

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

SP12-03

Title	Action Requested
Revisions to Collections Reporting Template and Cost Recovery Guidelines and Standards	Review and Submit Comments by April 27, 2012
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Pen. Code, §1463.007 (SB 857)	1. Guidelines and Standards: July 1, 2012 2. Template: FY 2012–2013
Proposed by	Contact
Enhanced Collections Unit	Margie Borjon-Miller Enhanced Collections Unit, Finance Division, Administrative Office of the Courts 818-558-3055, collections@jud.ca.gov

Summary

The Enhanced Collections Unit of the Administrative Office of the Courts (AOC) Finance Division seeks public comment on the revision of two documents used by court and county collection programs: (1) the Cost Recovery Guidelines and Standards, and (2) the Collections Reporting Template. The revised documents will be presented to the Judicial Council for approval in June 2012.

Effective July 1, 2012, Penal Code section 1463.007 under Senate Bill 857 (Stats. 2010, ch. 720), modifies the standards under which a court or county may recover the costs of operating a comprehensive collection program. Collection costs (with the exception of capital expenditures) may now be recovered from the collection of delinquent court-ordered fines, fees, forfeitures, penalties, and assessments imposed in infraction, misdemeanor, and felony cases before revenues are distributed to any other government entity.

Discussion

The Collections Reporting Template and the Cost Recovery Guidelines and Standards used by statewide comprehensive collection programs must be revised to conform to recent amendments of Penal Code section 1463.007. The AOC Enhanced Collections Unit and the Collections Informal Working Group, which consists of court and county subject matter experts, propose to revise the two collection documents as detailed below.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Proposed revisions: Cost Recovery Guidelines and Standards

The Cost Recovery Guidelines and Standards, adopted in 2006, have been revised in accordance with the amended Penal Code section 1463.007 and are proposed effective July 1, 2012.

Proposed revisions: Collections Reporting Template

Statewide court and county collections programs use the Collections Reporting Template to report their annual collections information to the Judicial Council on or before every September 1, as required under Penal Code section 1463.010. The revisions to the template required under Penal Code section 1463.007 are proposed to take effect beginning with fiscal year 2012–2013, which provides sufficient time for implementation, and will affect the following template areas:

Instructions and Glossary

Instructions and definitions have been revised to conform to the statutory amendments. (The tabs for Instructions and Glossary in the workbook section were reformatted from Microsoft Excel to Microsoft Word.)

Contact and Other Information

- The list of collections components was reorganized to reflect amendments to Penal Code section 1463.007.
- A new column was added for entry of Intra-branch Program components met by courts or counties that perform collections for other courts or counties.
- Several questions were deleted that recorded information now captured elsewhere in the reporting template.
- New questions 13–18 capture program information.

Program Report

- The top section requests information about new program practices and improvements to collections efforts by the court or county.
- The bottom section provides an opportunity for the court or county to list training needs and specify where it may need technical assistance to enhance its collections programs.

Annual Financial Report

- Column D, Transfers, was deleted, with the information now captured in Column C.
- Column G, Adjustments, has changed to Discharge from Accountability and captures information mandated by amendments to Government Code sections 25257–25259.95.
- Row 8, Contract/Hard to Collect, has been changed to Intra-branch Program and will capture information on services provided by one court or county to another.
- A column added to the Victim Restitution section resulted in shifting of the entry for Adjustments from column Q to column R.
- The Quality Criteria components have been updated to accommodate the other changes to the Collections Reporting Template.

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Comments Sought

The AOC Enhanced Collections Unit seeks specific comments on the two revised documents from judges, court and county executive officers and collections staff, the Franchise Tax Board, the California State Association of Counties, justice partners, and private collection vendors. Submissions of comments in multiple entries as completed are welcome. To participate, send comments by e-mail to collections@jud.ca.gov.

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