Judicial Council–Approved Collections Best Practices

Penal Code section 1463.010 as amended by Assembly Bill 367 (Stats. 2007, ch.132) requires the Judicial Council to report the extent to which each court or county is following best practices for its collection program.

The collection programs are encouraged to use the following best practices. Additional information regarding best practices, including guidelines and standards, can be obtained on the external collections Web site: *http://www2.courtinfo.ca.gov/collections*; or by contacting staff of the Funds and Revenues Unit at collections@jud.ca.gov.

1. Develop a plan and put the plan in a written Memorandum of Understanding (MOU) that implements or enhances a program in which the court and county collaborate to collect court-ordered debt and other monies owed to a court under a court order.

2. Establish and maintain a cooperative superior court and county collection committee responsible for compliance, reporting, and internal enhancements of the joint collection program.

3. Meet the components of a comprehensive collection program as required under Penal Code section 1463.007 in order that the costs of operating the program can be recovered.

4. Complete all data components in the Collections Reporting Template.

5. Reconcile amounts placed in collection to the supporting case management and/or accounting systems.

6. Retain the joint court/county collection reports and supporting documents for at least three years.

7. Take appropriate steps to collect court-ordered debt locally before referring it to the Franchise Tax Board for collection.

8. Participate in the Franchise Tax Board Court-Ordered Debt (COD) collection program.

9. Participate in the Franchise Tax Board Interagency Intercept Collections (IIC) program.

10. Establish a process for handling the discharge of accountability for uncollectible court-ordered debt.

11. Participate in any program that authorizes the Department of Motor Vehicles to suspend or refuse to renew driver's licenses for individuals with unpaid fees, fines, or penalties.[1]

[1] Assembly Bill 103 (Stats. 2017, ch. 17) was chaptered June 27, 2017, and limited collections program driver's license suspension or hold actions to only failures to appear in court.

12. Conduct trials by written declaration under Vehicle Code section 40903 and, as appropriate in the context of such trials, impose a civil assessment.

13. Implement a civil assessment program and follow the Criteria for a Successful Civil Assessment Program. (*http://www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-Program.pdf*)[2]

14. Evaluate the effectiveness and efficiency of external collection agencies or companies to which court-ordered debt is referred for collection.

15. Accept payments via credit and debit card.

16. Accept payments via the Internet.

17. Include in a collection program all court-ordered debt and monies owed to the court under a court order.

18. Include financial screening to assess each individual's ability to pay prior to processing installment payment plans and account receivables.

19. Charge fees as authorized by Penal Code section 1202.4(l).

20. Charge fees as authorized by Penal Code section 1205(e).

21. Use restitution rebate, as authorized by Government Code section 13963(f), to further efforts for the collection of funds owed to the Restitution Fund.

22. Participate in the statewide master agreement for collection services or renegotiate existing contracts, where feasible, to ensure appropriate levels of services are provided at an economical cost.

23. Require private vendors to remit the gross amount collected as agreed and submit invoices for commission fees to the court or county on a monthly basis.

24. Use collection terminology (as established in the glossary, instructions, or other documents approved for use by courts and counties) for the development or enhancement of a collection program.

25. Require private vendors to complete the components of the Collections Reporting Template that corresponds to their collection programs.

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[2] *Ibid*.