

Criteria for a Successful Civil Assessments Program

The following Criteria for a Successful Civil Assessments Program was adopted by the Judicial Council in August 2005, pursuant to Penal Code 1214.1, and is based on the effective practices used by court and county collections programs that have proven successful civil assessment programs. (Judicial Council Report, August 16, 2005, adapted from *Implementation of Assembly Bill 139 Provisions and Establishment of a Statewide Enhanced Civil Assessments.*)

Civil Assessment is one of the components of a comprehensive collections program, as defined in Penal Code section 1463.007. It is agreed that the imposition of a civil assessment on delinquent accounts is an effective component in the collection of fines, fees and assessments in lieu of a warrant or bench warrant.

The Judicial Council, along with various advisory committees, encourages collections programs to consider using the following criteria when establishing or enhancing a civil assessment program:

- Judicial officers should impose civil assessment based on the merits of each case.
- A \$300 civil assessment should be imposed on each appropriate case and waived or reduced only for good cause.
- An individual's ability to pay should be referred to financial evaluation officers to determine and, with court authority, appropriately adjust the amount owed.
- Courts should establish a policy to determine the criteria for "good cause" for reducing or waiving civil assessment.
- A civil assessment should be imposed no later than 30 days after a failure to appear or failure to pay.
- Courts should impose a civil assessment on all infraction failure to appear and failure to pay cases.
- Courts should consider imposing civil assessment on all eligible cases as appropriate.
- Civil assessment should be a consideration for failure to pay restitution fines as ordered.
- Courts should consider trial by written declaration (vehicle code 40902) and trial in absentia (vehicle code 40903) in conjunction with the imposition of civil assessment as appropriate.