



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2013

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Title	Agenda Item Type
Juvenile Law and Criminal Law: Order for Restitution and Abstract of Judgment	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms CR-110/JV-790 and CR-112/JV-792; approve forms CR-111/JV-791 and CR-113/JV-793	January 1, 2014
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	October 1, 2013
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Kimberly J. Nystrom-Geist, Cochair	Melissa Ardaiz, Attorney
	916-643-8002
	<a href="mailto:melissa.ardaiz@jud.ca.gov">melissa.ardaiz@jud.ca.gov</a>
Criminal Law Advisory Committee	
Hon. Tricia Ann Bigelow, Chair	

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### Executive Summary

The Family and Juvenile Law Advisory Committee and the Criminal Law Advisory Committee recommend revising two forms and approving two forms to improve court efficiency and reflect the way the forms are actually used. Current form CR-110/JV-790 contains both an order for restitution and an abstract of judgment. It is appropriate from an overall case management perspective to separate the order for restitution and the abstract of judgment into individual forms. This change also necessitates separating the related information form into individual forms.

## Recommendation

The Family and Juvenile Law Advisory Committee and the Criminal Law Advisory Committee recommend that the Judicial Council, effective January 1, 2014:

1. Split current form CR-110/JV-790 into two separate forms: *Order for Victim Restitution* (form CR-110/JV-790) and *Abstract of Judgment—Restitution* (new optional form CR-111/JV-791);
2. Split current form CR-112/JV-792 into two separate information forms—*Instructions: Order for Victim Restitution* (form CR-112/JV-792) and *Instructions: Abstract of Judgment—Restitution* (new optional form CR-113/JV-793)—and update the instructions to fit the way each form would be used; and
3. Make technical and clarifying changes to the current forms, including updating the form titles, legal citations, numbering, caption boxes, cross-references, and terminology.

The order and abstract of judgment forms would continue to be optional forms for use in criminal and juvenile delinquency proceedings.

Copies of the new and revised forms are attached at pages 7–14.

## Previous Council Action

Effective January 1, 2001, the Judicial Council approved the *Order for Restitution and Abstract of Judgment* (form CR-110/JV-790) as an optional form for use in criminal and juvenile delinquency proceedings. This form was based on *Order for Restitution to Crime Victim* (form CR-110), which had been used exclusively in criminal proceedings since January 1, 1998. Form CR-110/JV-790 added an abstract of judgment to the order for restitution, eliminated the need for an additional restitution hearing to determine the amount of restitution, and provided a vehicle for the juvenile court to order restitution under Welfare and Institutions Code section 730.6. These changes were intended to increase access to justice for victims of both crimes and juvenile offenses. The Judicial Council revised form CR-110/JV-790, effective July 1, 2011.

The Judicial Council approved the *Instructions: Order for Restitution and Abstract of Judgment* (form CR-112/JV-792), effective January 1, 2004. No revisions have been made to this form since it was approved.

## Rationale for Recommendation

This proposal originated from the Court Executives Advisory Committee. A court executive suggested separating *Order for Restitution and Abstract of Judgment* (form CR-110/JV-790) into individual forms to aid case management and court efficiency.

Currently, form CR-110/JV-790 is a two-page form that contains both an order for restitution and an abstract of judgment. The court may use page 1 to enter an order for restitution in a criminal case under Penal Code section 1202.4(f) or in a juvenile case under Welfare and Institutions Code section 730.6(a) and (h). The order is enforceable as a civil judgment under Penal Code section 1214(b) and Welfare and Institutions Code section 730.6(i) and (r). The victim needs page 2, which contains the original abstract of judgment, to record the abstract of judgment with the county recorder.

It makes sense to separate the order for restitution from the abstract of judgment to maintain a more efficient and cohesive case management tracking flow. Reasons supporting this include: (1) the court and the clerk's office need to keep the original, signed order for restitution, page 1 of the current form, while the victim needs the original abstract of judgment, page 2 of the form; (2) the order for restitution and abstract of judgment are often prepared and used at different stages of the case; and (3) the abstract of judgment may have to be filed in multiple counties.

A related information form, *Instructions: Order for Restitution and Abstract of Judgment* (form CR-112/JV-792), describes how to complete form CR-110/JV-790 and record it with the county recorder. Separating form CR-110/JV-790 into individual forms necessitates separating form CR-112/JV-792 into individual forms, one for the order for restitution and one for the abstract of judgment.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

The invitation to comment was circulated from April 19, 2013, through June 19, 2013, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, social workers, probation officers, and other juvenile law professionals.<sup>1</sup> Eight comments were received: five commentators agreed with the proposal; one disagreed with the proposal. Two commentators did not indicate a position.

- Three commentators agreed without including commentary specific to the proposal.
- Three commentators (two who agreed with the proposal and one who did not indicate a position) included commentary that the separation of forms makes sense from a case management and processing perspective, noting that the combined order and abstract were “unwieldy as one form” and “not clerk’s office friendly.” These commentators agreed that the separation of forms helps to avoid confusion caused when the original order remains in the court file while the original abstract goes to the victim for enforcement purposes and when the order and abstract are used at different stages in the case.

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<sup>1</sup> A chart providing the full text of the comments and the committees’ responses is attached at pages 15–17.

- One commentator, a court clerk, disagreed with the proposal and questioned the purpose of having two forms instead of one—whether it would change the outcome or benefit the victims in any way. The purpose of separating form CR-110/JV-790 is to improve court efficiency and case management tracking flow; the substantive content of the forms remains the same and will not affect the outcome of the case. In addition, the proposed revised information forms clarify the court process and should assist the victim in understanding what an order for restitution is; how it can be used in the case; and how to record the abstract of judgment with the county recorder’s office.
- One commentator, a judicial officer, questioned whether the proposed forms were intended to be used to create civilly enforceable restitution orders against a minor and the minor’s parents and/or guardians—orders that would survive a Welfare and Institutions Code section 793(c) dismissal before restitution has been completely paid. If the court has the legal authority to issue a restitution order that survives dismissal of a deferred entry of judgment case, then the committees intend that these forms could be used to create civilly enforceable restitution orders. However, the committees do not have authority to determine the court’s jurisdiction to issue such an order. As currently drafted, these forms do not state whether they apply to deferred entry of judgment cases. Therefore, the committees do not recommend revising the forms in this respect.

The Family and Juvenile Law Advisory Committee and Criminal Law Advisory Committee received no feedback on the questions that were included in the “Request for Specific Comments” box. These questions included:

- How will this proposal impact a victim’s ability to collect restitution?
- Is there a sufficient benefit to having a separate abstract of judgment form specific to criminal and juvenile proceedings, given that the same information is already included in *Abstract of Judgment—Civil and Small Claims* (form EJ-001)?
- Do the “Instruction” forms adequately explain how to use the order and abstract of judgment and the process for filing with the county recorder? Are these instruction forms useful? Is it necessary to have an instruction form specific to both the order and the abstract of judgment?

Given commentators’ support of the proposal and lack of suggested changes, the committees recommend that the Judicial Council approve proposed revised forms CR-110/JV-790 and CR-112/JV-792 and new forms CR-111/JV-791 and CR-113/JV-793, as circulated for public comment.

#### **Alternative actions considered and policy implications**

The committees considered not proposing to separate form CR-110/JV-790 and the related information sheet, form CR-112/JV-792, into individual forms and to leave the forms as they are.

However, this would not address assertions that current form CR-110/JV-790 is cumbersome and not supportive of the way the forms are actually used.

The Family and Juvenile Law Advisory Committee also considered the impact of this proposal on court clerk workload. In separating the order for restitution from the abstract of judgment, form CR-110/JV-790, which is currently a two-page form, would become two, two-page forms due to the addition of a caption and notice box. After public comment, the Family and Juvenile Law Advisory Committee expressed concern about how this proposal would impact court clerk workload given that there would be an increased number of forms and form pages to process and make copies of. The committee requested that the Joint Rules Working Group of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) consider competing concerns of court clerk workload and overall case management and provide further input. The Joint Rules Working Group members unanimously agreed that any impact on court clerk workload due to the increased number of form pages was outweighed by the overall benefit on court efficiency and case management.

No significant substantive changes are included as part of this proposal.

### **Implementation Requirements, Costs, and Operational Impacts**

This proposal is intended to improve case management and court efficiency. However, as stated above, in separating current forms CR-110/JV-790 and CR-112/JV-792 into individual forms, the number of form pages will increase. In implementing the revised forms, courts will incur standard reproduction costs.

Form CR-110/JV-790 is an optional form; as such, courts have flexibility in determining how to use the form. A court can use the optional Judicial Council form or create a local form which has the same or similar content. The following California Rules of Court provide guidance:

- Rule 1.35 (Optional forms):  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=one&linkid=rule1\\_35](http://www.courts.ca.gov/cms/rules/index.cfm?title=one&linkid=rule1_35)
- Rule 10.614 (Local court forms):  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10\\_614](http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_614)

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

Two strategic goals are implicated in this proposal—Goal III, Modernization of Management and Administration, and Goal IV, Quality of Justice and Service to the Public—as follows:

- *Modernization of Management and Administration:* The proposed separation of the order of restitution from the abstract of judgment will improve case management and court efficiency because it reflects how the forms are actually used. The court keeps the original order for restitution while the victim gets the original abstract of judgment, and the order and abstract are often used at different stages in the case.

- *Quality of Justice and Service to the Public:* The proposed instruction forms clarify the court process and should assist the victim in understanding what an order for restitution is, how it can be used in the case, and how to record the abstract of judgment with the county recorder's office.

### **Attachments**

1. Forms CR-110/JV-790, CR-111/JV-791, CR-112/JV-792, and CR-113/JV-793, at pages 7–14
2. Chart of comments, at pages 15–17

ATTORNEY OR PERSON WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>ORDER FOR VICTIM RESTITUTION</b>	CASE NUMBER:

1. a.  On *(date):* \_\_\_\_\_ defendant *(name):* \_\_\_\_\_  
 was convicted of a crime that entitles the victim to restitution.
  - b.  On *(date):* \_\_\_\_\_ child *(name):* \_\_\_\_\_  
 was found to be a person described in Welfare and Institutions Code section 602, which entitles the victim to restitution.  Wardship is terminated.
  - c.  Parents or guardians jointly and severally liable *(name each):* \_\_\_\_\_
  - d.  Co-offenders found jointly and severally liable *(name each):* \_\_\_\_\_
2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of his or her right to a judicial determination of the amount of restitution and
- a.  a hearing was conducted.
  - b.  stipulated to the amount of restitution to be ordered.
  - c.  waived a hearing.
3. **THE COURT ORDERS** defendant/child to pay restitution to
- a.  the victim *(name):* \_\_\_\_\_ in the amount of: \$ \_\_\_\_\_
  - b.  the Victim Compensation and Government Claims Board, to reimburse payments to the victim from the Restitution Fund, in the amount of: \$ \_\_\_\_\_
  - c.  plus interest at 10 percent per year from the date of  loss **or**  sentencing.
  - d.  plus attorney fees and collection costs in the sum of: \$ \_\_\_\_\_
  - e.  plus an administrative fee not to exceed 15 percent of the restitution owed (Pen. Code, § 1203.1(f)).

CASE NAME:	CASE NUMBER:
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4. The amount of restitution includes
- a.  the value of property stolen or damaged.
  - b.  medical expenses.
  - c.  lost wages or profits
    - (1)  incurred by the victim due to injury.
    - (2)  of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.
    - (3)  incurred by the victim due to time spent as a witness or in assisting police or prosecution.
    - (4)  of the victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution.
  - d.  noneconomic losses (felony violations of Pen. Code, § 288 only).
  - e.  other (*specify*):

Date:

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 JUDICIAL OFFICER

#### NOTICE TO VICTIMS

**PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE, AND IN THE SAME MANNER AS, A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.**

**THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).**

**YOU MUST FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THIS ORDER IS SATISFIED, AS REQUIRED BY PENAL CODE SECTION 1214(b).**

**YOU ARE ENTITLED TO A CERTIFIED COPY OF THIS ORDER UPON REQUEST, AS REQUIRED BY PENAL CODE SECTION 1214(b) AND WELFARE AND INSTITUTIONS CODE SECTION 730.7(c).**



CASE NAME:	CASE NUMBER:
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**CERTIFICATION**

2. I certify that the following is a true and correct judgment entered in this action.
3. Judgment creditor (*name*):  
 whose address or whose attorney's address appears on this form above the court's name.
4. Judgment debtor (*full name as it appears in judgment*):
5. Judgment entered on (*date*):
6. Total amount of judgment as entered or last renewed: \$
7.  A stay of enforcement was ordered on: \_\_\_\_\_ and is effective until:  
 A stay of enforcement was not ordered.

[SEAL]

This abstract of judgment was issued on (*date*):

Clerk, by

, Deputy



**L. Case Name and Number**

Use the case name and case number that you wrote on the front of the form.

**M. Amount of Restitution**

Check the applicable boxes a through e that specify why the restitution was ordered. Example: If the court ordered that you collect medical expenses and lost wages, check boxes 4b and 4c. If the amount of restitution includes something that is not listed, check box 4e and briefly specify what additional costs are covered.

CR-110/JV-790

CASE NAME: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

4. The amount of restitution includes

a.  the value of property stolen or damaged.

b.  medical expenses.

c.  lost wages or profits.

(1)  incurred by the victim due to injury.

(2)  of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.

(3)  incurred by the victim due to time spent as a witness or in assisting police or prosecution.

(4)  of the victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution.

d.  noneconomic losses (felony violations of Pen. Code, § 288 only).

e.  other (specify): \_\_\_\_\_

Date: \_\_\_\_\_ JUDICIAL OFFICER: \_\_\_\_\_

**NOTICE TO VICTIMS**

PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE, AND IN THE SAME MANNER AS, A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.

THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).

YOU MUST FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THIS ORDER IS SATISFIED, AS REQUIRED BY PENAL CODE SECTION 1214(b).

YOU ARE ENTITLED TO A CERTIFIED COPY OF THIS ORDER UPON REQUEST, AS REQUIRED BY PENAL CODE SECTION 1214(b) AND WELFARE AND INSTITUTIONS CODE SECTION 730.7(c).

CR-110/JV-790 (Rev. January 1, 2014) ORDER FOR VICTIM RESTITUTION Page 2 of 2

*Order for Victim Restitution* (form CR-110/JV-790) is the court order or judgment directing the offender to repay you for any losses that you suffered because of the offense. Once this judgment is entered in the court records, you may use it to collect the money you are owed from the offender. If the court does not give you a certified copy of the order, ask the clerk for one and check to make sure the judgment is entered. If the offender does not pay you, you have several options, including getting the offender to pay you voluntarily, getting more information about the offender, and collecting from the offender's property. If you choose to try to collect from the value of real estate owned by the offender, you will need to record an abstract of the judgment with the county recorder in the county where the property is located. For more information about this process, see *Abstract of Judgment — Restitution* (form CR-111/JV-791) and *Instructions: Abstract of Judgment — Restitution* (form CR-113/JV-793). For more information about this and other options for collecting your restitution judgment, see the California Courts Online Self-Help Center at [www.courts.ca.gov/1014.htm](http://www.courts.ca.gov/1014.htm).

**A. Attorney or Person Without Attorney**

Write the name of your attorney. If you are representing yourself, your name goes here.

**B. Recording Requested by and Return to**

Check the box and place your name and address in the space provided. After the document has been filed with the court, you need to take a certified copy to the County Recorder's Office.

**C. Telephone Number**

Your telephone number goes here. You may also give a number where the court can leave a message for you.

**D. Fax Number**

You may write in your fax number here or you may leave this line blank.

**E. E-mail Address**

You may write in your e-mail address here or you may leave this line blank.

**F. Applicable Party**

Check the applicable box. If you are representing yourself, check the box for judgment creditor.

**G. Name and Address of Court**

Ask the clerk of your court for this information, including the court's address.

**H. Case Name**

Use the assigned case name. Example: *In re John D.* or *People of the State of California v. Doe.*

**I. Case Number**

Write the assigned case number in this space. You need to write this number at the top of every page of this form.

**J. For Court Use Only**

Leave blank. After this form is filed, the clerk will stamp this box on the copies so everyone knows they are copies of an official court document.

**K. Application for Abstract of Judgment**

Check the applicable box. If you are the victim, check the box for judgment creditor. A separate judgment must be filed for each defendant or child and each victim.

- The judgment debtor is the person who was ordered to pay the restitution. Write the name and last known address of the judgment debtor in the space provided. You may also include any known aliases used by the judgment debtor.
- Fill in the last 4 digits of the judgment debtor's driver license number and state where it was issued, if you know them. If you do not know this information, check the "Unknown" box to the right.
- Fill in the last 4 digits of the judgment debtor's social security number, if you know it. If you do not know this information, check the "Unknown" box to the right.
- Fill in the judgment debtor's date of birth, if you know it. If you do not know this information, check the "Unknown" box to the right.

**L. Name and Signature**

Print your name on the line specified. If you are representing yourself, sign on the other line. Write in the date. If identifying information is obtained from other than direct sources, check the "On Information and Belief" box located below the signature line.

The form is titled "CR-113/JV-791" and "ABSTRACT OF JUDGMENT—RESTITUTION". It contains the following sections and fields:

- Section A:** Recording requested by and return to (Name, State Bar number, and address).
- Section B:** Telephone number.
- Section C:** Fax number (optional).
- Section D:** E-mail address.
- Section E:** Attorney for, Judgment creditor, or Assignee of record.
- Section F:** Superior Court of California, County of.
- Section G:** Street address, Mailing address, City and ZIP code, Branch name.
- Section H:** Case name.
- Section I:** Case number (For Recorder's Use Only).
- Section J:** For Court Use Only.
- Section K:** Application for abstract of judgment and represents the following:
  - 1. The  judgment creditor  assignee of record  other (specify):
  - a. Judgment debtor's Name and last known address.
  - b. Driver's license no. (last 4 digits) and state.
  - c. Social security no. (last 4 digits).
  - d. Date of birth.
- Section L:** Date, (TYPE OR PRINT NAME), (SIGNATURE OF APPLICANT OR ATTORNEY), and  ON INFORMATION AND BELIEF.

**M. Case Name and Number**

Use the case name and case number that you wrote on the front of the form.

**N. Judgment Creditor**

Enter your name in the space provided.

**O. Judgment Debtor**

Enter the full name of the judgment debtor in the space provided.

**P. Judgment Date**

Enter the date the judgment was entered. If you don't know the date, the clerk of the court should complete this information.

**Q. Amount of Judgment**

Enter the amount of the judgment entered. If you don't know the amount, the clerk of the court should complete this information.

**R. Stay of Enforcement**

Specify whether the court has ordered a stay of enforcement. If a stay of enforcement was ordered, check the appropriate box and write in the date of the order and the date it is effective until. If a stay of enforcement was not ordered, check the other box.

**S. Abstract of Judgment**

The clerk of the court will write in the date the judgment was issued and will sign the *Abstract of Judgment—Restitution*.

**CR-113/JV-791**

CASE NAME: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

**CERTIFICATION**

(M) I certify that the following is a true and correct judgment entered in this action.

(N) Judgment creditor (name):  
 whose address or whose attorney's address appears on this form above the court's name.

(O) Judgment debtor (full name as it appears in judgment): \_\_\_\_\_

(P) Judgment entered on (date): \_\_\_\_\_

(Q) Total amount of judgment as entered or last renewed: \$ \_\_\_\_\_

(R)  A stay of enforcement was ordered on: \_\_\_\_\_ and is effective until: \_\_\_\_\_  
 A stay of enforcement was not ordered.

(S) This abstract of judgment was issued on (date): \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

CR-113/JV-791 (Rev. January 1, 2014) **ABSTRACT OF JUDGMENT—RESTITUTION** Page 2 of 2

If the person who owes you restitution does not pay you, you can place a *judgment lien* on real estate that the person owns or may own in the future. A judgment lien requires the debtor to pay you the money he or she owes you before selling, transferring, or refinancing that property. To create a lien, you need to *record an abstract of judgment* with the county recorder's office in the county where the property is located. You may use either *Abstract of Judgment—Restitution* (form CR-111/JV-791) or *Abstract of Judgment—Civil and Small Claims* (form EJ-001). You should complete as much information as you know on page one of the form. The box on the upper left-hand side of page 1 of form CR-111/JV-791, described in Instructions A-F, gives the county recorder required information about you. The rest of page 1 includes information about your case and legally required information about the offender. The clerk's certification is on page 2.

Once the court has issued an abstract of judgment, you can take it to the county recorder's office and have it recorded for a nominal recording fee. Recording the abstract of judgment with the county recorder places a judgment lien on any real estate that the defendant owns in that county at the time of the recording or may own in the future. In juvenile cases, recording of the abstract places a lien on the parent's or guardian's real property if they are named in the judgment. If you want to place a lien on property in more than one county, you need to record a separate abstract of judgment in each county.

**SPR13-29**

Juvenile Law and Criminal Law: Order for Restitution and Abstract of Judgment (Revise forms CR-110/JV-790 and CR-112/JV-792; approve forms CR-111/JV-791 and CR-113/JV-793)

All comments are verbatim unless indicated by an asterisk (\*)

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Carol Aguilar Court Services Assistant III Superior Court of Nevada County	N	As a court clerk who processes these documents, what is the purpose or benefit of having two forms instead of one? Would this result in any other outcome by using two forms instead of the one currently in place? Would victims benefit by the additional form?	The purpose of separating the <i>Order for Restitution and Abstract of Judgment</i> (form CR-110/JV-790) into two separate forms is to improve court efficiency and to reflect the way the forms are actually used since (1) the court and clerk’s office need the original order for restitution, while the victim needs the original abstract of judgment; and (2) the order for restitution and abstract of judgment are often utilized at different stages of the case. The substantive content of the forms remains the same and will not affect the outcome of the case. In addition, the proposed revised information forms clarify the court process and should assist the victim in understanding what an order for restitution is; how it can be used in the case; and how to record the abstract of judgment with the county recorder’s office.
2.	California Judges Association Lexi Howard Legislative Director	N/I	The proposal indicates:  The proposal would split Order for Restitution and Abstract of Judgment (form CR-110/JV-790) into two separate forms, one for the order for restitution and one for the abstract of judgment. This proposal originated from the Court Executives Advisory Committee (CEAC). A court executive suggested separating the forms to improve case management and court efficiency and to reflect the way the forms are actually used. The proposed change would also require splitting the related information form, Instructions: Order for Restitution and Abstract of Judgment (form CR-112/JV-792), into	No response required.

**SPR13-29**

Juvenile Law and Criminal Law: Order for Restitution and Abstract of Judgment (Revise forms CR-110/JV-790 and CR-112/JV-792; approve forms CR-111/JV-791 and CR-113/JV-793)

All comments are verbatim unless indicated by an asterisk (\*)

	Commentator	Position	Comment	Committee Response
			<p>separate forms for the order and for the abstract of judgment.</p> <p>The California Judges Association provides the following comments on the proposed form changes, as specified in Invitation to Comment SPR13-29:</p> <p>The restitution order and the abstract of judgment are unwieldy as one form. The proposed separate forms are appropriate and will make the task of clerks easier to perform. By splitting the existing form into two separate forms, it will allow the court to enter the initial judgment which may not require the use of an abstract of judgment presently contained in the existing form. In the event the abstract is required, it will be easier for the victim/judgment creditor to apply and receive the abstract to enforce the judgment separate and apart from the judgment.</p>	
3.	Hon. Roger A. Luebs Superior Court of Riverside County Juvenile Division, Dept. J2	N/I	<p>WIC 793 provides that a minor receiving a grant of deferred entry of judgment “may be ... required to pay restitution ... to the victim.” Are these proposed forms intended to be used to create civilly enforceable restitution orders against a minor and parents/guardians that would survive a 793(c) dismissal, but restitution has not been completely paid when the dismissal is granted?</p>	<p>If the court has the legal authority to issue a restitution order that survives dismissal of a deferred entry of judgment case, then the committees intend that these forms could be used to create civilly enforceable restitution orders. However, it is not within the committees’ authority to determine the court’s jurisdiction to issue such an order. As currently drafted, these forms do not state whether or not they apply to deferred entry of judgment cases. Therefore, the committees do not recommend revising the forms</p>

**SPR13-29**

Juvenile Law and Criminal Law: Order for Restitution and Abstract of Judgment (Revise forms CR-110/JV-790 and CR-112/JV-792; approve forms CR-111/JV-791 and CR-113/JV-793)

All comments are verbatim unless indicated by an asterisk (\*)

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
				in this respect.
4.	Orange County Bar Association Wayne R. Gross President	A	No specific comments received.	No response required.
5.	Superior Court of Los Angeles County Los Angeles County Superior Court	A	No specific comments received.	No response required.
6.	Superior Court of Riverside County Carrie Snuggs, Family Law & Juvenile Director	A	Making the Order for Restitution and the Application/Abstract separate documents is excellent. The form was not clerk's office friendly at all as it was before. This will allow us to process the order once made and then the abstract can be issued at a later time when submitted by the judgment creditor.	No response required.
7.	Superior Court San Diego County Michael M. Roddy Executive Officer	A	Our court believes it makes sense and will avoid confusion since the original order remains in the file and the original abstract goes to the victim so he or she can enforce the judgment.	No response required.
8.	Superior Court of Tulare County	A	In agreement with the proposed updated policies and Judicial Counsel forms. This would ensure the most updated information is being utilized by the agency and County Clerk.	No response required.