



Superior Court of California, County of Contra Costa

California Rules of Court, Rules 4.106 and 4.335

If you are a defendant on a traffic/infraction ticket, you have the right to petition the Court to vacate the civil assessment or for a judicial officer to determine if you have the ability to pay your fine. For more information about the California Rules of Court, you may visit www.courts.ca.gov/rules.htm.

Vacate Civil Assessment

You must ask the Court, in writing, for a review of your circumstances for failing to appear or failing to pay. Once received, the petition will be reviewed by a judicial officer who will determine if your failure to appear and/or failure to pay was for good cause.

Ability-to-Pay Determination

You may ask the Court for an ability-to-pay determination at sentencing or while the judgment remains unpaid. Your petition will be reviewed by a judicial officer to determine your ability to pay your fine.

The court may:

1. Allow you to make installment payments;
2. Complete community service to satisfy your fine;
3. Deny the petition.

Procedure

The petition can be filed in person or mailed to the court location indicated on the citation. At the time you submit the petition, provide the Court with any supporting documentation you want the judicial officer to consider in making their decision. Once the judicial officer has made their determination, you will be notified in writing.

The petition can be obtained from any traffic court location or by going to www.cc-courts.org/forms and printing it out.

A petition to vacate the civil assessment does not stay any order requiring payment of bail, fines, penalties, fees, or assessments unless specifically ordered by the court.

INFORMATION

- If you submit the petition, the court will respond to you in writing. Please allow up to four weeks for a response.
- If the court requires more information to make its determination, you will be notified in writing. The court may also order you to appear in court for a hearing.

For Petition to Vacate Civil Assessment:

- Provide the reason(s) and documentation for your failure to appear or pay on the due date.

For Petition for Ability-to-Pay Determination:

- Provide the reason(s) and any documentation to support your request, such as:
 - Proof of receiving any supportive services, such as food stamps, IHSS, general relief, etc.
 - Any recent statements for fixed monthly payments (car, rent, utilities, credit card/loans, etc.)
 - Pay stubs, disability/retirement income, or any other source of income (FOR HOUSEHOLD)
 - Bank statements, W-2's, bankruptcy information and/or income tax returns

ORDER

The Court has reviewed and considered the:

PETITION TO VACATE CIVIL ASSESSMENT:

- The court does find good cause does not find good cause:
 - FTA: Denied No explanation as to why defendant failed to appear Granted
 - FTP: Denied Granted

PETITION FOR ABILITY-TO-PAY DETERMINATION

The Court Now Orders:

- Collection vendor to set up a payment plan with the defendant. License hold released.
- It is determined that the defendant's ability to pay is Community Service. Complete by: _____ Fee: _____
As to count(s): 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ (per count)
- Reduce civil assessment amount to: \$ _____
- Matter is ordered set for an ability-to-pay hearing. Defendant ordered to mandatory appearance as directed and bring the following: _____

- Petition is denied. All previous orders remain in full force and effect. No further proceedings on this issue.
- No income documentation submitted.

Date: _____

_____ Bench Officer

For Court Use

Ability-to-Pay Hearing: Your court hearing has been set as follows:

Date: _____ Time: _____ Dept.: _____ Court Location: _____

PROOF OF SERVICE

I, the below-named Executive Officer/Clerk of the above entitled court, do hereby certify that I am not a party to the cause herein, and that on this date, I served the Petition and Order upon the defendant/counsel as indicated on Page One of this document:

by placing it for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in _____, California. One copy of the original filed in a sealed envelope to the address of record with the postage thereon fully prepaid, in accordance with court practices. by personally providing a copy to the defendant.

KATE BIEKER, Executive Officer/Clerk

Date: _____

_____ By Deputy