



JUDICIAL COUNCIL OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

www.courts.ca.gov/accessfairnesscomm.htm
accessfairnesscomm@jud.ca.gov

ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date: August 9, 2017
Time: 12:15-1:15 p.m.
Public Call-in Number: 1-877-820-7831 and enter Listen Only Passcode: 1456449

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

There are no meeting minutes to approve.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to accessfairnesscomm@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Kyanna Williams. Only written comments received by 12:15 p.m. August 8, 2017 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-7)

Item 1

Discuss Potential Recommendations for Bias & Implicit Bias Education

Item 2

Update on Recommendations from the Chief Justice's [Future's Commission](#) Assigned to PAF for Implementation

Item 3

Update on the [Ability to Pay Form and Rule](#)

Item 4

Update on [Sargent Shriver Civil Counsel Act Program and Evaluation](#)

Item 5

Update on Jurors with Disabilities Working Group

Item 6

[Beyond the Bench Conference](#)

Item 7

Open Discussion

IV. ADJOURNMENT

Adjourn

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SP17-04

Title

Traffic and Criminal Procedure: Forms and Rule on Ability to Pay in Traffic and Other Infraction Cases

Action Requested

Review and submit comments by August 15, 2017

Proposed Rules, Forms, Standards, or Statutes

Approve forms TR-321/CR-320 and TR-321/CR-321; adopt Cal. Rules of Court, rule 4.336

Proposed Effective Date

January 1, 2018

Contact

Tara Lundstrom, 415-865-7995
tara.lundstrom@jud.ca.gov

Proposed by

Traffic Advisory Committee
Hon. Gail Dekreon, Chair

Kyanna Williams, 415-865-7911
kyanna.williams@jud.ca.gov

Criminal Law Advisory Committee
Hon. Tricia A. Bigelow, Chair

Kimberly DaSilva, 415-865-4534
kimberly.dasilva@jud.ca.gov

Advisory Committee on Providing Access
and Fairness

Hon. Kathleen E. O’Leary, Cochair
Hon. Laurie D. Zelon, Cochair

Executive Summary and Origin

The Traffic Advisory Committee, the Criminal Law Advisory Committee, and the Advisory Committee on Providing Access and Fairness propose two optional Judicial Council forms—an application form and a judicial order form—to assist in implementing rule 4.335 of the California Rules of Court on ability-to-pay determinations in traffic and other infraction cases. The proposal also includes a new rule stating the form’s intended use, its optional nature, and its confidential status.

Background

Over the past two years, the Judicial Council has taken steps to improve access and fairness in criminal and traffic infraction cases. The council adopted rule 4.105, effective June 8, 2015, on an urgency basis at the request of the Chief Justice to clarify that defendants were not required to

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.

post bail before challenging traffic infractions, unless an exception applied. In adopting rule 4.105, the council directed the advisory committees to consider changes to rules, forms, or any other recommendations necessary to promote access to justice in all infraction cases, including recommendations related to post-conviction proceedings or after the defendant failed to appear or pay fines or fees.

In response to the council's directive, the Traffic Advisory Committee and the Criminal Law Advisory Committee—in consultation with the Advisory Committee on Providing Access and Fairness—developed and recommended new procedural rules for traffic and other criminal infraction cases. Relevant to this proposal, rule 4.335 standardized and improved court procedures and notice to infraction defendants related to ability-to-pay determinations. The council adopted rule 4.335 effective January 1, 2017, with courts instructed to implement the rule as soon as reasonably possible but no later than May 1, 2017.

The Proposal

This proposal would assist courts in implementing rule 4.335, which provides a procedure for determining an infraction defendant's ability to pay. Notably, rule 4.335(c) contemplates a written process for adjudicating ability-to-pay requests by requiring the court to accept written requests, unless the court directs a court appearance.

The proposal includes (1) an optional application form, (2) an optional judicial order form, and (3) a corresponding rule. Although some courts have already developed local forms addressing ability to pay, other courts have not done so. The committees recognize the value of allowing courts that choose to create local forms the flexibility to use them. The committees, however, also recognize the value of providing greater consistency and access to the courts through an easily accessible statewide form. These concerns are especially relevant here, because court users often have infraction cases pending in multiple jurisdictions.

Notably, the committees designed the forms using a “plain language” and “user-friendly” format. Simple, easy-to-understand language helps make the forms usable for a wide variety of court users. User testing of the forms indicated that these modifications to the standard format of Judicial Council forms would make them more understandable to the general public.

Optional application form (form TR-320/CR-320)

Proposed optional form *Can't Afford to Pay Ticket Fine: Traffic and Other Infractions* (form TR-320/CR-320) is an application form that court users would complete to request an ability-to-pay determination under rule 4.335 in an infraction case.

Instructions

The first page of the application form explains the purpose of the form in plain language to help court users assess whether the form addresses their individual situation and needs.

E-mail and text notification

To facilitate communication with the court, the application form includes space for court users to provide their e-mail address, and check boxes to indicate whether they have provided a cellular phone number. It also includes check boxes for court users to indicate their consent to receiving text messages and e-mails from the court. Because only some courts have the capacity to send e-mail and text reminders, the committees carefully phrased these check boxes to allow court users to consent to receiving these reminders without creating an expectation that their individual court will send such reminders.¹

Ability to pay

The proposed application form elicits information from court users to assist the court in assessing their ability to pay. The proposed application form asks court users if they receive public benefits and, if so, which type of public benefits. For those court users who do not receive public benefits, the form asks them about their income and how many people their income supports.

The proposed application form also looks at the effect that paying the ticket would have on the court user. The court user is asked whether they would have enough money to pay for basic living expenses which, the form explains, include rent, mortgage, food, utilities, childcare, child support, transportation, medication, insurance (medical, car, house, and rental), and student loans. The form asks if the court user would have enough money to pay their debt for other court cases. Lastly, the form provides space for the court user to explain other problems they might experience if they were to pay the ticket. Court users whose ability to pay may not be readily assessed based on their income level alone can use this space to explain why their circumstances warrant relief.

Verification

Rule 4.335(c)(3) provides that written ability-to-pay requests must include any supporting documents the defendant wishes the court to consider in adjudicating that request. To assist court users in presenting their case, the application asks defendants to document their income, expenses, and receipt of public benefits. It lists examples of possible types of documentation and instructs users to submit copies, not originals. The committees determined that it would be in the best interest of court users and the court, if court users submitted copies of these important documents. This way, court users retain the originals, and the court eliminates any expectation that it will return original documents to the court user.

In addition, the application form provides space for court users who lack supporting documents to explain why. The committees recognized that many of the intended users of this form may have insecure housing situations or face other personal challenges that diminish their likelihood of possessing and retaining financial documentation.

¹ The committees were also careful to ensure the check boxes would not suggest consent to electronic service under rule 2.251.

Subsequent requests

Rule 4.335(c)(6) provides that a defendant may request a subsequent ability-to-pay determination only based on changed circumstances. Question 4 of the application form implements this provision by asking court users: “Have you told the court before that you can’t pay this ticket fine?” The form then prompts court users who respond affirmatively to provide additional information about the court’s prior decision and any changes in their personal circumstances since that time.

Request for relief

Rule 4.335(c)(4) recognizes that in adjudicating an ability-to-pay request, the court has the discretion to (1) provide for payment on an installment payment plan (if available); (2) allow the defendant to complete community service in lieu of paying the total fine (if available); (3) suspend the fine in whole or in part; and (4) offer an alternative disposition.

The proposed application form provides check boxes for court users to request that the court reduce the amount they owe, give them more time to pay, and allow them to make monthly payments or perform community service instead of paying the fine. The committees recognized that not all courts offer all of these options, but decided the form should allow the court user to specify the options that fit their particular circumstances. Some court users, for example, may be unable to perform community service because of work and family obligations.

To ensure that listing these options would not create an expectation that all options are available in all courts, the form warns users that every court is different and that their court may not offer all options. The warning also provides useful information to court users in making their requests. It informs them that they may have to pay a fee for monthly installment payments or community service, and that they may not be able to perform community service on weekends or evenings. It further instructs them to contact their court with any questions.

Warning about civil assessments

Based on the ability-to-pay determination, the court may suspend the fine in whole or in part under rule 4.335(c)(4). However, rule 4.335 does not address vacating or reducing any civil assessments imposed for failures to pay or appear under Penal Code section 1214.1. Recognizing that court users likely would not understand the difference between the fine and civil assessment, the committees included a warning on the last page of the application form.

As described further below, the committees considered expanding the form to address vacating and reducing civil assessments under rule 4.106 and Penal Code section 1214.1. The committees have specifically requested public comment on this issue.

Optional judicial order form (form TR-321/CR-321)

Proposed optional form *Can’t Afford to Pay Ticket Fine: Traffic and Other Infractions (Judge’s Order)* (form TR-321/CR-321) is a judicial order form that allows a judicial officer to communicate his or her order in response to the court user’s ability-to-pay request. The proposed

form is formatted to be quick for judicial officers to complete and easy for court users to understand.

The proposed judicial order form allows the court to order that the court user appear in court and bring specified documentation. Recognizing that courts have various means of scheduling court appearances, it allows the judicial officer to instruct the court user to contact the court to schedule the appearance or to appear at a specified time and location. It also warns court users that the court may deny their request if they miss their court appearance.

In addition, in the proposed judicial order form, the court may grant the ability-to-pay request and reduce the total amount owed, order monthly installment payments, give the user more time to pay, order the court user to perform community service, or provide for some combination of these options. It provides spaces for the court to communicate necessary information to the court user, such as the amount the court user still owes and payment deadlines.

Lastly, the proposed judicial order form allows the court to deny the request and provides check boxes for the court to explain its reasons for doing so.

Implementing rule 4.336

Lastly, the committees propose adopting rule 4.336 to provide that the application form, the information contained on the form, and any supporting documentation (1) are confidential, (2) may only be accessed by the parties and the court, and (3) must be maintained by the clerk's office in a manner that protects and preserves their confidentiality. The committees propose that the form and supporting documentation be kept confidential due to the personal nature of the financial information they contain. The proposed rule would also specify that the application form and judicial order form are optional.

Development of the forms

The overwhelming majority of litigants in traffic and other infraction cases are self-represented. The committees intended that court users be able to easily understand and complete the forms without assistance from court clerks, self-help center staff, or other professional legal assistance such as legal aid or pro bono legal assistance programs. To achieve this end, the committees developed the forms using plain language and principles of visual and user experience design, such as user testing.

Plain language

The committees used plain language (also known as Plain English) on the forms. Plain language uses short, clear words and phrases and avoids technical jargon and convoluted sentence structures. Readers can readily understand it on their first reading.²

² The U.S. government has recognized the benefit of plain language and embraced its use to improve citizen engagement. The federal Plain Writing Act of 2010, for example, requires federal agencies to write "clear Government communication that the public can understand and use." In addition, since 2004, the Judicial Council has used plain language writing and formatting on many of its family law forms.

The Vehicle Code employs highly specialized legal terms to describe traffic court procedures—terms that the average layperson is unlikely to understand. The committees tried to accurately describe court procedures in traffic cases while using language understandable to the layperson. The proposed forms were written at fifth-grade reading level.³

Usability

To improve the usability of the forms, the committees incorporated elements and principles of visual and user experience design. For example, the forms use white space and a clean, uncluttered layout to improve readability.

The initial development of the form also included conducting several internal design sessions and user testing to improve the usability of the forms. User testing identified potentially problematic areas of the form that diminished usability. Those problematic areas were subsequently revised and subjected to additional user testing to ensure identified issues were resolved.

Alternatives Considered

The committees considered several alternatives in developing this proposal, including whether the forms should also address civil assessments, whether the application form should ask for an itemized list of expenses, and whether icons would enhance usability.

Civil assessments

The committees considered whether the proposed forms should allow court users to submit requests to vacate or reduce civil assessments under Penal Code section 1214.1 and rule 4.106. While courts understand the legal difference between fines and civil assessments, the public may not. A court user is likely concerned about the total amount that he or she owes and may be confused by two separate court processes.

The committees decided the proposed forms should at least warn defendants that they do not address civil assessments. They specifically asked for public comment on this issue to allow the courts and public to provide input for the committees' further consideration. The committees provided the analysis below to facilitate public comment on this issue.

Challenges with implementing rule 4.106(c)(5) in the form. Rule 4.106(c)(5) implements the statutory mandate under Penal Code section 1204.1(b) that courts must vacate civil assessments upon a showing of good cause. The advisory committee comment to subdivision (c)(5) does not expressly identify ability to pay among the examples of good cause, although a judicial officer could find that an inability to pay amounts to good cause depending on the facts of the case.

The committees noted two possible concerns with implementing rule 4.106(c)(5) in the ability-to-pay form. First, the court user must file the request to vacate the civil assessment for good

³ This reading level is based on a Flesch-Kincaid readability test for grade level.

cause within a limited time period. (Pen. Code, § 1204.1(b) [defendant must “appear within the time specified in the notice” of civil assessment]; accord Cal. Rules of Court, rule 4.106(c)(5).) That time period may not coincide with the ability-to-pay determination, which can occur only at or after adjudication. (See Cal. Rules of Court, rule 4.335(c)(2).) For failures to appear, for example, the case would likely be adjudicated only if the court had elected to proceed in absentia under Vehicle Code section 40903.

Second, the nature of the inquiry differs. Whereas ability to pay focuses solely on the court user’s financial circumstances, good cause looks to why the court user did not appear or pay, which may not necessarily relate to finances. Examples of good cause listed in the advisory committee comment are “defendant’s hospitalization, incapacitation, or incarceration; military duty required of the defendant; death or hospitalization of the defendant’s dependent or immediate family member; caregiver responsibility for a sick or disabled dependent or immediate family member of the defendant; or an extraordinary reason, beyond the defendant’s control, that prevented the defendant from making an appearance or payment on or before the date listed on the notice to appear.”

Potential for implementing rule 4.106(c)(6). Rule 4.106(c)(6) also recognizes that, even if the court user does not establish good cause, the court may still exercise its discretion under Penal Code section 1214.1(a) to reconsider (1) whether a civil assessment should be imposed, and (2) if so, the amount of the assessment. Subdivision (c)(7) expressly identifies “the defendant’s financial circumstances” among the factors the court may consider in the exercise of discretion.

The form could be revised to implement rule 4.106(c)(6) and (7) for those court users who request an ability-to-pay determination and who would also like the court to consider exercising its discretion to reduce the civil assessment based on their financial circumstances.

This revision would ostensibly benefit the public and the courts. It would lead to less confusion for court users who might not understand that there are two separate forms and processes. In many cases, it would also increase efficiencies for the courts in that courts would have to process and adjudicate only one request. Furthermore, this revision would not prevent the court from developing local civil assessment forms and using those forms for all requests related to the civil assessment. Nor would it restrict the Judicial Council from approving a statewide optional civil assessment form in the future.

Itemization of expenses

One Traffic Advisory Committee member expressed a preference for requesting an itemized list of the court user’s expenses. The committees opted not to require an itemized list of the court user’s expenses on the proposed application form. The committees designed the form to focus on the primary intended users of these forms: court users who are living in or near poverty, as reflected by their receipt of public benefits or the fact that they have a very low income. Accordingly, the form asks questions about these indicators of inability to pay.

Nonetheless, the committees recognize that other court users may have other circumstances warranting relief. To this end, the application form provides space for a court user to explain serious problems they would have if they paid the ticket. It also encourages court users to attach copies of documentation of their income and expenses. The committees expect that in many cases, the court will be able to determine the court user's ability to pay based on the information provided on the form. However, the committees also recognize that there are some instances where the court will need additional information before determining whether the court user can afford to pay the ticket fine. For this reason, the judicial order form allows the judicial officer to request that the court user appear in court and bring any additional documentation specified by the judicial officer.

The committees decided, for several reasons, not to request the itemized expenses of those court users who have an income that exceeds a specified threshold on the application form. First, there are significant differences in how poverty is experienced in small, medium, and large counties, and in rural, suburban, and urban communities. Appropriately defining a poverty income on a statewide basis is problematic for a state like California where the poverty line varies so widely by region and county.

Second, the usability of the application form would decrease significantly if it included an itemized list of expenses for court users whose income exceeds a specified threshold. It would require adding one or more pages to the form to capture court user expenses, and creating more information for each court user to read and understand. It would also make the form more difficult to navigate because each court user would have to determine whether the expense-related fields applied to them. This could have the unintended consequences of making the form more confusing for all court users. With a longer and more confusing form, it is increasingly likely that court users would seek professional assistance to complete the form, that some court users would erroneously complete the expense information when it does not apply to them, and that other court users would fail to complete the expense information when it does apply to them.

The committees felt strongly that the usability of the form was a critically important factor in making the forms successful for the court users and the courts. When forms are more usable, court users are more likely to complete and file the form correctly and less likely to need assistance from court clerks, self-help center staff, or other professional legal service providers in order to do so.

Icons

Initial versions of the form contained icons to assist in visually guiding court users in completing the forms. Their selection and placement on the form were intended to enhance user comprehension and ease of use. Due to complicated licensing considerations, the original icons have been removed. The committees will use the comment period to seek new icons that will ideally be included before the forms go into effect.

Implementation Requirements, Costs, and Operational Impacts

This proposal is intended to introduce several court efficiencies. First, it may reduce the need for hearings and court appearances by allowing judicial officers to adjudicate ability-to-pay determinations in writing. Second, the design of the forms is intended to increase court efficiencies. The forms were designed with the goal that court users be able to easily understand and complete the forms without requiring the assistance of already overburdened court clerks, self-help center staff, or nonprofit legal professionals. Court users will likely make fewer errors in completing forms drafted in plain language and developed through user testing—resulting in courts rejecting their filings at lower rates. The committees expect that these forms will reduce the time staff and judicial officers spend on ability-to-pay requests by streamlining operations for counter staff and judicial officers.

There will likely be some operational impacts on courts as well. Whereas courts can decide whether to use the proposed judicial order form, they would be required to accept the proposed optional application form if submitted by a court user. (Cal. Rules of Court, rule 1.35.) This will likely require courts to make modifications to court operations and case management systems to ensure that they can accept and process these forms.

In addition, because the proposed application form and supporting documentation are confidential, courts will need to ensure that they are kept confidential. This may require a change in operations to the extent that traffic cases do not generally involve confidential filings.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are the forms easy for users to understand and complete? Do you have any suggestions for improving their usability?
- Are the forms written in plain language that would be easily understood by individuals who read at a fifth-grade reading level? Do you have any suggestions for improving the readability?
- Should the proposed forms address civil assessments?
 - If so, should the proposed forms allow for requests to vacate the civil assessment for good cause under Penal Code section 1214.1(b) and rule 4.106(c)(5)? Should they allow for requests to vacate or reduce the civil assessment in the court's discretion under Penal Code section 1214.1(a) and rule 4.106(c)(6)? Or should they address both?
 - If not, does the warning on page 4 adequately advise court users that the proposed forms do not address civil assessments?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- Would the proposal increase the costs of operations? If so, please quantify.
- Would the courts experience any difficulties implementing the proposal?
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?
- Should the order form contain a clerk's certificate of mailing? Or do courts typically generate these separately?
- Should the certificate of mailing also recognize electronic service? Are traffic and infraction courts implementing, or do they intend to implement, electronic service by consent under rule 2.251?

Attachments and Links

1. Proposed Cal. Rules of Court, rule 4.336, at page 12.
2. Proposed form TR-320/CR-320, *Can't Afford to Pay Ticket Fine: Traffic and Other Infractions*, at pages 13–16.

3. Proposed form TR-321/CR-321, *Can't Afford to Pay Ticket Fine: Traffic and Other Infractions (Judge's Order)*, at pages 17–18.

Rule 4.336 of the California Rules of Court would be adopted, effective January 1, 2018, to read:

1 **Rule 4.336. Confidential Can't Afford to Pay Ticket Fine Forms**

2
3 **(a) Use of request and order forms**

4
5 (1) A court uses the information on *Can't Afford to Pay Ticket Fine: Traffic and*
6 *Other Infractions* (form TR-320/CR-320) to determine an infraction
7 defendant's ability to pay under rule 4.335.

8
9 (2) A court may use *Can't Afford to Pay Ticket Fine: Traffic and Other*
10 *Infractions (Judge's Order)* (form TR-321/CR-321) to issue an order in
11 response to an infraction defendant's request for an ability-to-pay
12 determination under rule 4.335.

13
14 **(b) Request form is confidential**

15
16 *Can't Afford to Pay Ticket Fine: Traffic and Other Infractions* (form TR-320/CR-
17 320), the information it contains, and any supporting documentation are
18 confidential. The clerk's office must maintain the form and supporting
19 documentation in a manner that will protect and preserve its confidentiality. Only
20 the parties and the court may access the form and supporting documentation.

21
22 **(c) Request and order forms are optional**

23
24 *Can't Afford to Pay Ticket Fine: Traffic and Other Infractions* (form TR-320/CR-
25 320) and *Can't Afford to Pay Ticket Fine: Traffic and Other Infractions (Judge's*
26 *Order)* (form TR-321/CR-321) are optional forms under rule 1.35.

Read this first - then fill out the form

When do I use this form?

- To tell the judge that you don't have enough money to pay your ticket fine.
- To ask for the ticket fine to be reduced to a smaller amount. You can also ask for monthly payments, more time to pay, or to do community service instead of paying the fine.
- If you have more than one ticket fine, fill out one form for each.

What are traffic tickets?

- You can get a traffic ticket for things like speeding or running a red light.
- Traffic tickets are **not** parking tickets. Parking tickets are different. Read your parking ticket to find out what you can do.

What are infractions?

- Infractions are tickets you get for things like littering, drinking alcohol in public, or fishing without a license.
- There are *many* different types of infractions.

What if I want to fight the ticket and tell the judge that I didn't do anything wrong?

- Do **not** use this form. Visit www.courts.ca.gov/selfhelp for more information on fighting tickets.

Please print clearly or type.

① How can the court reach you? (Answer all that apply.)

Name: _____

Mailing address (where I get mail): _____

Phone number (where I receive calls): _____

Is this a cell phone? (check one) yes no

E-mail address (if I have one): _____

It would okay if the court also sends me texts about my case at this phone number.

It would be okay if the court also sends me e-mails about my case at this e-mail address.

Clerk stamps date here when form is filed.

**DRAFT
Not Approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:



Name: _____

Case Number: _____

2 What type of income do you have?

I get public benefits. (*Check all that apply, then skip to #3.*)

Food stamps (CalFresh)

State Supplementary Payment (SSP)

Medi-Cal

County Relief/General Assistance

CalWORKS or Tribal TANF

In-Home Supportive Services (IHSS)

Supplemental Security Income (SSI)

Cash Assistance Programs for Immigrants (CAPI)

I do **not** get public benefits, but I have other income.

a. How much money do you earn (take-home pay) or get from other sources (including income received in your family from a husband, wife, or live-in romantic partner)?

\$ _____ every: Year 2 weeks Twice a month
 Week Month Season
(*check one*)

Other: _____

b. This money helps support me and _____ other people.

c. If I pay the ticket, I would: (*Check all that apply, if any.*)

Not have enough money to pay for basic living expenses.

Basic living expenses are things like: housing, food, utilities, childcare, child support, transportation, medication, insurance (medical, car, house, and rental), and student loans.

Not have enough money to pay my debt for other court cases.

Have other problems: _____

3 Do you have anything that shows your public benefits or income or expenses?

Things like an EBT card, pay stubs, tax returns, rent or mortgage checks, or utility bills.

Yes, I have attached *copies* to this form. (*Do not give the court your original documents.*)

No, I do not have any papers to show because: _____



Name: _____

Case Number: _____

4 Have you told the court before that you can't pay this ticket fine? Yes No

If no, skip to question #5. If yes, answer both questions:

What did the court do?
(Check all that apply.)

What has changed in your life or your family's life since then? (Check all that apply.)

- Reduced the amount I owed.
- Let me pay in monthly payments.
- Let me do community service.
- Other: _____

- Lost job or reduced hours at work.
- Started to receive public benefits.
- Suffered a serious illness or disability.
- Other: _____

5 What are you asking the court to do? (Check all that you are willing and able to do)

- Reduce the amount I owe.
- Let me make monthly payments.
- Give me more time to pay.
- Let me do community service instead of paying the fine.

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Every court is different

- Your court might not offer all of these choices. Some courts do not offer monthly payments, community service, or more time to pay.
- You might have to pay a fee for monthly payments or community service.
- You may not be able to do community service on weekends or evenings.
- Contact your court with any questions.



Case Number: _____

Name: _____

6 Other information (if any) that you want to share with the court about why you can't pay:

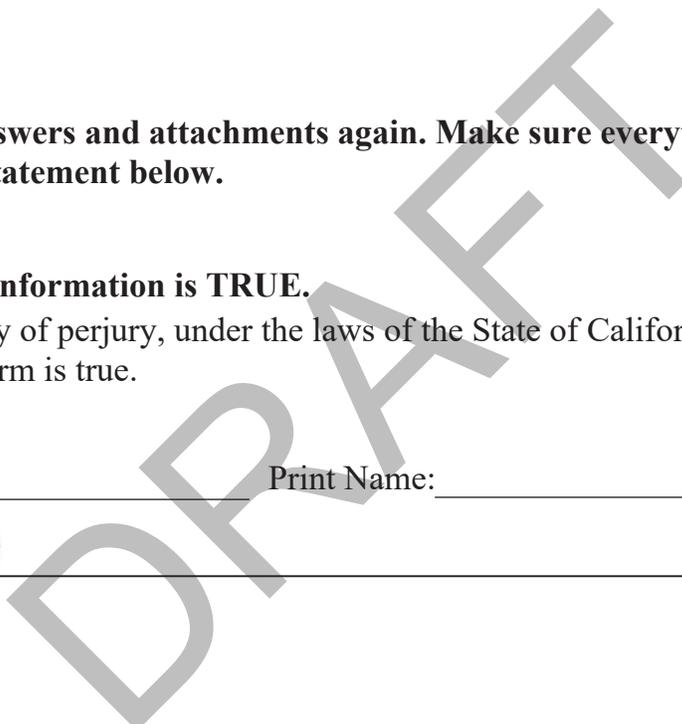
7 Read all of your answers and attachments again. Make sure everything is correct. Date and sign the statement below.

I promise that this information is TRUE.

I swear under penalty of perjury, under the laws of the State of California, that all information on or attached to this form is true.

Date: _____ Print Name: _____

Signature



8 File this form with the court listed on your ticket.

If you lost your ticket, file this form with the court in the county where you got your ticket (www.courts.ca.gov/find-my-court.htm)

9 NOTE: Did you miss a court date? Did you fail to pay your ticket on time? If so, the court might be charging you extra money. Filling out this form **will not** take care of that extra charge. Contact your court to find out what you can do about that extra charge.



**TR-321/CR-321 Can't Afford to Pay Ticket Fine:
Traffic and Other Infractions (Judge's Order)**

Judge's Order: *You said that you don't have enough money to pay what you owe. The judge decided:*

Clerk stamps date here when form is filed.

Need more information: The judge has questions about how much money you get and spend.

Please contact your court to set up a time to see the judge.

Please come to court at: _____ on _____.
Go to Department _____.

Bring these things with you:

1) _____
2) _____
3) _____

Don't miss the court date!
The judge might not give you the help you asked for.

Fill in court name and street address:
Superior Court of California, County of

Fill in case number and name:
Case Number:
Case Name:

Request granted: It looks like you don't have enough money to pay what you owe.

The amount you owe for your ticket is lowered to \$ _____.

You also still owe an additional \$ _____ because you missed a court date or payment.
Pay this new amount \$ _____ by _____.

You will pay what you owe in monthly payments.
Pay \$ _____ on the _____ day of every month for _____ months.
Your **first** payment will be on _____. Your **last** payment will be on _____.

You can have more time to pay what you owe. Pay \$ _____ on _____.

You will do community service instead of paying what you owe. You must do _____ hours of community service by _____. Contact your court to learn how to set up community service.

Request denied: Pay the full cost of what you owe (\$ _____) by _____.

The judge is denying the request because:

It looks like you have enough money to pay what you owe.

This is your second request, but you did not show that your situation has changed since your first request.

Date: _____

▶

Signature of Judge (or Judicial Officer)



Name: _____

Case Number:

The clerk will fill out the section below

Clerk's Certificate of Mailing

I certify that I am not a party to this action.

I placed a filed copy of this order in a sealed envelope addressed to the above mailing address.

The envelope was mailed by U.S. mail, with full postage, from

Place: _____, California on (date): _____

Date: _____

Clerk, by: _____

DRAFT

Sargent Shriver Civil Counsel Act Pilot Program Evaluation: *Summary of Findings*

**Judicial Council of California Meeting
San Francisco, CA
July 27, 2017**



Shriver Pilot Projects

- 10 pilot projects in 7 counties funded in 2011
 - 6 housing, 3 custody, 1 probate (guardianship/conservatorship)
- **Goal:** To assist low-income individuals and families facing critical civil legal issues involving basic human needs
- **Components:** Legal aid services including full representation and a range of unbundled services; court innovations varied across projects
- Evaluation began in 2012

Areas of Evaluation Inquiry

1. **Implementation** across all 10 projects

- Project Description
- Service Summary

2. **Case Outcomes** for a subset of projects

- Random Assignment (3 housing)
- Selected Comparison (2 custody, 1 probate)

3. **Impacts** of the program

- Litigant perceptions (2 housing, 1 custody)
- Staff and Stakeholder perceptions (all)

4. **Cost**

- Program costs (all)
- Potential cost savings (1 housing, 1 custody, 1 probate)

Comprehensive Data Collection

Shriver Program Services Database

- Client characteristics and legal aid services data collected for more than 20,000 litigants

Court Case File Review

- Individual court case files reviewed and coded for more than 700 cases

Litigant Interviews

- Interviews conducted with more than 150 litigants

Stakeholder Interviews

- Interviews conducted with dozens of legal aid agency staff and court staff

Court Data

- Administrative data collected from several courts

STUDY FINDINGS

Shriver Service Reach

Through December 2016,

Housing pilot projects:

- 25,198 individuals received legal aid services*
- Over 73,000 household members impacted by services

Child custody pilot projects:

- 1,505 parents received legal aid services*
- 1,878 children impacted by services

Guardianship/conservatorship pilot project:

- 323 cases received legal aid services*

**does not include court-based services*

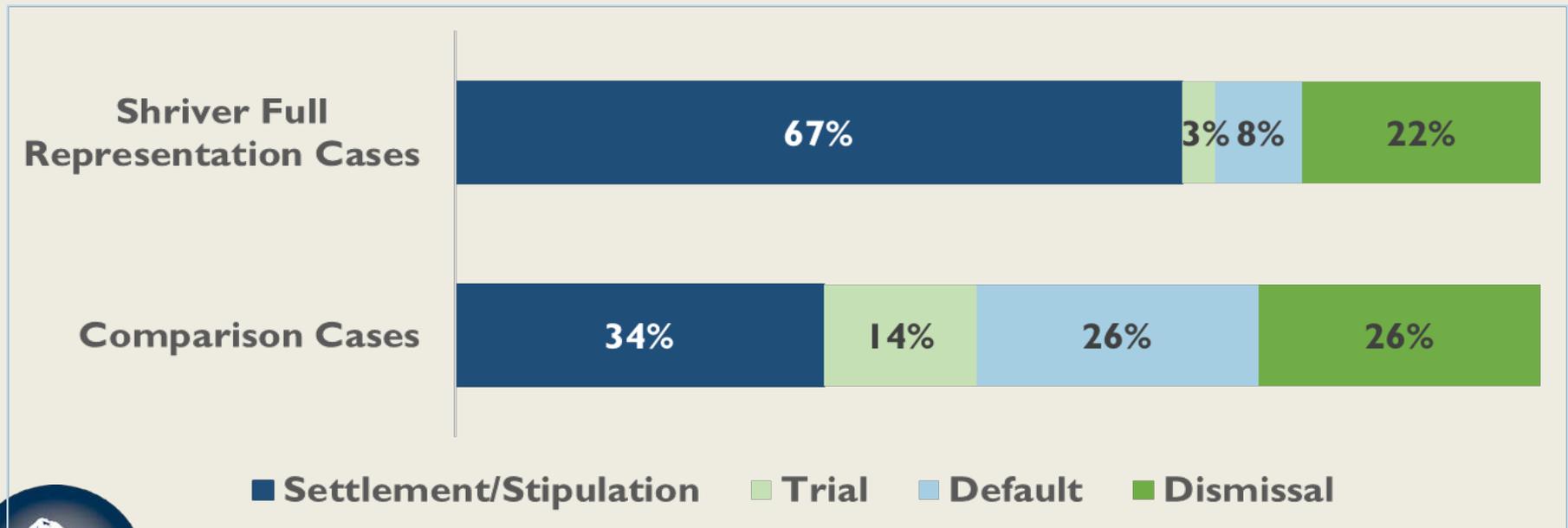
Shriver Service Recipients

- Majority were **women** and **nonwhite**.
- Most had **minors** living in their homes.
- All had **very low incomes**.
 - Average household income was just over \$1,000/month
 - 73% of housing clients spent >50% of income on rent
- **Severe risk factors** were prevalent.
 - 56% of custody cases involved issues of domestic violence
 - Guardianship cases often involved parental mental health problems, substance use, incarceration, homelessness, or maltreatment risk.

Notable Impacts of Housing Projects

Among cases with representation by Shriver counsel:

- Most cases **settled**.
- Few cases ended by trial.
- Fewer cases ended by default.



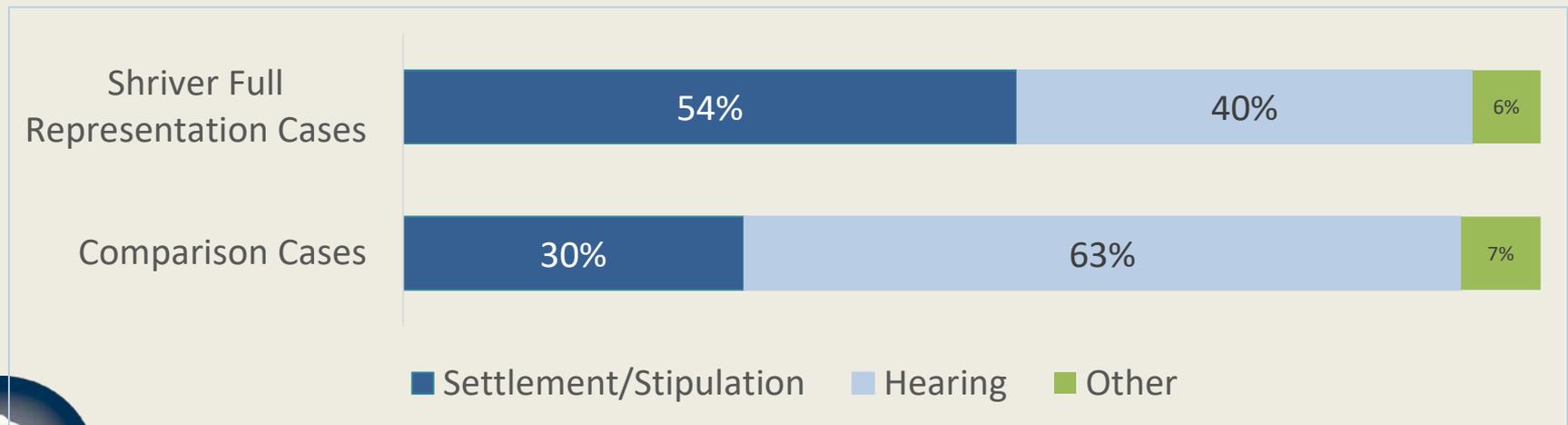
Notable Impacts of Housing Projects

- Most (78%) tenants moved as part of negotiated settlement.
 - **Few (6%) were formally evicted.**
- Settlement terms supported **longer term housing stability.**
 - E.g., more time to move-out, rental debt reduction, credit protection, and masking from public registries.
- One year later, more Shriver clients had moved to new rental units (compared to SRLs).
- Shriver clients felt supported in UD process. They reported **higher satisfaction with outcomes**, despite having to move.
- More settlements and fewer trials **increase court efficiency.**

Notable Impacts of Custody Projects

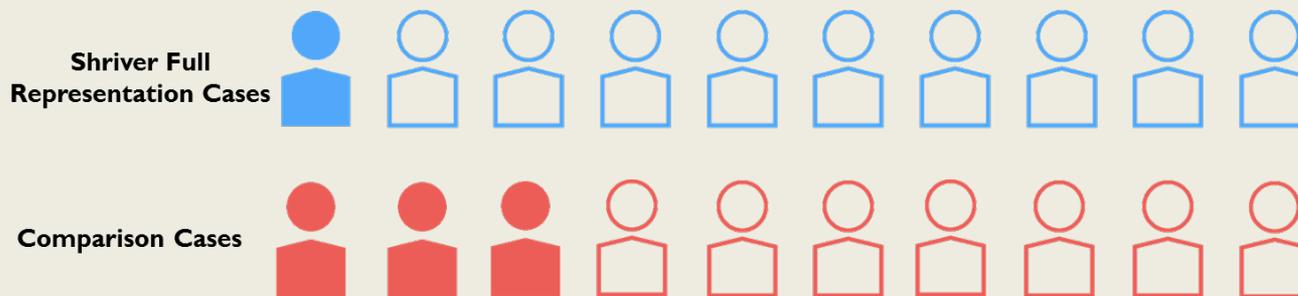
Among cases with Shriver counsel:

- Attorneys **educated parents** about the legal process and helped to shape reasonable expectations for the case.
 - Eased tensions between parties and **increased collaboration**.
 - **Reduced burden** on the court.
- Shriver representation **increased settlement rate**, as did judge-facilitated settlement conferences.



Notable Impacts of Custody Projects

- **Litigants felt supported** and better about the process, even when they were disappointed with their case outcomes.
- Courts benefitted from **more comprehensive information** on which to base decisions.
- Shriver custody **orders were more durable** over 2 years.
 - Thus increasing family stability, decreasing court congestion, and saving court resources.



Notable Impacts of Probate Project

- Petitions were **successfully filed** or other arrangements pursued.
 - **Probate Facilitator** was notable in helping filings succeed.
- Litigants more fully participated in the judicial system.
- Court received more **comprehensive information** on which to base decisions.
- Cases with Shriver counsel involved **fewer continuances** and were **resolved faster**.
- Efficiencies translated into **cost savings** for the court.
 - Combined benefits of Shriver counsel and the Probate Facilitator reduce average court costs to process a case by **30%**.

General Summary

- Balanced representation facilitates settlements.
 - Attorneys help litigants understand when terms are reasonable, reduce emotional tensions, and negotiate settlements that enable more stable transition for all parties.
- Court-based settlement practices show strong promise.
- The court receives more comprehensive and relevant information on which to base decisions.
- Litigants are more educated about and prepared for proceedings. Judges have to intervene and educate less. Clerks have to correct paperwork less.
 - Cases proceed more efficiently, saving resources.
- Having counsel prevents the loss of important legal rights.

Future Research

Areas for further investigation:

- Impact of court-based early dispute resolution practices
- Outcomes related to limited scope (“unbundled”) legal services
- Elements of effective triage protocols
- Disentangling the complexity of custody cases to better substantiate impact of services on case outcomes

Contact

Kelly Jarvis, Ph.D.

Senior Research Associate

NPC Research

jarvis@npcresearch.com

(503) 243-2436 x108



Thank you.

