimbursement to employees for moving household goods to new location and per diem for relocation.
	Dues & Memberships - Legal Staff	Fees for all legal staff.
	Dues & Memberships - Other	Fees for all other staff.
	Miscellaneous Office Supplies	Includes all office supplies, nonprinted paper (stationery, drafting, nameplates, rubber stamps, etc.). Central stores charges are included here. Do not include PC (reported under 435) and copier (reported under 244) supplies
	Printed Library Materials	Books, magazines, and subscriptions.
	Electronic Reference Resources	Subscriptions to electronic databases and research services such as WestLaw, Lexis/Nexis, or NCJRS.

## ATTACHMENT B to the Cost Recovery Guidelines and Standards

	Term	Definition
	Minor Equipment - non-EDP	Items costing less than the established capital expenditure rate (\$5,000 for courts) per item excluding tax (including chairs, desks, credenzas, etc.). Does not include minor electronic data processing (EDP), information technology (IT), or information systems (IS) equipment (reported under 226.02).
	Minor Equipment - EDP	Personal computers and peripherals costing less than the established capital expenditure rates (\$5,000 for courts) per item excluding tax (including monitors, printers, etc.).
	Office Equipment Rental, Maintenance & Repairs	Includes all office equipment except copier machines (reported in 244) and data processing equipment (reported in 436).
	General Expense Not Reported Elsewhere	Other general expenses not reported above.
	Office Copier Expense	Rental, maintenance, miscellaneous services, and supplies.
	Printed Forms & Stationery	Outside copy services, bookbinding, printed forms, stationery, business cards, brochures, pamphlets, etc.
	Telecommunications	Local and long-distance telephone service, and cellular telephone, pager, fax, and Centrex purchases.
	ISP & Leased Line Charges	Costs of Internet Service Provider and dedicated data communications lines.
	Postage	Stamps, postcards, precancelled envelopes; postage meter rental, repair, and refill.
	In-State Travel	All travel expenditures for judicial officers and employees, including per diem, commercial air, rental car, rail, bus, and taxi, within California.
	Out-of-State Travel	All travel expenditures for judicial officers and employees, including per diem, commercial air, rental car, rail, bus, and taxi, outside California.
	Training	Tuition and registration, training media, training facility rental, training contracts, and services for all judicial officers and employees.
	Rent	Costs of renting facilities, including storage space.
	Janitorial Services	Janitorial and minor maintenance. Includes private contracts.
	Utilities	Utility charges (electrical, water, gas, sewer, etc.) - not rule 810 allowable.
	General Consultant & Professional Services	Costs of contracts for recurring consulting and professional services or one-time professional services, such as legal services.
	Agency Temporary Help	Costs of temporary help provided by a private agency.
	EDP Maintenance	Cost of contracts and service orders for preventive maintenance and repair of data processing equipment, including mainframe or minicomputer systems, electronic word processor systems, and personal computers (excluding PC repairs).
	EDP Commercial Contract	Costs of contracts with nongovernmental agencies for data processing services, including systems analysis, programming, processing, data entry, data migration, and support.
	EDP Interagency Agreement	Costs of contracts with other governmental entities (courts, JPA, county direct billing, etc.) for electronic data processing, information technology, or information systems services.
	EDP Repairs & Supplies	Includes costs of consumable items such as printer cartridges, diskettes, PC repairs, and parts.
	EDP Software & Licensing	Includes costs of software and licensing fees.
	EDP Equipment Rental/Lease	Rental, lease, or lease-purchase expenditures for electronic data processing, information technology, or information systems equipment.
	Other EDP Expenditures	Electronic data processing, information technology, or information systems expenditures not included above.
	Judgments, Settlements & Claims	Expenditures by the court for payment of judgments, settlements, and claims.



# Collaborative Court-County Working Group on Enhanced Collections Report

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REPORTING SUBCOMMITTEE

TAB D

**REPORT OF THE REPORTING SUBCOMMITTEE**  
**to the Collaborative Court-County Working Group on Enhanced Collections**  
**June 22, 2006**

Members: Susan Null, Chair, Superior Court of Shasta County  
Robert Bradley, Superior Court of San Diego County  
Richard Cabral, Superior Court of Ventura County  
Alan Crouse, Superior Court of San Bernardino County  
Marita Ford, Superior Court of Riverside County  
Michael Gatiglio, Superior Court of Los Angeles County  
Kim Kampling, Superior Court of Fresno County  
Sean Metroka, Superior Court of Nevada County  
Linn Smith, San Joaquin County  
Ray Tickner, Superior Court of Shasta County

AOC Staff: Jessica Sanora, Lead Staff, Enhanced Collections  
Steven Chang, Finance Division  
Khin Chin, Enhanced Collections  
Colin Simpson, Enhanced Collections

## Goals

The Reporting Subcommittee has the following approved goals:

- Review and revise the reporting template, if warranted, based on the courts' and counties' experiences, comments, and recommendations; and
- Compile and finalize a report for the Judicial Council of the information received.

## Status Report

In consideration of the comments and suggestions received from courts and counties and the data requirements necessary to track statewide collections, the Reporting Subcommittee has revised the collections reporting template to capture the most relevant data that will enable courts and counties to meet the requirements of legislatively mandated reporting. The revision includes the additional components pursuant to Senate Bill 246, the use of the private vendor component for "hard to collect or ready to be discharged" cases, and reporting of account aging, which will provide more detailed information on the success of each collection program. Each of these elements will help the courts and counties more effectively report on the status and success of their collection programs. The Education and Training Subcommittee participated in a joint subcommittee meeting to review and improve the reporting template instructions. The revisions are aimed to facilitate meeting the reporting requirements for courts and counties.

Collection reports with detailed data for the fiscal period July 1, 2005, through December 31, 2005, have been received from 41 courts in collaboration with their counties.

All collection information has been entered into an Access database created to track the collection reports, as well as to be used to track performance and assist with Judicial Council reports.

#### Recommendations/Action Items

1. Approve the revised collections reporting template to be used collaboratively by courts and counties;
2. Recommend that the AOC Enhanced Collections Unit continue to provide assistance to courts and counties with the submission of the required reports; and
3. Recommend that the AOC Enhanced Collections Unit collaborate with the Administrative Office of the Court's Education Division/California Judicial Education and Research (CJER), as appropriate, for inclusion in future training workshops, seminars, and Webcasts.

#### Attachments:

Revised Collections Reporting Template including instructions and glossary  
Summary of collections data received

## Instructions for Completing the Court/County Collections Program Report

**Note:** Worksheets are protected. Data entry is permitted only in uncolored cells.

<b>1</b>	<b>Court/County Collections Program Report</b>
	Pursuant to Penal Code 1463.010, courts/counties are required to submit a joint report on "the effectiveness of the cooperative superior court and county collection program". The Judicial Council "[i]n addition to legislatively mandated requirements that courts and counties submit year-end reports, direct the trial courts, in collaboration with their counties, to submit midyear reports on the first weekday in March of each year; legislatively mandated year-end reports should be submitted by the first weekday in October.
<b>2</b>	<b>What Should Be Reported?</b>
	All accounts related to felony, misdemeanor and infraction level court-ordered fines, fees, assessments, forfeitures, and penalties (including delinquent accounts and non-delinquent installment plans) should be reported in the Court/County Collections Program Report. Forthwith payments should <b>not</b> be reported.
<b>3</b>	<b>Contact Information Worksheet</b>
	Fill in or select responses to the 34 questions on the Contact Information worksheet.
<b>4</b>	<b>Semiannual Worksheets</b>
	Enter semiannual data in the Fiscal Year semiannual worksheets (Fiscal Year 1st Half and Fiscal Year 2nd Half). Data from July 1 through December 31 is reported in the Fiscal Year 1st Half worksheet and is due the first Monday in March. Data from January 1 through June 30 is reported in the Fiscal Year 2nd Half worksheet and is due the first Monday in October.
<b>4a</b>	<b>Fiscal Year 1st Half Worksheet</b>
<b>4a.1</b>	<b>Number of Cases</b>
	In rows 1-6, for each program type, enter the number of cases in Columns A, B, and C. If you can't provide information by program type, please report in Other (row 6). <b>Column A:</b> <u>Total Number of Cases - as of July 1:</u> This data represents the total number of cases as of June 30 as submitted by your Court/County for the previous fiscal year. <b>Column B:</b> <u>Total Number of Cases - as of December 31 - aged 0 up to 7 years:</u> Enter the total number of cases, as of December 31, aged between 0 and up to 7 years. <b><u>See the glossary regarding Account Aging for the criteria for determining the age of a case.</u></b> <b>Column C:</b> <u>Total Number of Cases - as of December 31 - aged 7 years or more:</u> Enter the total number of cases, as of December 31, aged 7 years or more. <b>Unable to provide detailed information for the Number of Cases section:</b> If you are unable to provide the information in this section, check the related checkbox and provide an explanation as to why the information cannot be provided in the Program worksheet.
<b>4a.2</b>	<b>Value of Cases</b>
	In rows 8-13, for each program type, enter the value of cases in Columns E, F, and G. If you can't provide information by program type, please report in Other (row 13). <b>Column E:</b> <u>Total Value of Cases Beginning Balance as of July 1:</u> This data represents the ending balance submitted by your Court/County for the previous fiscal year. <b>Column F:</b> <u>Total Value of Cases Ending Balance as of December 31 - aged 0 up to 7 years:</u> Enter the total value of cases, as of December 31, aged between 0 and up to 7 years. <b><u>See the glossary regarding Account Aging for the criteria for determining the age of a case.</u></b> <b>Column G:</b> <u>Total Value of Cases Ending Balance as of December 31 - aged 7 years or more:</u> Enter the total value of cases, as of December 31, aged 7 years or more. <b>Unable to provide detailed information for the Value of Cases section:</b> If you are unable to provide the information in this section, check the related checkbox and provide an explanation as to why the information cannot be provided in the Program worksheet.

<b>4a.3</b>	<b>Net Revenue</b>
	In rows 15-20, for each program type, enter the gross revenues collected and costs of collections in Columns I and J. If you can't provide information by program type, please report in Other (row 20).
	<b>Column I:</b> <u>Gross Revenue Collected during the 1st Half of the Fiscal Year:</u> Enter the gross revenue collected related to cases between July 1 and December 31.
	<b>Column J:</b> <u>Less: Cost of Collections (pursuant to Penal Code 1463.007):</u> Enter, as a negative number, the cost of collections that, pursuant to PC 1463.007, is allowable to offset revenue prior to distribution to other governmental entities.
	<b>Unable to provide detailed information for the Net Revenue section:</b> If you are unable to provide the information in this section, check the related checkbox and provide an explanation as to why the information cannot be provided in the Program worksheet.
<b>4a.4</b>	<b>Detail of Cases Closed</b>
	In rows 22-27, next to each "Reason for Closed Cases", enter the <u>original value</u> of cases closed in Column L. If you can't provide information related to the "Reasons" listed, please report in Miscellaneous/Other (row 26).
	<b>Column L:</b> <u>Value of Cases:</u> For rows 22 through 27, enter the <u>original value</u> of cases closed between July 1 and December 31. Portions of the total value of an individual case may be allocated to more than one "reason". For example, a party may perform community service in lieu of a portion of the fine and make payment on the remainder. In this case, the value of the community service would be listed under "Alternative Payment" and the value of the payment on the remainder would be listed under "Gross Revenue Collected".
	<b>Unable to provide detailed information for the Detail of Cases Closed section:</b> If you are unable to provide the information in this section, check the related checkbox and provide an explanation as to why the information cannot be provided in the Program worksheet.
<b>4b</b>	<b>Fiscal Year 2nd Half Worksheet</b>
<b>4b.1</b>	<b>Number of Cases</b>
	In rows 1-6, for each program type, enter the number of cases in Columns B and C. If you can't provide information by program type, please report in Other (row 6).
	<b>Column B:</b> <u>Total Number of Cases - as of June 30 - aged 0 up to 7 years:</u> Enter the total number of cases, as of June 30, aged between 0 and up to 7 years.
	<u>See the glossary regarding Account Aging for the criteria for determining the age of a case.</u>
	<b>Column C:</b> <u>Total Number of Cases - as of June 30 - aged 7 years or more:</u> Enter the total number of cases, as of June 30, aged 7 years or more.
	<b>Unable to provide detailed information for the Number of Cases section:</b> If you are unable to provide the information in this section, check the related checkbox and provide an explanation as to why the information cannot be provided in the Program worksheet.
<b>4b.2</b>	<b>Value of Cases</b>
	In rows 8-13, for each program type, enter the value of cases in Columns F and G. If you can't provide information by program type, please report in Other (row 13).
	<b>Column F:</b> <u>Total Value of Cases Ending Balance as of June 30 - aged 0 up to 7 years:</u> Enter the total value of cases, as of June 30, aged between 0 and up to 7 years.
	<u>See the glossary regarding Account Aging for the criteria for determining the age of a case.</u>
	<b>Column G:</b> <u>Total Value of Cases Ending Balance as of June 30 - aged 7 years or more:</u> Enter the total value of cases, as of June 30, aged 7 years or more.
	<b>Unable to provide detailed information for the Value of Cases section:</b> If you are unable to provide the information in this section, check the related checkbox and provide an explanation as to why the information cannot be provided in the Program worksheet.
<b>4b.3</b>	<b>Net Revenue</b>
	In rows 15-20, for each program type, enter the gross revenues collected and costs of collections in Columns I and J. If you can't provide information by program type, please report in Other (row 20).



	<p><b>Column I:</b> <u>Gross Revenue Collected during the 2nd Half of the Fiscal Year:</u> Enter the gross revenue collected related to cases between January 1 and June 30.</p> <p><b>Column J:</b> <u>Less: Cost of Collections (pursuant to Penal Code 1463.007):</u> Enter, as a negative number, the cost of collections that, pursuant to PC 1463.007, is allowable to offset revenue prior to distribution to other governmental entities.</p> <p><b>Unable to provide detailed information for the Net Revenue section:</b> If you are unable to provide the information in this section, check the related checkbox and provide an explanation as to why the information cannot be provided in the Program worksheet.</p>
<b>4b.4</b>	<b>Detail of Cases Closed</b>
	<p>In rows 22-27, next to each "Reason for Closed Cases", enter the <u>original value</u> of cases closed in Column L. If you can't provide information related to the "Reasons" listed, please report in Miscellaneous/Other (row 24).</p> <p><b>Column L:</b> <u>Value of Cases:</u> For rows 22 through 27, enter the <u>original value</u> of cases closed between January 1 and June 30. Portions of the total value of an individual case may be allocated to more than one "reason". For example, a party may perform community service in lieu of a portion of the fine and make payment on the remainder. In this case, the value of the community service would be listed under "Alternative Payment" and the value of the payment on the remainder would be listed under "Gross Revenue Collected".</p> <p><b>Unable to provide detailed information for the Detail of Cases Closed section:</b> If you are unable to provide the information in this section, check the related checkbox and provide an explanation as to why the information cannot be provided in the Program worksheet.</p>
<b>5</b>	<b>Summary Worksheet</b>
	The Summary worksheet is a summary of the data entered in the Fiscal Year semiannual worksheets. A hardcopy signed by the authorized court and county representative is due the first Monday in October.
<b>6</b>	<b>Program Description</b>
	Provide a description of any changes to your court/county collections program during the fiscal year in the Program worksheet. Also, in the Comments regarding Reported Collections Data section provide any necessary qualifying information regarding the data reported as well as any explanations for the sections in which you were unable to provide information.
<b>7</b>	<b>Performance Discussion</b>
	Provide a discussion of the performance of your court/county collections program in the sections provided within the Performance worksheet during the fiscal year. This is due the first Monday in October.
<b>8</b>	<b>Submitting the Year-End Report</b>
	<p>The signed Summary worksheet needs to be submitted only at year-end and is due the first Monday in October.</p> <p>To submit the signed Summary worksheet, please do the following:</p> <ol style="list-style-type: none"> <li>1) Print the Summary worksheet</li> <li>2) Have the authorized court and county representative sign the Summary worksheet</li> <li>3) Fax or mail to Jessica Sanora</li> </ol>
<b>9</b>	<b>Submitting the Semiannual Report</b>
	<p>After each semiannual worksheet is completed, you may either e-mail the entire Excel reporting template file to the Administrative Office of the Courts (AOC) at <a href="mailto:collections@jud.ca.gov">collections@jud.ca.gov</a> or you may fax or mail the spreadsheet to Jessica Sanora. You do not need to submit hardcopies of the semiannual worksheets if emailed.</p> <p><b>Fax or mail to:</b>  <b>Jessica B. Sanora, Manager</b>  <b>Administrative Office of the Courts (AOC)</b>  <b>2255 North Ontario Street, Suite 200</b>  <b>Burbank, California 91504</b>  <b>fax: 818-558-3112</b>  <b>email: <a href="mailto:jessica.sanora@jud.ca.gov">jessica.sanora@jud.ca.gov</a></b></p>



<b>10</b>	<b>Due Dates:</b>
	The Judicial Council "[i]n addition to legislatively mandated requirements that courts and counties submit year-end reports, direct the trial courts, in collaboration with their counties, to submit midyear reports on the first weekday in March of each year; legislatively mandated year-end reports should be submitted by the first weekday in October.
	First Monday in March: Submit the report with the following data added: Contact information, collection program elements, description of program and Fiscal Year 1st Half data.
	First Monday in October: Resubmit the report with following data added: Fiscal Year 2nd Half data and performance discussion. Fax or mail the signed Summary worksheet to Jessica Sanora at the AOC.

## GLOSSARY OF TERMS USED IN COURT/COUNTY COLLECTIONS PROGRAM REPORT

Term	Definition
Account Aging	A case begins aging, for the purposes of this collections report, the day it becomes delinquent as defined below in "Delinquent Account". Accounts receivable which are not delinquent have an age of zero and should be recorded under columns B and F of the report.
Account Receivable	Monies owed by an individual for non-forthwith payments related to court-ordered fines, fees, forfeitures, penalties, and assessments, whether or not delinquent. Delinquent payments (whether or not on installment plan) and non-delinquent installment payments should be reported as accounts receivable. <i>Excludes victim restitution.</i>
Alternative Payment Case	An alternative payment for resolving court-ordered debt designed for an individual who demonstrates an inability to pay. Set of official court documents filed in connection with an action.
Cases Closed	A case wherein no further collection action is necessary to enforce a court-ordered payment, including suspensions, alternative payments, dismissals, and discharged accounts.
Comprehensive Collection Program	A program designed to collect delinquent court-ordered fines, fees, forfeitures, penalties, and assessments that satisfies 10 of the 17 criteria identified in PC 1463.007.
Continuance	To postpone, stay, or withhold payment under certain conditions for a temporary period of time.
Contract/Hard to Collect	This includes all accounts referred to a private collection agency under the Judicial Council/AOC's Master Agreements for Part Two - Hard to Collect cases ready to be discharged from accountability.
Cost of Collections (pursuant to PC 1463.007)	Collection costs that are allowable to be offset by revenues pursuant to Penal Code 1463.007.
County Collections Program	A collections program administered by the county.
Court Collections Program	A collections program administered by the local court.
Delinquent Account	Accounts receivable related to a defendant that has not complied with the court-ordered or agreed-upon terms and conditions of payment.
Discharged Accounts	Cases that were deemed uncollectible and received a discharge from accountability. The debt is still owed; however, collection efforts have been exhausted. The actual discharge is based on established criteria by an authorized body.
Dismissals	To drop a criminal or civil action without settling the issues involved and without a trial. The initial court-ordered debt no longer exists.
Forthwith Payments	Full payment of court-ordered fines, fees, forfeitures, penalties, and assessments on or before the original court-mandated due date. Payments related to non-delinquent installment plans are not forthwith payments.
FTB Court-Ordered Debt	Franchise Tax Board Court-Ordered Debt collection program.
FTB Tax Intercept	Franchise Tax Board Tax Interagency Intercept collection program.
Gross Revenue Collected	Revenue collected in collection program by case type, prior to consideration of any realized or implied reductions for cost offsets.
Net Revenue	Gross revenue collected less cost of collections (i.e., allowable cost offsets pursuant to PC 1463.007).
Penal Code Section 1463.007	Legislation enacted in 1998 allowing, among other things, the county or court to deduct and deposit in the county treasury or trial court operations fund the cost of operating a "comprehensive program to identify and collect delinquent fines and forfeitures" from any revenues collected prior to making any distribution of revenues to other governmental entities. The statute defines the criteria for the comprehensive collection program, the establishment of a minimum base fine or forfeiture amount, and sets forth specific criteria for the calculation and deduction for this collection program.
Private Collection Agency	A private entity employed to collect court-ordered fines, fees, forfeitures, assessments, and penalties.
Referral	Court-ordered debts submitted to other collection entities for collections.
Revenue Collected	Monies received towards the satisfaction of a court-ordered debt.
Value of Cases	For open cases, sum of court-ordered debt still expected to be collectible for all court cases. For closed cases, sum of (gross) debt collected, dismissals, alternative payments, suspensions, and discharged accounts.
Victim restitution	A victim of crime who incurs any economic loss as a result of the commission of a crime may receive restitution directly from any defendant convicted of that crime as a condition of probation.

## Court/County Collections Program Report Contact and Other Information

1	Court/County	Select court/county (see Contact Information wot) ▼
2	Court Contact:	
3	Telephone Number:	
4	E-mail Address:	
5	County Contact:	
6	Telephone Number:	
7	E-mail Address:	
8		
9	Private Collection Agencies Used:	
10		

11	Does your court/county have a comprehensive collections program pursuant to Penal Code 1463.007?	Select Y or N ▼		
12	Which of the 17 comprehensive collection program components, pursuant to Penal Code 1463.007, does your court/county currently use? If you indicated yes to question #11, you must check at least 10 components.	Check the components the Court uses.	Check the components the County uses.	Check the components the private agency uses.
13	a - Monthly bill or account statements to all debtors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	b - Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	c - Issuance of warning letters to advise delinquent debtors of an outstanding obligation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	d - Requests for credit reports to assist in locating delinquent debtors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	e - Access to Employment Development Department employment and wage information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	f - The generation of monthly delinquent reports.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	g - Participation in the Franchise Tax Board's tax intercept program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	h - The use of Department of Motor Vehicle information to locate delinquent debtors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	i - The use of wage and bank account garnishments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	j - The imposition of liens on real property and proceeds from the sale of real property held by a title company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	k - The filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	l - Coordination with the probation department to locate debtors who may be on formal or informal probation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	m - The initiation of drivers' license suspension actions where appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	n - The capability to accept credit card payments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	o- Participation in the F.T.B.'s Court-Ordered Debt Collection Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	p-Contracting with one or more private debt collectors (Please indicate above at 8, 9 and 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29	q-The use of skip tracing or locator resources or services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

30	Do you accept debit cards?	Select Y or N ▼		
31	Do you allow internet payments?	Select Y or N ▼		
32	Do you have an Enhanced Collection and Compliance Coordination Committee?	Select Y or N ▼		
33	Do you have a Civil Assessment program?	Select Y or N ▼		
	If "Yes", are they imposed on Failure to Appear Infractions?	Select Y or N ▼		
	If "Yes", are they imposed on Failure to Pay Infractions?	Select Y or N ▼		
	If "Yes", are they imposed on Failure to Pay Misdemeanors?	Select Y or N ▼		
	If "Yes", are they imposed on Failure to Pay Felonies?	Select Y or N ▼		
	If civil assessments are imposed in other areas or using other criteria, please describe below.			
	Type here.			

34	Do you have a contract with a vendor for your "Hard-to-Collect" cases?	Select Y or N ▼		
	If "Yes", please indicate the name of the vendor(s)			
	If "Yes", do you have a contract using the statewide negotiated master agreement?	Select Y or N ▼		

Select court/county (see Contact Information worksheet #1)

Use the space below to describe your court/county collections program and provide comments.

**Description of Changes to the Court/County Collections Program**

Type here.

**Comments regarding Reported Collections Data**

Type here.





**Court/County Collections Program Report**  
**Accounts Receivable and Collections - Number and Value of Cases**  
**Fiscal Year 2nd Half 2006/2007**

Select court/county (see Contact Information worksheet #1)

NUMBER OF CASES					
		Total Number of Cases - as of January 1	Total Number of Cases - as of June 30 - aged 0 up to 7 years	Total Number of Cases - as of June 30 - aged 7 years or more	Total Number of Cases - as of June 30
Row	Program	Col. A	Col. B	Col. C	Col. D
1	Court	-			-
2	County	-			-
3	Private Agency	-			-
4	FTB Court-Ordered Debt	-			-
5	Contract/Hard to Collect	-			-
6	Other	-			-
7	<b>Total</b>	-	-	-	-

Unable to provide detailed information for the Number of Cases section.  
 (Please provide an explanation in the Program worksheet)

VALUE OF CASES					
		Total Value of Cases Beginning Balance as of January 1	Total Value of Cases Ending Balance as of June 30 - aged 0 up to 5 years	Total Value of Cases Ending Balance as of June 30 - aged 10 years or more	Total Value of Cases Ending Balance as of June 30
Row	Program	Col. E	Col. F	Col. G	Col. H
8	Court	\$ -			\$ -
9	County	\$ -			\$ -
10	Private Agency	\$ -			\$ -
11	FTB Court-Ordered Debt	\$ -			\$ -
12	Contract/Hard to Collect	\$ -			\$ -
13	Other	\$ -			\$ -
14	<b>Total</b>	\$ -	\$ -	\$ -	\$ -

Unable to provide detailed information for the Value of Cases section.  
 (Please provide an explanation in the Program worksheet)

NET REVENUE				
		Gross Revenue Collected during the 3rd and 4th Quarter FY 2005-06	Less: Cost of Collections (pursuant to Penal Code 1463.007)	Net Revenue
Row	Program	Col. I	Col. J	Col. K (I+J)
15	Court			\$ -
16	County			\$ -
17	Private Agency			\$ -
18	FTB Court-Ordered Debt			\$ -
19	Contract/Hard to Collect			\$ -
20	Other			\$ -
21	<b>Total</b>	\$ -	\$ -	\$ -

Unable to provide detailed information for the Net Revenue section. (Please provide an explanation in the Program worksheet)

DETAIL OF CASES CLOSED	
Row	Value of Cases
	Col. N
	<b>Reason for Closed Cases</b>
22	Gross Revenue Collected
23	Suspensions
24	Alternative Payment
25	Dismissals
26	Miscellaneous/Other
27	Discharged
28	<b>Total</b>

Unable to provide detailed information for the Detail of Cases Closed section. (Please provide an explanation in the Program worksheet)

**Court/County Collections Program Report  
Summary of Collections  
Fiscal Year 2006/2007**

Select court/county (see Contact Information worksheet #1)

Net Revenue by Program				
Row	Program	Gross Revenue Collected	Less: Cost of Collections (pursuant to Penal Code 1463.007)	Net Revenue
1	Court	\$ -	\$ -	\$ -
2	County	\$ -	\$ -	\$ -
3	Private Agency	\$ -	\$ -	\$ -
4	FTB Court-Ordered Debt	\$ -	\$ -	\$ -
5	Contract/Hard to Collect	\$ -	\$ -	\$ -
6	Other	\$ -	\$ -	\$ -
7	<b>Total</b>	\$ -	\$ -	\$ -

Number of Cases					
Row	Program	Total Number of Cases (as of July 1)	Total Number of Cases Year-To-Date - aged 0 up to 7 years	Total Number of Cases Year-To-Date - aged 7 years or more	Total Number of Cases (as of June 30)
8	Court	-	-	-	-
9	County	-	-	-	-
10	Private Agency	-	-	-	-
11	FTB Court-Ordered Debt	-	-	-	-
12	Contract/Hard to Collect	-	-	-	-
13	Other	-	-	-	-
14	<b>Total</b>	-	-	-	-

Value of Cases					
Row	Program	Accounts Receivable Beginning Balance (as of July 1)	Accounts Receivable Ending Balance - aging 0 up to 7 years	Accounts Receivable Ending Balance - aging 7 years or more	Accounts Receivable Ending Balance (as of June 30)
15	Court	\$ -	\$ -	\$ -	\$ -
16	County	\$ -	\$ -	\$ -	\$ -
17	Private Agency	\$ -	\$ -	\$ -	\$ -
18	FTB Court-Ordered Debt	\$ -	\$ -	\$ -	\$ -
19	Contract/Hard to Collect	\$ -	\$ -	\$ -	\$ -
20	Other	\$ -	\$ -	\$ -	\$ -
21	<b>Total</b>	\$ -	\$ -	\$ -	\$ -

Detail of Cases Closed	
Row	Value of Cases Closed
<b>Reasons for Closed Cases</b>	
22	Gross Revenue Collected \$ -
23	Suspensions \$ -
24	Alternative Payment \$ -
25	Dismissals \$ -
26	Miscellaneous/Other \$ -
27	Discharged \$ -
28	<b>Total</b> \$ -

Reviewed by Court

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Title (Court Executive or Presiding Judge) \_\_\_\_\_

Reviewed by County

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Title (County Auditor-Controller or other) \_\_\_\_\_



# FY 2004-05 Court/County Collections Program Report

## Year End Summary of Collections



### Net Revenue by Program

<u>PROGRAM</u>	Gross Revenue Collected	Less: Cost of Collections (pursuant to Penal Code 1463.0007)	Net Revenue	Cost of Collections % (Cost divided by Gross Revenue)
Court	\$590,619,374	(\$15,494,077)	\$575,125,297	2.62%
County	\$143,216,272	(\$15,659,749)	\$127,556,523	10.93%
Private Agency	\$136,442,205	(\$20,848,227)	\$115,593,978	15.28%
FTB Court-Ordered Debt	\$49,704,117	(\$8,593,403)	\$41,110,714	17.29%
Contract/ Hard to Collect	\$167,910	(\$19,715)	\$148,195	11.74%
Other	\$8,482,229	(\$1,105,758)	\$7,376,471	13.04%
<b>TOTAL</b>	<b>\$928,632,107</b>	<b>(\$61,720,929)</b>	<b>\$866,911,178</b>	<b>6.65%</b>

### Number of Cases

<u>PROGRAM</u>	Beginning Balance (as of July 1, 2004)	Total Number of Cases Opened or Referred in FY 2004-05	Less: Total Number of Cases Closed in FY 2004-05	Total Number of Cases Ending Balance Year-To-Date
Court	3,317,869	1,623,301	(1,145,758)	3,795,412
County	1,029,489	473,660	(366,594)	1,136,555
Private Agency	1,696,810	845,109	(574,001)	1,967,918
FTB Court-Ordered Debt	838,341	271,651	(160,986)	949,006
Contract/ Hard to Collect	0	94,322	(337)	93,985
Other	155,675	49,329	(74,407)	130,597
<b>TOTAL</b>	<b>7,038,184</b>	<b>3,357,372</b>	<b>(2,322,083)</b>	<b>8,073,473</b>





# FY 2004-05 Court/County Collections Program Report

## Year End Summary of Collections



### Value of Cases

<u>PROGRAM</u>	Beginning Balance (as of July 1, 2004)	Total Value of Cases Opened or Referred in FY 2004-05	Less: Total Value of Cases Closed in FY 2004-05	More/Less: Total Value of Cases Adjusted in FY	Accounts Receivable Ending Fiscal Year Balance
Court	\$1,306,758,935	\$591,334,002	(\$408,582,632)	(\$84,900,157)	\$1,404,610,148
County	\$662,023,290	\$410,357,593	(\$233,368,123)	(\$73,278,816)	\$765,733,944
Private Agency	\$1,144,084,592	\$578,389,882	(\$281,135,030)	(\$29,433,008)	\$1,411,906,436
FTB Court-Ordered Debt	\$503,221,340	\$144,959,991	(\$38,920,517)	(\$37,594,137)	\$571,666,677
Contract/ Hard to Collect	\$0	\$52,803,976	\$0	(\$167,910)	\$52,636,066
Other	\$99,185,163	\$30,816,453	(\$11,930,660)	(\$35,499,308)	\$82,571,648
<b>TOTAL</b>	<b>\$3,715,273,320</b>	<b>\$1,808,661,897</b>	<b>(\$973,936,962)</b>	<b>(\$260,873,336)</b>	<b>\$4,289,124,919</b>

### Detail of Cases Closed

<u>REASONS FOR CASES CLOSED</u>	Value of Cases Closed
Gross Revenue Collected	\$735,296,786
Suspensions	\$7,558,223
Alternative Payment	\$8,790,860
Dismissals	\$12,692,000
Miscellaneous/Other	\$295,761,473
Discharged	\$25,622,013
<b>TOTAL</b>	<b>\$1,085,721,355</b>



# Collaborative Court-County Working Group on Enhanced Collections Report

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SANCTIONS SUBCOMMITTEE

TAB E

**REPORT OF THE SANCTIONS SUBCOMMITTEE**  
**of the Collaborative Court-County Working Group on Enhanced Collections**  
**June 22, 2006**

Members            Jody Patel, Chair, Administrative Office of the Courts  
                         Tonna Brodie, Superior Court of Ventura County  
                         Renee Gibson, Franchise Tax Board  
                         Diana Landmann, Superior Court of San Joaquin County  
                         Kevin Lane, Court of Appeal, Fourth Appellate District, Division One  
                         Ray Tickner, Superior Court of Shasta County

AOC Staff           Jessica Sanora, Lead Staff, Enhanced Collections  
                         Deborah Brown, Office of General Counsel  
                         Pat Haggerty, Finance Division  
                         Linda Nguyen, Office of General Counsel  
                         Colin Simpson, Enhanced Collections

#### Objectives

The Sanctions Subcommittee was established to address the collection of court-ordered sanctions imposed on individuals and legal entities by the appellate and trial courts to enhance respect for the rule of law.

#### Proposed Goals

The Sanctions Subcommittee will recommend uniform procedures for collection of sanctions in appellate and trial courts regarding amounts, distribution, and punitive amounts for multiple sanctions, if viable.

#### Status Report

The Sanctions Subcommittee has reviewed and drafted guidelines for the collection of court-ordered sanctions.

#### Recommendation/Action Item

The Sanctions Subcommittee recommends that the Collaborative Court-County Working Group on Enhanced Collections approve the *Alternatives for Collection of Court-Ordered Sanctions*.

Attachment: *Alternatives for Collection of Court-Ordered Sanctions*

## **Alternatives for Collection of Court-Ordered Sanctions**

The Sanctions Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections was charged with drafting guidelines that could be used by appellate and trial courts for the collection of court-ordered sanctions. Compliance with court-ordered sanctions is essential to ensuring that judicial orders are not neglected and can be used as one additional tool in a court or county collection program. Consequently, the subcommittee gathered information on the collection of delinquent court-ordered sanctions from the Superior Courts of Ventura, Sacramento, and Los Angeles Counties. The Sanctions Subcommittee recommends that each court evaluate whether attorney sanctions is an area of collections that should be pursued through court and/or county collections efforts. It is also recommended that each court create a judicial sanctions panel that determines whether the guidelines are appropriate for the court, what changes need to be made to meet the court's needs, and how or if the court should proceed with a sanctions collections program. If the court decides to implement such a program, the subcommittee recommends that courts consider the following guidelines for the collection of delinquent sanctions prior to instituting collection alternatives:

- Schedule a hearing four weeks after imposition of the sanction to verify that the sanction was paid.
- Post a notice in the local bar newsletter as the first attempt to increase awareness of the court's new collection effort to obtain payment and ensure compliance. The suggested language is as follows:

The Superior Court of [Name] County has announced its intention to proactively pursue the collection of sanctions imposed against counsel that remain unpaid. The court is presently owed the sum of \$ \_\_\_\_\_ in sanctions imposed against counsel in the various civil departments from (date) to (date). If you have outstanding sanctions due, the court asks that you make payment immediately at the clerk's window.

- Amend sanction notices to the offending individual or firm that include language indicating that if payment is not made within a specific time period, the amount due will be referred to the court or county collection department and/or the Franchise Tax Board. Referral to the Franchise Tax Board's Court Ordered Debt Program (FTB-COD) should include attorney bar numbers. Business and Professions Code section 30 requires the State Bar to collect social security numbers and provide those numbers to the Franchise Tax Board upon request. Contact information on the FTB-COD and FTB-Interagency Tax Intercept Programs can be obtained from the AOC's Enhanced Collections Unit.

Court and county collection departments and private collection vendors have a number of tools they can employ to facilitate collection, such as sending letters that notify

individuals of the amount due and request payment through telephone calls and demand letters.

The Sanctions Subcommittee recommends that courts consider utilizing one of the two following processes if collection efforts are to be pursued through the court, county or private/designated collection vendor.

### **Step-by-Step Process for Collection With Precollection Hearing**

1. The Notice of Case Management Conference should contain language advising parties that failure to appear/comply may result in imposition of sanctions.
2. If a party fails to file the case management statement, the judicial officer may sanction the attorney (or pro per). The minute order will note the sanction and indicate that said sanction is payable within 10 days or as determined by the court.

A hearing to show proof of payment will also be set on calendar four weeks out or as determined by the court.

The notice of hearing will state that in addition to the payment, attorneys must file an Attorney Compliance Statement indicating that the payment has been made.

3. *If the attorney pays prior to the hearing (if not, go to step 4):* The attorney may file the Attorney Compliance Statement immediately or until one court day prior to the established hearing date or as determined by the court.

The Attorney Compliance Statement will be delivered to the appropriate clerk. The clerk will update the recommended tentative ruling for that case to a nonappearance.

4. *If the attorney pays on the day of the hearing (if not, go to step 5):* The attorney may pay at the clerk's office and file the Attorney Compliance Statement with the courtroom clerk in the appropriate department. The hearing to show proof of payment will be held as determined by the court.
5. *If the attorney does not pay prior to the hearing or appear for the hearing:* The hearing to show proof of payment will be held. The judicial officer may order additional sanctions as appropriate. The new sanction will start the process anew (step 3) while the existing sanction proceeds through the collection process (go to step 6).
6. *If the sanction is still outstanding after the hearing:* Staff will forward a copy of the original order for sanctions and the subsequent order from the hearing to show proof of payment to the appropriate department. The department will send copies of the initial sanction orders and certificates of mailing (along with a complete list of receivables to the agreed-upon collection department or designated vendor). (Go to step 7.)

7. The collection department or private/designated collection vendor will produce a balance due statement and mail it to the sanctioned party.
8. *If the party pays (if not, go to step 9):* All revenue will be sent to the court monthly if collected by a private/designated vendor.
9. *If the party does not pay:* A second and subsequent letter will be sent every 15–30 days or as determined by the court. (Go to step 10.)
10. *If the party has not paid within the time specified by the court:* The collection department or private collection vendor will return the case to the court for referral to one or both of the Franchise Tax Board’s programs for additional collection for retention by the court as uncollectible and discharged from accountability pursuant to Government Code section 25258.

### **Step-by-Step Process for Third-Party Collection With “Fail to Pay” Hearing**

1. The Notice of Case Management Conference will contain language advising parties that failure to appear/comply may result in imposition of sanctions.
2. If a party fails to file the case management statement, the judicial officer may sanction the attorney (or pro per). The minute order will note the sanction and indicate that said sanction is payable within 10 days. (Go to step 3.)
3. The clerk will mail the order and complete the certificate of mailing (proof of service). A copy of the minute order will be forwarded to the appropriate department for processing. (Go to step 4.)
4. The department will hold the receivable for at least 30 days or as determined by the court. (Go to step 6.)
5. *If the attorney pays within this period (if not, go to step 7):*, Payment will be processed and applied to the case number as indicated by the party. Staff will update the case management system as appropriate.
6. Once per month, or as determined by the court, sanctions aged over 30 days will be identified. Copies of the initial sanction orders and certificates of mailing along with a complete list of receivables will be sent to the court/county collection department or private/designated collection vendor. (Go to step 8.)
7. The collection department or private/designated vendor will produce a balance due statement and mail it to the sanctioned party.
8. *If the party pays (if not, go to step 9):* The county or private/designated vendor will forward all revenue to the court monthly.
9. *If the party does not pay:* The collection department or private/designated vendor will send a second and subsequent letter every 15–30 days or as determined by the court. (Go to step 10.)

10. *If the party has not paid within six months or as determined by the court:* The collection department or private/designated collection vendor will return the case to the court for referral to the Franchise Tax Board for additional collections or for retention by the court as uncollectible and discharged from accountability pursuant to Government Code section 25258.
11. Clerks will set a hearing to show proof of payment on calendar four weeks out.

The notice of hearing will state that in addition to the payment, attorneys must file an Attorney Compliance Statement indicating the payment has been made. (Go to step 12.)

12. *If the attorney pays prior to the hearing (if not, go to step 13):* The attorney may file the Attorney Compliance Statement immediately or until one court day prior to the established hearing date.

The Attorney Compliance Statement will be delivered to the appropriate clerk. The clerk will update the recommended tentative ruling for that case to a nonappearance. (End)

13. *If the attorney pays on the day of the hearing (if not, go to step 14):* The attorney may pay and file the Attorney Compliance Statement with the courtroom clerk in the appropriate department. The hearing to show proof of payment will be held.
14. *If the attorney does not pay prior to the hearing or appear for the hearing:* The hearing to show proof of payment will be held. The judicial officer may order additional sanctions as appropriate. If the new sanction is in an amount sufficient to require notification of the State Bar, a copy of the minute order will be sent to the court's executive officer. The executive officer or his or her designee will batch and send notices to the State Bar monthly.



# Collaborative Court-County Working Group on Enhanced Collections Report

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COURT-COUNTY COLLABORATIVE  
PLANS SUBCOMMITTEE

TAB F



**REPORT OF THE COURT-COUNTY COLLABORATIVE PLANS SUBCOMMITTEE  
of the Collaborative Court-County Working Group on Enhanced Collections  
June 22, 2006**

Members: Larry Spikes, Co chair, Kings County Administrator's Office  
Kiri Torre, Co chair, Superior Court of Santa Clara County  
Roy Blaine, Superior Court of Santa Cruz County  
Carl Cline, County of San Bernardino  
Doug Estes, Stanislaus County Office of Revenue Recovery  
Michael Gatiglio, Superior Court of Los Angeles County  
Hon. William D. O'Malley, Superior Court of Contra Costa County  
Sandra Silva, Superior Court of Fresno County  
Linn Smith, San Joaquin County Office of Revenue & Recovery  
Phyllis Taylor, Superior Court of Ventura County  
Chuck Wagner, County of Tuolumne

AOC Staff: Jessica Sanora, Lead Staff, Enhanced Collections  
David Amos, Finance Division  
Khin Chin, Enhanced Collections  
John Judnick, Finance Division  
Colin Simpson, Enhanced Collections

## Goals

The Court-County Collaborative Plans Subcommittee has the following approved goals:

- Review the action plans submitted by the 58 courts and their respective counties and provide clarification and support where needed;
- If necessary, review and modify guidelines and standards based on feedback from courts and their respective counties; and
- Upon completion of the first goal, review completed action plans in conjunction with new and existing memoranda of understanding (MOUs) for consistency and compliance with the collection enhancement guidelines and standards as approved by the Judicial Council on August 27, 2004, provide feedback on recommended modifications, and compile a report for the Judicial Council.

## Status Report

The Court-County Collaborative Plans Subcommittee was charged with reviewing action plans from courts and counties to provide clarification and support where needed. The subcommittee has completed the review of the action plans submitted from courts and counties. Comments that include analysis of compliance with Judicial Council-approved guidelines and standards have been provided. The evaluation forms and relevant

reference documents were provided to the presiding judge, court executive officer, and county administrative officer of each court and county.

Thirty-nine action plans have been received and reviewed by the subcommittee. A draft evaluation form was created and used as a tool for reviewing plans to determine compliance with Judicial Council–approved guidelines and standards. Actions plans were reviewed to determine if there were common “high” priorities, and the subcommittee worked with the SWAT Subcommittee and AOC Enhanced Collections Unit to jointly assist courts and counties with the implementation of their plans. The subcommittee also incorporated information from the undesignated fees and civil assessment survey conducted by the AOC Finance Division in determining the immediate priorities. The subcommittee did not address the third goal, as it was later clarified by AOC staff that the responsibility for any changes in revenue addressed in a court-county MOU rested with the Administrative Director of the Courts. Additionally, any changes in court-county MOUs regarding services and updates rest with Internal Audit Services of the AOC’s Finance Division.

#### Recommendations/Action Items

1. Approve that future communication regarding the status and action plans of the collaborative collection programs for each court and county be reported through the collections reporting template that will be submitted for approval by the Reporting Subcommittee;
2. Recommend that the AOC Enhanced Collections Unit work with the AOC Finance Division to compile a reference library of MOUs on enhanced collection programs; and
3. Recommend the AOC Enhanced Collections Unit work with the courts and counties that do not have an enhanced collection program and have not submitted an action plan.

Attachments: List of court-county action plans completed or in progress  
List of court-county action plans not received



**Judicial Council Collaborative Court-County  
Working Group on Enhanced Collections**

**Action Plans Completed or In Progress**

**COUNTIES**

ALAMEDA  
AMADOR  
BUTTE  
CALAVERAS  
CONTRA COSTA  
DEL NORTE  
EL DORADO  
FRESNO  
GLENN  
HUMBOLDT  
IMPERIAL  
INYO  
KINGS  
LAKE  
LASSEN  
LOS ANGELES  
MADERA  
MARIN  
MENDOCINO  
MERCED  
MODOC  
MONO  
MONTEREY  
NEVADA  
ORANGE  
PLUMAS  
RIVERSIDE  
SACRAMENTO  
SAN BERNARDINO  
SAN DIEGO  
SAN FRANCISCO  
SAN JOAQUIN  
SAN LUIS OBISPO  
SAN MATEO  
SANTA BARBARA  
SANTA CLARA

SANTA CRUZ  
SHASTA  
SIERRA  
SISKIYOU  
SOLANO  
SONOMA  
STANISLAUS  
SUTTER  
TRINITY  
TULARE  
TUOLUMNE  
VENTURA  
YOLO  
YUBA

## **Action Plans Not Received**

### **COUNTIES**

ALPINE  
COLUSA  
KERN  
MARIPOSA  
NAPA  
PLACER  
SAN BENITO  
TEHAMA



# Collaborative Court-County Working Group on Enhanced Collections Report

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SWAT SUBCOMITTEE

TAB G

**REPORT OF THE SWAT SUBCOMMITTEE**  
**of the Collaborative Court-County Working Group on Enhanced Collections**  
**June 22, 2006**

Members: Jody Patel, Chair, Administrative Office of the Courts  
Carl Cline, County of San Bernardino  
Marita Ford, Superior Court of Riverside County  
Renee Gibson, Franchise Tax Board  
Mary Lawrence, Franchise Tax Board  
Inga McElyea, Superior Court of Riverside County  
Susan Null, Superior Court of Shasta County  
Michael Planet, Superior Court of Ventura County  
Chuck Wagner, County of Tuolumne

AOC Staff: Jessica Sanora, Lead Staff, Enhanced Collections  
Khin Chin, Enhanced Collections

### Objectives

The SWAT Subcommittee was established to address the courts' and counties' ongoing need for assistance in implementing and/or enhancing their collections programs due to the demonstrated need for assistance. A team of subject matter experts from the courts and counties has been formed to provide this assistance. Subject matter experts will assist courts and counties only upon their request.

### Proposed Goals

The SWAT Subcommittee has the following goals:

- Provide technical assistance to trial courts and counties on various collection methods and strategies to enhance collection of court-ordered debts;
- Prepare and maintain a list of regional subject matter experts organized by area of expertise; and
- Identify trial courts and/or counties that may require assistance to enhance collection of court-ordered debts.

### Status Report

The Superior Courts of Shasta and Ventura Counties have each assisted courts with the implementation of a comprehensive collection program. Forty-two subject matter experts were self-identified and have assisted 7 courts and counties with collection program issues. The AOC Enhanced Collections Unit has assisted 20 courts and counties in implementing or enhancing collection programs. There continues to be a demand for

assistance that cannot be accommodated solely by the AOC Enhanced Collections Unit. Thus, in order to continue to provide technical assistance to trial courts and counties on various collection methods and strategies to enhance collection of court-ordered debts, the SWAT Subcommittee:

- Prepared and distributed to the AOC Enhanced Collections Unit a draft list of known subject matter experts for dissemination to all trial court executive officers, county executive officers, and collection entities to solicit additional volunteers;
- Distributed the approved *Collections Program Subject Matter Expert Information Form* to court executive officers and county administrative officers; and
- Continues to collect the information forms from courts and counties to compile a list of technical experts. The deadline set for responses is July 1, 2006. Expanded options for methods of contributing assistance have been offered in the revised form.

### **Recommendations/Action Items**

The SWAT Subcommittee recommends that the Collaborative Court-County Working Group on Enhanced Collections:

- Approve the AOC's *Court News Update (CNU)*, the weekly electronic newsletter California Revenue Officer's Association Newsletter, and the California State Association of Counties' newsletter as outlets to advertise the availability of assistance for enhancing collection programs once the forms have been returned and placed in a database by the AOC Enhanced Collections Unit;
- Recommend that the AOC Enhanced Collections Unit establish a protocol to ensure timely deployment of appropriate subject matter experts to assist trial courts and counties with their collection programs;
- Recommend that the AOC Enhanced Collections Unit continue to track the effectiveness of the program; and
- Recommend that the AOC Enhanced Collections Unit annually review and update the subject matter expert list.

Attachments: *Collections Program Subject Matter Expert Information Form*  
*Collections Program Assistance Request Form*  
*Collections Program Assistance Response Form*  
*Collections Program Subject Matter Experts*



## Court/County Collections Program Subject Matter Expert Information Form

Name:	
Court or County:	
Position:	
Address:	
Telephone:	
E-mail:	

Area of Expertise (Check all that apply):

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Revenue Distribution          | <input type="checkbox"/> Fee Waivers           | <input type="checkbox"/> Monthly Delinquent Reports                                 |
| <input type="checkbox"/> Collection Reporting Template | <input type="checkbox"/> Telephone Contact     | <input type="checkbox"/> Wage Garnishments  |
| <input type="checkbox"/> Monthly Billing Statements    | <input type="checkbox"/> EDD Information       | <input type="checkbox"/> Probation Dept Coordination                                |
| <input type="checkbox"/> Credit Reports                | <input type="checkbox"/> DMV Holds             | <input type="checkbox"/> DMV Interface  |
| <input type="checkbox"/> FTB Tax Intercept Program     | <input type="checkbox"/> Bankruptcy Objections | <input type="checkbox"/> Debit Card Payments  |
| <input type="checkbox"/> Liens on Property             | <input type="checkbox"/> FTB COD Program       | <input type="checkbox"/> Contracting with Private Debt Collectors                   |
| <input type="checkbox"/> Credit Card Payments          | <input type="checkbox"/> Performance Standards | <input type="checkbox"/> Discharge of Accountability                                |
| <input type="checkbox"/> Skip Tracing                  | <input type="checkbox"/> Cost Recovery         | <input type="checkbox"/> Collection MOUs  |
| <input type="checkbox"/> Civil Assessment              | <input type="checkbox"/> Court Operations      | <input type="checkbox"/> Other (Please specify in the Additional Comments section.) |
|  | <input type="checkbox"/> Collection Letters    |   |

Availability:

Frequency (Please specify; e.g., beginning of month Tuesdays once a month as needed):

Preferred Method of Assistance (Check all that apply):

- On Site (You are willing to accommodate training at your site.)
- Off Site (You are willing to make a site visit to court/county that requests assistance.)
- Conference Call (Telephone or videoconference)
- E-mail
- Webcast (Lead or contribute to a training Webcast.)
- Trainer (Participate as a trainer at a training event.)

Additional Comments/Information:

## Court/County Collections Program Assistance Request Form

Name:	
Court or County:	
Position:	
Address:	
Telephone:	
E-mail:	

Area(s) of Assistance Requested (Check all that apply):

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Revenue Distribution          | <input type="checkbox"/> Fee Waivers           | <input type="checkbox"/> Monthly Delinquent Reports                                 |
| <input type="checkbox"/> Collection Reporting Template | <input type="checkbox"/> Telephone Contact     | <input type="checkbox"/> Wage Garnishments  |
| <input type="checkbox"/> Monthly Billing Statements    | <input type="checkbox"/> EDD Information       | <input type="checkbox"/> Probation Dept Coordination                                |
| <input type="checkbox"/> Credit Reports                | <input type="checkbox"/> DMV Holds             | <input type="checkbox"/> DMV Interface  |
| <input type="checkbox"/> FTB Tax Intercept Program     | <input type="checkbox"/> Bankruptcy Objections | <input type="checkbox"/> Debit Card Payments  |
| <input type="checkbox"/> Liens on Property             | <input type="checkbox"/> FTB COD Program       | <input type="checkbox"/> Contracting with Private Debt Collectors                   |
| <input type="checkbox"/> Credit Card Payments          | <input type="checkbox"/> Performance Standards | <input type="checkbox"/> Discharge of Accountability                                |
| <input type="checkbox"/> Skip Tracing                  | <input type="checkbox"/> Cost Recovery         | <input type="checkbox"/> Collection MOUs  |
| <input type="checkbox"/> Civil Assessment              | <input type="checkbox"/> Court Operations      | <input type="checkbox"/> Other (Please specify in the Additional Comments section.) |
|  | <input type="checkbox"/> Collection Letters    |   |

Preferred Method of Assistance Requested (Check all that apply):

- Off Site (You are willing to make a site visit to court/county that offers assistance.)
- Conference Call (Telephone or videoconference)
- E-mail
- Webcast

Additional Comments/Information:

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**COURT/COUNTY COLLECTIONS PROGRAM  
ASSISTANCE RESPONSE FORM**

**Court/County:**

**Date:**

***Subject Area(s) requested:***

***Name of Subject Matter Expert:***

***Comments:***

## COLLECTIONS PROGRAM SUBJECT MATTER EXPERTS

### Bay Area/ Northern Coastal Region

<b>Subject Matter Expert</b>	<b>Area(s) of Expertise</b>
Patricia McFadden Alameda County	Garnishments Skip tracing Billing Collection Efforts FTB Court Ordered Debt
Micki Regan-Silvey Alameda County	Cost of Recovery PC 1463.7 Enhanced Collection components FTB Court ordered Debt
Danny Ditico Alameda County	Collection Reporting Accounting Practices
Divina Villanueva Alameda County	Distribution of Fines
Connie Mazzei Monterey Superior Court	Distribution of Fines
Gloria Hess Solano Superior Court	Revenue Distribution Civil Assessment
Pam Silbaugh Santa Cruz County	Revenue Distribution
Jill Ramirez Solano Superior Court	Revenue Distribution (some) Collections Reporting Template (some) Credit Card Payments Civil Assessment DMV Holds Court Operations Monthly Delinquent Reports (some) Probation Dept Coordination

	(some) Debit Card Payments (some) Contracting with Private Debt Collectors Collection MOUs (some)
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## Northern/ Central Region

<b>Subject Matter Expert</b>	<b>Area(s) of Expertise</b>
Isabel Nava Sacramento County	Skip tracing
Patti Dowell Sacramento County	Collection efforts, i.e. telephone warnings, FTB court-ordered debt collections
Julie Beday Sacramento County	Legal processes, garnishments
Dan Stevens Sacramento County	IT enhancement and support
Marcia Barclay Sacramento Superior Court	Fee waivers
Linda Barnes Butte County	Revenue & expenditure tracking
Ray Tickner Shasta Superior Court	All
Patricia Walls Shasta Superior Court	Monthly Billing Statements Credit Reports FTB Tax Intercept Program Credit Card Payments FTB COD Program Collection Letters
Lisa Jenkins Shasta Superior Court	PC 1463.007 Enhanced Collection Components Garnishments Skip Tracing Collection Efforts such as telephone and warning letters

Ronna Ulianna Stanislaus Superior Court	Revenue Distribution
Evelyn Allis Yuba Superior Court	Revenue Distribution Court Operations
Linn Smith San Joaquin County	Revenue Distribution Collection Reporting Template Monthly Billing Statements Credit Reports FTB Tax Intercept Program Liens on Property Credit Card Payments Skip Tracing Civil Assessment Telephone Contact EDD Information FTB COD Program Collections Letters Monthly Delinquent Reports Wage Garnishments Probation Dept. Coordination Debit Card Payments
Joyce Blevins Yuba County	Revenue Distribution Collection Reporting Template Monthly Billing Statements Telephone Contact Court Operations Collection Letters Monthly Delinquent Reports Probation Dept. Coordination Discharge of Accountability
Lisa Lam Butte County	

George Savage Mono Superior Court	
Christine Babb San Joaquin County	Property tax auctions/objections/excess proceeds
Cassie Platner Sacramento Superior Court	Revenue Distribution
Kelsey Hostetter Plumas County	Monthly Billing Statements FTB Tax Intercept Program Skip Tracing Civil Assessment FTB COD Program Collection letters Monthly Delinquent Reports

## Southern Region

<b>Subject Matter Expert</b>	<b>Area(s) of Expertise</b>
Peggy Spencer Riverside Superior Court	Collection Reporting Template FTB Tax Intercept Program Fee Waivers Telephone Contact FTB COD Program Performance Standards Collection Letters Monthly Delinquent Reports Collection MOUs
Tapuwa Makombe Riverside Superior Court	Credit Reports Liens on Property Credit Card Payments Skip Tracing Civil Assessment EDD Information Wage Garnishments Debit Card Payments

Marita Ford Riverside Superior Court	Revenue distribution Cost Recovery Court Operations
Rocky Cline San Bernardino County	All excluding Fee Waivers, Revenue Distribution and Reporting
Sherry Thompson San Bernardino County	Revenue Distribution
Debbie Soo Hoo Los Angeles Superior Court	Revenue Distribution
Michael Gatiglio Los Angeles Superior Court	Collections
Richard Cabral Ventura Superior Court	Collection Reporting Template Monthly Billing Statements Credit Reports FTB Tax Intercept Program Skip Tracing Civil Assessment Fee Waivers Telephone Contact FTB COD Program Performance Standards Collection Letters Monthly Delinquent Reports Probation Dept Coordination Contracting with Private Debt Collectors Discharge of Accountability
Joy Bowman San Luis Obispo Probation	Revenue Distribution Probation Dept. Coordination
Lee Hilbert San Diego County	Liens on Property



Donna Tiangco San Diego County	Revenue Distribution Collection Reporting Template Telephone Contact Cost Recovery
Lanena Gonzalez Riverside Superior Court	Collection Reporting Template FTB Tax Intercept
Robert Sherman Ventura Superior Court	Cost Recovery Court Operations Contracting with Private Debt Collectors Collection MOUs
Tessie Bigornia Ventura Superior Court	Revenue Distribution
Juan Jaquez Ventura Superior Court	Credit Reports Credit Card Payments Skip Tracing Civil Assessment Telephone Contact Collection Letters
Phyllis Taylor Ventura Superior Court	Revenue Distribution Cost Recovery Contracting with Private Debt Collectors Collection MOUs



# Collaborative Court-County Working Group on Enhanced Collections Report

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EDUCATION AND TRAINING  
SUBCOMITTEE

TAB H

**REPORT OF THE EDUCATION AND TRAINING SUBCOMMITTEE**  
**of the Collaborative Court-County Working Group on Enhanced Collections**  
**June 22, 2006**

Members: Hon. Douglas P. Miller, Co-Chair, California Court of Appeals 4th District  
Inga E. McElyea, Co-Chair, Superior Court of Riverside County  
Carl Cline, County of San Bernardino  
Marita Ford, Superior Court of Riverside County  
Laura Hill, Victim Compensation and Government Claims Board  
Kim Kampling, Superior Court of Fresno County  
Sheran Morton, Superior Court of Fresno County  
Peggy Spencer, Superior Court of Riverside County

Lead Staff: Rod Cathcart, Administrative Office of the Courts  
Claudia Fernandes, Administrative Office of the Courts

Staff: Steven Chang, Administrative Office of the Courts  
Maggie Cimino, Administrative Office of the Courts  
Colin Simpson, Administrative Office of the Courts

### Goals

The Education and Training Subcommittee has the following approved goals:

- Using the requests created by the working group's subcommittees, create educational options to support implementation; and
- Recommend delivery options for education, including stand-alone classes, distance education, and inclusion in existing AOC Education Division programs.

### Background Information

The Education and Training Subcommittee has received three requests for education and training on the topics listed below from other subcommittees of the Collaborative Court-County Working Group on Enhanced Collections. They are as follows:

1. Sentencing Fines and Fees Assistant Access Database;
2. Court-County Collections Reporting Template; and
3. *Guidelines and Standards for Cost Recovery* and Indirect Cost Rate Proposals for courts

The Education and Training Subcommittee developed recommendations for each request. The following is a description of each request and the subcommittee's recommendations.

#### 1. Sentencing Fines and Fees Assistant Access Database

This computer-based program provides judicial officers with electronic access to both mandatory and discretionary fine, fee, and penalty assessment data for infractions, misdemeanors, and felony violations across multiple code sections. Additionally, it performs fine, jail, and community-service conversion calculations. This program is also helpful to all law and justice agencies and administrative collection divisions in each county.

Because this product is believed to be extremely beneficial to the courts and counties, it was recommended, and approved, by the working group that education committees that deal with education of judicial officers and staff who are involved in criminal and traffic sentencing include the Sentencing Fines and Fees Assistant Access database in the curriculum and include it as appropriate in live and distance education opportunities

It was recognized at the outset of this project that the two primary branch audiences, judicial officers and court administration/staff, have very different educational needs. There is also an external audience consisting of county law and justice agencies, including district attorneys, probation, and public defenders. Multiple delivery options and specific content will need to be identified to meet the needs of each audience.

Within the branch, four subgroups were identified: presiding judges and court executive officers, judicial officers with criminal and minor-offense assignments, courtroom personnel in criminal and minor-offense proceedings, and court personnel responsible for administrative data entry. Each of these audiences has an education committee that determines content and delivery of education to that group, and the committees report to the Center for Judicial Education and Research (CJER) Governing Committee.

Other external audiences are discussed later in the document.

#### **Audience: Presiding Judges and Court Executive Officers**

##### *Education Content:*

- Basic understanding of the Sentencing Fines and Fees Assistant Access Database and its application locally;

- Knowledge of available training programs and related resources for bench officers and court personnel; and
- Tips and strategies for effective use of the tool

*Education Committee/Delivery Plans:*

Presiding Judges and Court Executives Education Committee. This content will be included in course designs as determined by the education committee. Programs that are supported by this committee include regional PJ/CEO meetings and the PJ orientation and court management program.

*Other Delivery Options:*

- Include in *Court Administration Resource Manual* and appropriate reference tools on Serranus; and
- On-the-job, just-in-time training will be provided by the Enhanced Collections Unit of the Administrative Office of the Courts (AOC).

**Audience: Judicial Officers in Criminal and Minor-Offense Proceedings**

*Education Content:*

- Basic understanding of the Sentencing Fines and Fees Assistant Access Database and its application locally;
- Various methods for effectively using the database;
- Comparing mandatory and discretionary imposition of fines using the database as the calculation tool; and
- Local processes and procedures related to use of the database

*Education Committees/Delivery Plans:*

Criminal Law Education Committee, Rural Courts Education Committee, New Judge Education Committee, Continuing Judicial Studies Education Committee, and Judicial Technology Education Committee. This content will be included in course designs as determined by the education committees. Programs that are supported by these committees include the Cow County Judges Institute, Criminal Law Institute, B. E. Witkin Judicial College of California, Continuing Judicial Studies Program, New Judge Orientation, and the Traffic Adjudication Workshop.

*Other Delivery Options:*

- Lesson plans for these courses are being developed by Judge William Pangman (Superior Court of Sierra County), Betty Rayford (Superior Court of Riverside County), Eddie Davis (AOC), and Claudia Fernandes (AOC).
- A stand-alone course providing hands-on education using the Access database will be developed and offered by the Technology Education Committee.
- A “Train the Trainer” (TTT) course will be developed so that, upon completion of the course, participants will be available to provide education locally.
- On-the-job, just-in-time training and troubleshooting will be provided by the AOC’s Enhanced Collections Unit.

**Audience: Courtroom Personnel in Criminal and Minor-Offense Proceedings**

*Education Content:*

- Basic understanding of the Sentencing Fines and Fees Assistant Access Database;
- Local contact for administrative input into the database; and
- Local processes and procedures related to use of the database.

*Education Committee/Delivery Plans:*

Court Personnel Education Committee. This content will be included in course designs as determined by the education committee. Programs that are supported by this committee include the Court Clerk Training Institute, regional education for court staff, and monthly AOC broadcast training for court staff. Regional training on traffic processing in March and April 2006 incorporated an overview of the database. A segment on the Sentencing Fines and Fees Assistant will be integrated into criminal curriculum in courses in November and December 2006.

*Other Delivery Options:*

The content is currently being delivered to court personnel at regional one-day trainings in both the criminal and traffic subject areas. Lesson plans were completed by Naomi Gaines, Betty Rayford, and Brenda Lussier (all of the Superior Court of Riverside County).

- Job aids are being developed to support local training
- On-the-job, just-in-time training and troubleshooting will be provided by the AOC’s Enhanced Collections Unit.

**Audience: Court Personnel Responsible for Entering Local Administrative Information into Access Database**

*Education Content:*

- Basic understanding of the Sentencing Fines and Fees Assistant Access Database;
- Basic understanding of the Sentencing Fines and Fees Assistant Access Database “Admin tasks” functions;
- Tasks related to database entries for county-specific violations and assessments; and
- Local processes and procedures related to the use of the database, including local support for administrative functions

*Education Committee/Delivery Plans:*

Court Personnel Education Committee. This content will be included in course designs as determined by the education committee. Programs that are supported by this committee include the Court Clerk Training Institute, regional education for court staff, and monthly AOC broadcast training for court staff.

*Other Delivery Options:*

Lesson plans are being developed by Khin Chin and Colin Simpson (AOC) and Marion Higgins, Brenda Lussier, and Anita Sims (all of the Superior Court of Riverside County).

A viewlet (job aid) will be created by Eddie Davis (AOC), providing an automated overview of the Access database. It will be available on Comet and Serranus for all audiences.

- It is recommended that two face-to-face workshops be held in northern and southern California.
- On-the-job, just-in-time training and troubleshooting will be provided by the AOC Enhanced Collections Unit.

**External Audience: County Law and Justice Agencies**

*Educational Content:*

- Basic understanding of the Sentencing Fines and Fees Assistant Access Database; and

- Local court and county procedures and practices

*Education Committee/Delivery Plans:*

No AOC education committee is involved in this audience's education. County departments will receive education regarding the Sentencing Fines and Fees Assistant Access Database through the California State Association of Counties (CSAC), as provided by Jessica Sanora of the AOC Enhanced Collections Unit. Other forums will provide the database information to deputy district attorneys, deputy probation officers, and other interested justice partners.

*Other Delivery Options:*

No additional AOC-sponsored education is recommended at this time. Individual courts are encouraged to provide education and information at a local level. This will enhance effective working relationships with justice partners.

## 2. Court-County Collections Reporting Template and Glossary

It is legislatively mandated that courts and counties submit year-end reports on their progress in implementing and improving collection programs. To this end, a reporting template was created that details specific caseload and value information by collection program as well as describes the collection program and qualifying criteria for a comprehensive collection program consistent with Penal Code section 1463.007.

### **Audience: Court Personnel With Collection Assignments**

*Education Content:*

- Basic understanding of the Reporting Template;
- Effective use of the Reporting Template and glossary; and
- Local court and county procedures and practices affected by the use of the Reporting Template

*Education Committee/Delivery Plans:*

Workshops for courts and counties were held throughout the state in 2004; detailed information was provided for effective use of the template.

The Education and Training Subcommittee collaborated with the Reporting Subcommittee to revise and finalize the Reporting Template and glossary. Recommended delivery methods for instruction on this template are Webcasts and job aids developed through resources at the AOC.



*Other Delivery Options:*

In addition to the online delivery recommendations, on-the-job, just-in-time training will be provided by the AOC Enhanced Collections Unit.

**External Audience: County Personnel with Collections Assignments**

*Educational Content:*

- Basic understanding of the Reporting Template and glossary
- Local court and county procedures and practices affected by the use of the Reporting Template and glossary

*Education Committee/Delivery Plans:*

No AOC education committee is involved in this audience's education.

*Other Delivery Options:*

This will be the responsibility of the counties and an opportunity for local courts and counties to partner in the areas in which they share an interest.

**3. Standards and Guidelines for Cost Recovery and Indirect-Cost Rate Proposals for Courts**

Courts and counties can recover costs of collection if they have a comprehensive collection program.

**Audience: Court Personnel with Assignments Related to Collections and Cost Recovery**

*Education Content:*

- Basic understanding of the *Standards and Guidelines for Cost Recovery* and indirect-cost rate proposals;
- Application of the standards and guidelines locally; and
- Local court and county procedures and practices affected by the standards and guidelines and Indirect-cost rate proposals for Courts

*Education Committee/Delivery Plans:*

Cost Recovery Workshops were scheduled at the regional offices of the Administrative Office of the Courts (Burbank, Sacramento, and San Francisco) to provide the *Standards and Guidelines for Cost Recovery*, the template for cost recovery, and information on indirect-cost rate for courts.

The workshop, designed for both court and county representatives provided them with detailed information regarding cost recovery for comprehensive collection programs. The workshops covered requirements for compliance with Penal Codes sections 1463.007 and 1463.010, eligible and noneligible costs from collections, and the State Controller's and Administrative Office of the Courts' audit standards for cost recovery.

Faculty from the courts, counties, the Administrative Office of the Courts, and the State Controller have participated in the design and development of these workshops. A total of four workshops were held in May and June 2006.

*Other Delivery Options:*

- The *Standards and Guidelines for Cost Recovery* and Indirect-Cost Rate proposals will be posted on appropriate Judicial Branch Web sites.
- On-the-job, just-in-time training will be provided by the AOC Enhanced Collections Unit.

**External Audience: County Personnel With Assignments Related to Collections and Cost Recovery**

*Educational Content:*

- Basic understanding of the *Standards and Guidelines for Cost Recovery* and indirect cost rate proposals
- Local court and county procedures and practices affected by *the Standards and Guidelines for Cost Recovery* and *Indirect Cost Rate Proposals for Courts*

*Education Committee/Delivery Plans:*

No AOC education committee is involved in this audience's education.

*Other Delivery Plans:*

This will be the responsibility of the counties and an opportunity for local courts and counties to partner in the areas in which they share an interest. It is strongly recommended that the counties and AOC continue outreach efforts with each other to take full advantage of the benefits of combined education on this subject matter and all related aspects of enhanced collections education.

**Recommendations/ Action Items**

The Education and Training Subcommittee recommends the following:

1. Approve the education content and delivery options for the Sentencing Fines and Fees Assistant Access Database , the Court-County Collections Reporting Template, and glossary (as outlined above) be forwarded to the AOC Education Division, the AOC Enhanced Collections Unit, and the AOC Finance Division for use by the education committees; and the development of curricula for each audience and, when applicable, incorporation into existing or new education programs;
2. AOC Enhanced Collection Unit to continue to explore and expand educational programs on all aspects of enhanced collection for the counties, courts, and other interested agencies.



# Collaborative Court-County Working Group on Enhanced Collections Report

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STATEWIDE REQUEST FOR PROPOSALS  
SUBCOMMITTEE

TAB I

**REPORT OF THE STATEWIDE REQUEST FOR PROPOSALS SUBCOMMITTEE**  
**of the Collaborative Court-County Working Group on Enhanced Collections**  
**June 22, 2006**

Members: Christine M. Hansen, Chair, Director of Finance, Administrative  
Office of the Courts  
Robert Bradley, Superior Court of San Diego County  
Elizabeth Howard, California State Association of Counties  
Renee Gibson, Franchise Tax Board  
Rubin Lopez, California State Association of Counties  
Sherman Moore, Superior Court of Sacramento County  
Fred Plane, County of Kern  
Robert Sherman, Superior Court of Ventura County  
Kiri S. Torre, Superior Court of Santa Clara County

AOC Staff: Grant Walker, Lead Staff, Business Services Unit  
John Judnick, Internal Audit Unit

### Objectives of Report

The Statewide Request for Proposals Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections was charged with developing a statewide request for proposals (RFP) for outsourcing the collection of court-ordered debt as well as hard-to-collect cases that are about to be discharged. As part of that charge, the subcommittee is to periodically submit a report that provides an update on the status of the RFP and contracting processes and identifies any issues that have arisen since the last report, as well as offers recommendations. This is the first such report.

### Background and Discussion

1. The RFP was posted on April 30, 2004, on the California Courts Web site at [www.courtinfo.ca.gov/reference/rfp/cscscod.htm](http://www.courtinfo.ca.gov/reference/rfp/cscscod.htm).
2. Proposals were received on July 27, 2004.
3. Of the 12 proposals received, master agreements with the following three firms were executed on or about January 1, 2005, for the general collection of court-ordered debt:
  - a. Access Capital Services, Inc.
  - b. AllianceOne Receivables Management, Inc.
  - c. GC Services Limited Partnership

Master agreements were executed on or about January 1, 2005, for services related to the hard-to-collect court-ordered debt (i.e., debt where efforts to collect have been expended but the debt has been discharged or is about to be discharged) with the three firms noted above and with Gila Corporation (d/b/a Municipal Services Bureau).

## Findings

Over the last 18 months, Administrative Office of the Courts (AOC) staff have assisted courts in: renegotiating current contracts with the selected firms, negotiating new contracts under the master agreements, or interpreting pricing and other provisions of the master agreements.

Thirty-three courts or counties either have new or revised agreements, or are in negotiations, with one of the four selected firms.

For many courts, the process of selecting a vendor has been slow due to their need to educate staff or management on best practices regarding the collection of court-ordered debt, to modify court operations to implement best practices within the confines of court resources and processes and existing county agreements, to determine which collection firm best meets their requirements and needs, and to then specify the court-specific requirement for the resulting contract.

## Recommendations

The Statewide Request for Proposals Subcommittee recommends that staff of the Administrative Office of the Courts continue to assist courts and counties in:

1. interpretation of the master agreement pricing and other terms and conditions;
2. presentations of capabilities and experience by the selected firms; and
3. discussions of court- or county-specific requirements.

For information about the RFP or to request a copy of the RFP, please contact Grant Walker at [grant.walker@jud.ca.gov](mailto:grant.walker@jud.ca.gov) or visit the California Courts Web site at [www.courtinfo.ca.gov/reference/rfp/cscscod.htm](http://www.courtinfo.ca.gov/reference/rfp/cscscod.htm).



# Collaborative Court-County Working Group on Enhanced Collections Report

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LEGISLATION SUBCOMMITTEE

TAB J

**REPORT OF LEGISLATION SUBCOMMITTEE**  
**of the Collaborative Court-County Working Group on Enhanced Collections**  
**June 22, 2006**

Members: Jennifer Shaffer, Chair, California Department of Corrections  
Fred Acosta, Superior Court of Orange County  
Vanessa Balinton-White, Superior Court of Contra Costa County  
Robert Bradley, Superior Court of San Diego County  
Lynn Branch, Superior Court of Orange County  
Carl Cline, County of San Bernardino  
Doug Estes, Stanislaus County Office of Revenue Recovery  
Hon. Mary Fuller, Superior Court of San Bernardino County  
Mary Lawrence, Franchise Tax Board  
Steve Nelson, Superior Court of Orange County  
Robert Sherman, Superior Court of Ventura County  
Sandra Silva, Superior Court of Fresno County  
Linn Smith, San Joaquin County Office of Revenue Recovery  
Ray Tickner, Superior Court of Shasta County  
Mark Willman, Superior Court of Los Angeles County

AOC Staff: Eraina Ortega, Lead Staff, Office of Governmental Affairs  
Michael Fischer, Office of the General Counsel  
Ruben Gomez, Finance Division

#### Proposed Goals

The Legislation Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections is charged with the following:

- Review previously suggested legislation that was put on hold and determine whether the proposals should be pursued at this time;
- Track the work of other subcommittees for necessary legislative changes; and
- Review and make recommendations regarding the collection proposal from the California Court Clerks Association.

#### Status Report

The following proposals were reviewed by the Legislation Subcommittee. The subcommittee will develop recommendations for legislative proposals on some of these issues and submit them for the working group's consideration.



Report of the Legislation Subcommittee  
June 22, 2006

- Expand Penal Code section 1463.007 to include non-delinquent accounts.
- Suspend business and professional licenses of those owing court-ordered debt;
- Suspend driver's licenses of those with delinquent accounts involving non-Vehicle Code violations;
- Require the Department of Motor Vehicles to provide social security numbers for collection activities;
- Charge interest on delinquent fines;
- Round the total criminal fine due;
- Allow wage attachments by notice rather than writ;
- Expand civil assessments to all offenses;
- Apply Penal Code section 1463.007 to public defender fees, booking fees, etc.;
- Increase indigent defense registration fee;
- Pass Franchise Tax Board administrative fees to defendants; and
- Authorize \$15 automated warrant fee on municipal code violations.

Recommendations/ Action Items

The Legislation Subcommittee, based on approval of the working group, made recommendations to the Judicial Council through the Policy Coordination and Liaison Committee, chaired by Justice Marvin Baxter.

Attachment: Policy Coordination and Liaison Committee report, *Enhanced Collection of Court-Ordered Fines and Penalties (Pen. Code, § 1463.010)*, to the Judicial Council

**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Policy Coordination and Liaison Committee  
Hon. Marvin R. Baxter, Chair  
Collaborative Court-County Working Group on Enhanced Collections  
Eraina Ortega, Manager, Office of Governmental Affairs,  
[eraina.ortega@jud.ca.gov](mailto:eraina.ortega@jud.ca.gov)

DATE: October 26, 2005

SUBJECT: Enhanced Collection of Court-Ordered Fines and Penalties (Pen. Code, § 1463.010) (Action Required)

**Issue Statement**

In 2003, Chief Justice Ronald M. George appointed representatives of courts, counties, and state agencies to the Collaborative Court-County Working Group on Enhanced Collections (“working group”). For two years, the working group has reviewed nearly all aspects of collection programs and made several recommendations for improving enforcement of court-ordered fines and penalties and respect for the rule of law. This report makes recommendations for legislative proposals that would further improve collection efforts across the state and would instigate a complete review of the criminal fine structure

**Recommendation**

The Policy Coordination and Liaison Committee and the Collaborative Court-County Working Group on Enhanced Collections recommend that the Judicial Council sponsor legislation to:

1. Establish a task force on criminal court-ordered debt to (a) develop recommendations for simplifying California’s criminal court-ordered debt assessment, collection, and distribution system and (b) address issues such as priority of

payments, cost recovery practices pursuant to Penal Code section 1463.007, and the expansion of comprehensive collection programs;

2. Reduce the minimum fine required by the Franchise Tax Board (FTB) Court-Ordered Debt Collection Program from \$250 to \$100;
3. Expand the FTB Court-Ordered Debt Collection Program to include collections for registration, pedestrian, and bicycle violations;
4. Allow a bail forfeiture process for courts to accept timely payments through a clerical process, in place of the current requirement that a defendant go to court and plead guilty in order to set up installment payments; and
5. Expand the use of enhanced collection programs, as defined in Penal Code section 1463.007, to allow the programs to collect public defender fees, booking fees, and other criminal justice–related fees.

The text of the proposed legislation is attached at pages 4–6.

#### Rationale for Recommendation

##### *1. Creation of task force on criminal court-ordered fines and penalties*

The criminal fine structure has been made so complicated by add-ons, surcharges, and penalty assessments that an offense with a \$100 base fine can result in an actual fine owed of nearly \$400. This often leaves the public confused and places judges and courtroom staff in the difficult position of calculating elaborate fines and explaining this often convoluted system to the public. A legislatively created task force on criminal court ordered fines and penalties could recommend ways to simplify California’s criminal assessment, collection, and distribution system and could address issues such as priority of payments, cost recovery practices under Penal Code section 1463.007, and the expansion of comprehensive collection programs.

##### *2. Reduction of minimum fine required by the FTB Court-Ordered Debt Collection Program from \$250 to \$100*

A base fine of \$100 can result in a total fine of nearly \$400. Reduction of the minimum fine to be submitted has the potential to substantially increase the amount of debt collected. It is likely that the \$250 minimum was set prior to the dramatic increases in add-ons, penalty assessments, and surcharges of recent years.

This proposal could result in a significant workload increase for FTB’s staff. Before going forward with legislation, staff should consult with FTB. A potential remedy for this workload problem would be to make the submission of delinquent accounts at the

lower amount permissive, only to the extent that FTB authorizes the court or county to submit the additional accounts.

*3. Expansion of FTB Court-Ordered Debt Collection Program to include collections for registration, pedestrian, and bicycle violations*

The FTB Court-Ordered Debt Collection Program has proven to be one of the most effective ways for courts and counties to recover debt. Currently, submission to FTB of fines for certain municipal code offenses is prohibited even if the fines are delinquent. If court and county collection programs were allowed to submit their delinquent court ordered debt to FTB regardless of type of violation, administrative efficiency and increased revenue would result.

This proposal could result in a significant workload increase for FTB's staff. Before going forward with legislation, staff should consult with FTB. This legislation could be drafted to allow the expanded use of the program contingent on FTB's ability to process the caseload.

*4. Bail forfeiture process for timely payments*

Under current law, once a court-ordered fine becomes delinquent, the bail amount is considered forfeited and the defendant can set up installment payments with the clerk. If a defendant wants to pay a fine in installments but the fine is not delinquent, the defendant must go to court and plead guilty before setting up the installment account with the clerk. This process is not efficient for defendants who pay on time. A bail forfeiture process for timely payments would allow defendants to set up installment payment accounts without first going before the court.

*5. Penal Code section 1463.007 broadened to apply to public defender fees, booking fees, and other criminal justice-related fees*

Penal Code section 1463.007 defines the elements of an enhanced collection program and sets the parameters for deducting the costs of collections prior to the distribution of the collected amounts. The section applies to all fees, fines, forfeitures, penalties, and assessments. The working group recommends legislation that broadens section 1463.007 to also apply to public defender fees and jail booking fees. This will allow for the efficient collection of all criminal justice related delinquent accounts.

Alternative Actions Considered

Not applicable.

Comments From Interested Parties

Not applicable.

Implementation Requirements and Costs

The cost of establishing a task force to undertake a complete review of the criminal fine structure might be significant. If the Judicial Council approves this proposal, AOC staff should work with affected entities to share this cost. Proposals 2 through 5 should not result in additional costs because the costs of collections can be offset against the collected fees and fines to the extent that courts and counties operate comprehensive collection programs.

Attachment

Penal Code section 1463.010 would be amended as follows:

**§ 1463.010 1**

The uniform imposition and enforcement of court-ordered debts is recognized as an important element of California's judicial system. The enforcement of court orders is recognized as an important element of collections efforts. The Prompt, efficient, and effective imposition and collection of court-ordered fees, fines, forfeitures, penalties, 5 restitution, and assessments ensure the appropriate respect for court orders. To provide for this prompt, efficient, and effective collection: 7

(a) The Judicial Council shall establish a task force to evaluate criminal court-ordered debts imposed against adult and juvenile offenders. The task force shall comprise the following members:

1. Four members appointed by the California State Association of Counties
2. Four members appointed by the League of California Cities
3. Two court executives, two judges, and two Administrative Office of the Courts employees appointed by the Judicial Council
4. One member appointed by the State Controller
5. One member appointed by the Franchise Tax Board
6. One member appointed by the Victim Compensation and Government Claims Board
7. One member appointed by the Department of Corrections and Rehabilitation
8. One member appointed by the State Treasurer
9. One member appointed by the Department of Finance

The Judicial Council shall designate a chairperson for the task force. The task force shall, among other activities: identify all court-ordered fees, fines, forfeitures penalties, and assessments imposed under law; identify the distribution of revenue derived from those debts; consult with state and local entities that would be affected by a simplification and consolidation of criminal court-ordered debts; and evaluate and make recommendations to the Judicial Council for consolidating and simplifying the imposition of criminal court-ordered debts and the distribution of the revenue derived from them. The task force also shall evaluate and make recommendations to the Judicial Council regarding the priority in which court ordered debts should be satisfied and the use of comprehensive collection programs authorized pursuant to section 1463.0007, including associated cost recovery

practices.

~~(a)~~(b) The Judicial Council shall adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order after considering the recommendations of the collaborative court-county working group established pursuant to subdivision (b). As part of its guidelines, the Judicial Council may establish standard agreements for entities to provide collection services. As part of its guidelines, the Judicial Council shall include provisions that promote competition by and between entities in providing collection services to courts and counties. The Judicial Council may delegate to the Administrative Director of the Courts the implementation of the 1 aspects of this program to be carried out at the state level.

~~(b)~~(c) The Judicial Council shall establish a collaborative court-county working group on collections. The California State Association of Counties shall appoint eight members of the working group. The Judicial Council shall appoint four court executives, two judges, and two employees of the Administrative Office of the Courts as members of the working group and shall designate a chair of the working group. The working group shall, among other activities, survey courts and counties regarding current collection efforts and evaluate a variety of methods to enhance future collections—including, but not limited to, referring accounts to private agencies for collection, develop a strategy for court and county cooperation in collection plan discussions, consult with groups other than courts and counties that are affected by collection programs, and evaluate and make recommendations to the Judicial Council concerning current and future collection methods.

~~(c)~~(d) The courts and counties shall maintain the collection program which that was in place on January 1, 1996, unless otherwise agreed to by the court and county. The program may be wholly or partially be staffed and operated within the court itself may be wholly or partially staffed and operated by the county, or may be wholly or partially contracted with a third party. In carrying out this collection program, each superior court and county shall develop a cooperative plan to implement the Judicial Council guidelines. In the event that a court and a county are unwilling or unable to enter into a cooperative plan pursuant to this section, the court or the county may request the continuation of negotiations with mediation assistance as mutually agreed upon and provided by the Administrative Director of the Courts and the California State Association of Counties.

~~(d)~~(e) Each superior court and county shall jointly report to the Judicial Council, as provided by the Judicial Council and not more than once a year, on the effectiveness of the cooperative superior court and county collection program. The Judicial Council shall report to the Legislature, as appropriate, on the effectiveness of the program.

~~(e)~~(f) The Judicial Council may, when the efficiency and effectiveness of the collection process may be improved, facilitate a joint collection program between superior courts, between counties, or between superior courts and counties.

~~(f)~~(g) The Judicial Council may establish, by court rule, a program providing for the

suspension and nonrenewal of a business and professional license if the holder of the license has unpaid fees, fines, forfeitures, penalties, and assessments imposed upon them under a court order. The Judicial Council may provide that some or all of the superior courts or counties participate in the program. Any program established by the Judicial Council shall ensure that the licensee receives adequate and appropriate notice of the proposed suspension or nonrenewal of his or her license and has an opportunity to contest the suspension or nonrenewal. The opportunity to contest may not require a court hearing.

~~(g)~~(h) Notwithstanding any other provision of law, the Judicial Council, after 1 consultation with the Franchise Tax Board with respect to collections under Section 19280 of the Revenue and Taxation Code, may provide for an amnesty program involving the collection of outstanding fees, fines, forfeitures, penalties, and assessments, applicable either statewide or within one or more counties. The amnesty program shall provide that some or all of the interest or collections costs imposed on outstanding fees, fines, forfeitures, penalties, and assessments may be waived if the remaining amounts due are paid within the amnesty period