



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov

CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-22-03

Title

Judicial Council: Nonvoting Council Position

Action Requested

VOTING MEMBERS ONLY: Submit votes by responding to the transmittal e-mail.

Rules, Forms, Standards, or Statutes Affected

None

Please Respond By

Noon on July 28, 2022

Recommended by

Executive and Planning Committee
Hon. Marsha G. Slough, Chair

Date of Report

July 15, 2022

Contact

Amber Barnett, 916-263-1398
amber.barnett@jud.ca.gov
Josely Yangco-Frona, 415-865-7626
josely.yangco-fronda@jud.ca.gov

California Rules of Court, rules 10.5(h) and 10.13(d) allow the Judicial Council to act on business between meetings, including urgent matters, by circulating order. This memorandum is not a Judicial Council meeting, circulating orders are conducted via electronic communications. Prior public notice of a proposed circulating order is not required.

Executive Summary

The chair of the Executive and Planning Committee recommends approving one new advisory, nonvoting position on the Judicial Council for a single, three-year term. The Judicial Council has the authority to add nonvoting positions under article VI, section 6 of the California Constitution and rule 10.2 of the California Rules of Court. This position will provide the council with an additional source of court-based knowledge and statewide perspective and enhance the geographic and gender diversity among its membership.

Recommendation

The chair of the Executive and Planning Committee recommends that the Judicial Council approve the creation of one new advisory, nonvoting Judicial Council position for a single three-year term, from September 15, 2022, through September 14, 2025, to be assigned to Judge Judith K. Dulcich of the Superior Court of Kern County.

Relevant Previous Council Action

Effective July 1, 1993, the Judicial Council adopted rule 1005 of the California Rules of Court, which expressly authorized the Chief Justice to appoint nonvoting advisory members to the council. Rule 1005(g)(1)–(3) required the following five nonvoting members: three positions for either a superior court clerk or a trial court executive officer, one appellate court clerk, and one court commissioner.

Effective June 3, 1998, California voters approved Proposition 220, which, among other things, amended article VI, section 6 of the California Constitution to add to the list of council members and require two “nonvoting court administrators” to serve on the Judicial Council and to allow the council to establish other nonvoting positions. Effective January 1, 1999, rule 6.2(a) incorporated the council membership list as approved in Proposition 220.¹ At the time Proposition 220 was passed, the council had six nonvoting members: the five specified in rule 1005 and the president of the California Judges Association, appointed under the general authority of the Chief Justice under rule 1005(g).

To preserve the four nonvoting positions² not specified under amended article VI, section 6, the council approved those positions through September 14, 1999, by circulating order on July 28, 1998. The following year, another circulating order extended those positions by an additional year, through September 14, 2000.

On July 18, 2000, the council approved by circulating order the recommendation from its Executive and Planning Committee (Executive Committee) that the council have the following five advisory³ positions: three court administrators (one of which may be an appellate court clerk, at the Chief Justice’s discretion),⁴ the president of the California Judges Association, and a superior court commissioner. The terms of these positions are open-ended, although the circulating order states that the council intends to review the appropriateness of the commissioner’s position.

¹ Rule 6.2(a) was renumbered as rule 10.2(a) effective January 1, 2007.

² These four positions comprise one trial court administrator, one appellate court clerk, one court commissioner, and the president of the California Judges Association.

³ In 1998 and 1999 circulating orders, these positions were described as “nonvoting.” In the 2000 circulating order, these positions were described as “advisory.”

⁴ These three court administrators included the two identified in the state Constitution as a result of Proposition 220.

Rule 10.46(f), as amended in July 2013,⁵ also provides for another advisory position for the chair of the Trial Court Presiding Judges Advisory Committee. The rule requires the committee to submit one nomination for its chair each year to the Chief Justice. The Chief Justice appoints the chair to serve as an advisory member of the council.

Single-term advisory positions on the council

From time to time, the Judicial Council has created advisory positions for single terms:

- In May 2005, the Executive Committee created on behalf of the council an advisory position for a single term. At that time, the Chief Justice appointed an additional court administrator to the Judicial Council for a three-year term, bringing the total number of court administrators on the council to four; when that position lapsed in September 2008, the council was left with three court administrators as advisory members.
- In 2007, the Executive Committee created on behalf of the council an advisory position for a limited, one-year term. The Chief Justice subsequently appointed the Executive Committee's nominee, Sen. Joseph Dunn (D-Santa Ana), to the position. The position lapsed in December 2007.
- In May 2009, the Executive Committee created on behalf of the council another advisory position for a single term. The Chief Justice appointed an additional court administrator, Mr. Frederick K. Ohlrich, for a three-year term, returning the number of court administrators on the council to four.
- In April 2010, the Executive Committee created on behalf of the council a limited-term advisory position and nominated Judge Terry B. Friedman (Ret.) to fill the position. The position lapsed in September 2012.
- In May 2010, the Executive Committee created on behalf of the council two additional advisory positions, to which the Chief Justice appointed then Judge Teri L. Jackson and Judge Robert J. Moss.
- In May 2012, the Executive Committee recommended, and the council approved, the addition of three nonvoting advisory positions, each for a three-year term. The Chief Justice subsequently appointed Judges Morris D. Jacobson, Brian L. McCabe, and Charles D. Wachob to fill the three positions.

⁵ Rule 10.46(f) was amended to require one nomination from the committee to the Chief Justice for the chair position of the Trial Court Presiding Judges Advisory Committee. Previously, the rule provided for three nominations from the committee to the Chief Justice from which to make a selection and an appointment to the Judicial Council.

- In May 2013, the Executive Committee recommended, and the council approved, the extension of the two nonvoting advisory positions, each for a three-year term, to which the Chief Justice appointed Judges James E. Herman and Kenneth K. So.
- In September 2014, the Executive Committee recommended, and the council approved, the addition of one nonvoting advisory position for a three-year term, to which the Chief Justice appointed Judge Daniel J. Buckley.
- In May 2015, the Executive Committee recommended, and the council approved, the addition of one nonvoting advisory position for a three-year term, to which the Chief Justice appointed Ms. Kimberly Flener.
- In February 2016, the Executive Committee recommended, and the council approved, the addition of one nonvoting advisory position for a three-year term, to which the Chief Justice appointed Justice Marsha G. Slough.
- In September 2016, the Executive Committee recommended, and the council approved, the addition of one nonvoting advisory position for a three-year term, to which the Chief Justice reappointed Judge So.
- In May 2018, the Executive Committee recommended, and the council approved, the addition of one nonvoting advisory position for a three-year term, to which the Chief Justice appointed Presiding Judge Ann C. Moorman.
- In March 2019, the Executive Committee recommended, and the council approved, the addition of two nonvoting advisory positions for a limited, one-year term, to which the Chief Justice appointed Justice Carin T. Fujisaki and Judge Eric C. Taylor. Subsequently, in December 2019, the Chief Justice appointed Judge Taylor to a voting position to replace retired Judge Scott M. Gordon.
- In September 2020, the Executive Committee recommended, and the council approved, the addition of one nonvoting advisory position for a limited, one-year term, to which the Chief Justice reappointed Justice Fujisaki.
- In May 2021, the Executive Committee recommended, and the council approved, the addition of two nonvoting advisory positions for a single three-year term, to which the Chief Justice reappointed Justice Fujisaki and Presiding Judge Moorman. Subsequently, in September 2021, the Chief Justice appointed Justice Fujisaki to a voting position to replace Justice Harry E. Hull, Jr.

Analysis/Rationale

Rule 10.4(a) observes that nominees for positions on the Judicial Council should be drawn from “diverse backgrounds, experiences, and geographical locations.” The Judicial Council has recognized that it benefits from a diverse group of members with a blend of professional

expertise and other experience on a variety of leadership issues. With the complexity and far-ranging policy implications of the issues brought before it, the council would benefit from an additional member.

Although the state Constitution limits the number of voting members on the council to 21 and requires two nonvoting court administrator members, there is no upper limit on the size or composition of the advisory membership of the council. The council can be as small as the constitutionally required 23 members or as large as the voting membership chooses.

Policy implications

None.

Comments

This proposal was not circulated for comment.

Alternatives considered

None.

Fiscal and Operational Impacts

There will be no fiscal or operational impact from the creation of this single advisory position on the council because the Judicial Council's total membership will remain at 28.

Attachments and Links

1. Voting instructions, at page 6
2. Vote and signature pages, at pages 6–7

Author

Josely Yangco-Fronda
Senior Analyst, Judicial Council and Trial Court Leadership

Amber Barnett
Principal Manager, Judicial Council and Trial Court Leadership

Instructions for Review and Action by Circulating Order

Voting members

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by **noon on July 28, 2022**.
- If you are unable to reply by **noon on July 28, 2022**, please do so as soon as possible thereafter.

Advisory members

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.

CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages

Effective immediately, the Judicial Council approves the creation of one new advisory, nonvoting Judicial Council position for a single three-year term, from September 15, 2022, through September 14, 2025.

My vote is as follows:

☒ Approve

☐ Disapprove

☐ Abstain

Tani G. Cantil-Sakauye, Chair

_____/s/
Marla O. Anderson

_____/s/
Richard Bloom

_____/s/
C. Todd Bottke

_____/s/
Stacy Boulware Eurie

_____/s/
Kevin C. Brazile

_____/s/
Kyle S. Brodie

_____/s/
Jonathan B. Conklin

_____/s/
Carol A. Corrigan

_____/s/
Samuel K. Feng

_____/s/
David D. Fu

_____/s/
Carin T. Fujisaki

Brad R. Hill

_____/s/
Rachel W. Hill

My vote is as follows:

☒ Approve

☐ Disapprove

☐ Abstain

/s/
Harold W. Hopp

/s/
Dalila Corral Lyons

/s/
Gretchen Nelson

/s/
Maxwell V. Pritt

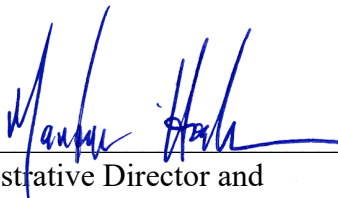
/s/
David M. Rubin

/s/
Marsha G. Slough

/s/
Thomas J. Umberg

Date: July 28, 2022

Attest:



Administrative Director and
Secretary of the Judicial Council



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov

CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-22-04

Title

Allocations and Reimbursements to Trial
Courts: Pretrial Release Funding and
Allocation Methodology

Action Requested

VOTING MEMBERS ONLY: Submit votes
by responding to the transmittal e-mail.

Please Respond By

Noon on July 28, 2022

Rules, Forms, Standards, or Statutes Affected
N/A

Date of Report

July 22, 2022

Recommended by

Judicial Branch Budget Committee
Hon. David M. Rubin, Chair
Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair

Contact

Deirdre Benedict, Supervising Analyst
415-865-7543
deirdre.benedict@jud.ca.gov

California Rules of Court, rules 10.5(h) and 10.13(d) allow the Judicial Council to act on business between meetings, including urgent matters, by circulating order. This memorandum is not a Judicial Council meeting, circulating orders are conducted via electronic communications. Prior public notice of a proposed circulating order is not required. Circulating orders may be noticed and public comments may be accepted in writing according to an established time frame for receipt; public comments received after the deadline will not be delivered to Judicial Council members.

Executive Summary

The Judicial Branch Budget Committee recommends Judicial Council approval of the Trial Court Budget Advisory Committee recommendation for fiscal year 2022–23 pretrial release allocations of \$70 million General Fund for the trial courts in accordance with methodologies outlined in Senate Bill 129 (Stats. 2021, ch. 69) and including minimum funding floors.

Recommendation

The Judicial Branch Budget Committee unanimously recommends approval of the Trial Court Budget Advisory Committee recommendation that the Judicial Council approve fiscal year 2022–23 pretrial release allocations of \$70 million General Fund for the trial courts in accordance with methodologies outlined in SB 129 and including minimum funding floors.

Relevant Previous Council Action

At the Judicial Council’s business meeting on October 1, 2021, the council approved the 2021–22 allocations of \$137.9 million for the trial courts in accordance with methodologies outlined in SB 129 and including minimum funding floors. As required in the legislation, half of the approved 2021-22 funding (\$68.95 million) was distributed to the 41 courts that did not receive Pretrial Pilot Program funding (provided in the Budget Act of 2019). The remaining \$68.95 million was distributed to all courts.

Analysis/Rationale

Senate Bill 129 (Link A), which amended the Budget Act of 2021, provides funding for “the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail” (Sen. Bill 129, § 4, item 0250-101-0001, provision 9).

Each court may retain up to 30 percent of the funding for costs associated with pretrial release programs and practices. Courts are required to contract for pretrial services with their county’s probation department or any county department or agency other than those that have primary responsibility for making arrests or prosecuting criminal offenses,¹ and provide those departments with the remainder of the funds.

The Judicial Council is required to distribute funds annually to all courts based on each county’s relative proportion of the state population 18 to 25 years of age. The current annual budget available to the courts for the Pretrial Release Program is \$68.95 million.² These funds must be encumbered or expended by June 30, 2023. The breakdown of these ongoing allocation recommendations is reflected in Attachment A.

A minimum funding floor of \$200,000 is recommended for ongoing funding in 2022–23. This recommendation is based on analysis of planned budgets versus actual spending by small courts³

¹ SB 129 specifically provides that the Superior Court of Santa Clara County may contract with the Office of Pretrial Services in that county, and that the Superior Court of San Francisco County may contract with the Sheriff’s Office and the existing not-for-profit entity that is performing pretrial services in the city and county for pretrial assessment and supervision services.

² SB 129 authorizes the Judicial Council to retain up to 5 percent of the amounts available to the courts for costs associated with implementing, supporting, and evaluating pretrial programs in courts.

³ The court-size category is based on the authorized number of judicial positions (AJP) within a county: small (2–5 AJP), small-medium (6–15 AJP), medium (16–47 AJP), and large (48+ AJP).

participating in the Pretrial Pilot Program in 2019–20 and 2020–21. It is also equivalent to the floor used in the funding methodology for the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678).⁴ Judicial Council Criminal Justice Services staff continue to monitor and evaluate whether the floor provides small and small-medium courts with the resources necessary to meet the mandates of the legislation.

On May 5 and June 1, 2022, Criminal Justice Services staff presented the 2022–23 allocations of the pretrial release funding to the Trial Court Budget Advisory Committee and Judicial Branch Budget Committee for consideration and approval.

Policy implications

No policy implications are associated with this report.

Comments

This proposal was not circulated for public comment.

Alternatives considered

The Judicial Branch Budget Committee could have applied a formulaic method of providing proportional funding to all trial courts. The funding floor included in this recommendation is based on budget information from courts participating in the Pretrial Pilot Program to ensure that both small and small-medium courts have the resources necessary to comply with the legislation.

Fiscal and Operational Impacts

SB 129 authorizes the Judicial Council to retain up to 5 percent of the amount available to the courts for costs associated with implementing, supporting, and evaluating pretrial programs in courts. Agency staff will assist courts with legal, educational, and technical support to help courts implement their pretrial programs and meet the legislative requirements.

Attachments and Links

1. Attachment A: Recommended 2022–23 Pretrial Release Ongoing Allocations
2. Link A: Sen. Bill 129 (Stats. 2021, ch. 69),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB129
3. Voting instructions
4. Voting and signature pages

Author

Deirdre Benedict
Supervising Analyst, Criminal Justice Services

⁴ Stats. 2009, ch. 608, www.courts.ca.gov/documents/sb678.pdf.

Attachment A: Recommended 2022–22 Pretrial Release Ongoing Allocations

Court	Total no. of 18–24 yr. olds*	% of 18–24 yr. olds in CA population	\$ allocation of \$68.95M, based on % of 18–24 yr. olds
Alameda	136,997	3.749%	\$ 2,412,294
Alpine	N/A†	N/A†	200,000
Amador	N/A	N/A	200,000
Butte	32,344	0.885%	569,525
Calaveras	N/A	N/A	200,000
Colusa	N/A	N/A	200,000
Contra Costa	93,037	2.546%	1,638,230
Del Norte	N/A	N/A	200,000
El Dorado	13,341	0.365%	234,913
Fresno	97,886	2.678%	1,723,613
Glenn	N/A	N/A	200,000
Humboldt	17,036	0.466%	299,976
Imperial	18,338	0.502%	322,902
Inyo	N/A	N/A	200,000
Kern	90,462	2.475%	1,592,888
Kings	16,621	0.455%	292,669
Lake	N/A	N/A	200,000
Lassen	N/A	N/A	200,000
Los Angeles	952,944	26.076%	16,779,791
Madera	15,152	0.415%	266,802
Marin	16,964	0.464%	298,708
Mariposa	N/A	N/A	200,000
Mendocino	N/A	N/A	200,000
Merced	30,639	0.838%	539,503
Modoc	N/A	N/A	200,000
Mono	N/A	N/A	200,000
Monterey	43,083	1.179%	758,621
Napa	12,011	0.329%	211,494
Nevada	N/A	N/A	200,000
Orange	289,774	7.929%	5,102,448
Placer	28,723	0.786%	505,765
Plumas	N/A	N/A	200,000
Riverside	236,238	6.464%	4,159,766
Sacramento	130,962	3.584%	2,306,027
San Benito	N/A	N/A	200,000
San Bernardino	223,409	6.113%	3,933,868
San Diego	340,813	9.326%	6,001,161

Court	Total no. of 18–24 yr. olds*	% of 18–24 yr. olds in CA population	\$ allocation of \$68.95M, based on % of 18–24 yr. olds
San Francisco	60,846	1.665%	1,071,399
San Joaquin	72,485	1.983%	1,276,343
San Luis Obispo	42,626	1.166%	750,574
San Mateo	56,002	1.532%	986,104
Santa Barbara	69,751	1.909%	1,228,201
Santa Clara	161,684	4.424%	2,846,992
Santa Cruz	40,529	1.109%	713,650
Shasta	13,633	0.373%	240,055
Sierra	N/A	N/A	200,000
Siskiyou	N/A	N/A	200,000
Solano	38,611	1.057%	679,877
Sonoma	40,081	1.097%	705,761
Stanislaus	51,695	1.415%	910,265
Sutter	N/A	N/A	200,000
Tehama	N/A	N/A	200,000
Trinity	N/A	N/A	200,000
Tulare	46,977	1.285%	827,188
Tuolumne	N/A	N/A	200,000
Ventura	78,658	2.152%	1,385,039
Yolo	44,160	1.208%	777,586
Yuba	N/A	N/A	200,000
Total	3,654,512		\$ 68,950,000

* Source: U.S. Census Bureau, *American Community Survey*, Table S0101,
<https://data.census.gov/cedsci/table?q=age%20by%20county&q=0400000US06.050000&tid=ACSST5Y2019.S0101&hidePreview=true&tp=true>.

The legislation specifies 18- to 25-year-olds; however, census data is only available for 18- to 24-year-olds.

† For courts that indicate “N/A,” a minimal funding floor of \$200,000 has been imposed to ensure adequate funding for small and small-medium courts to meet the legislative mandate.

Instructions for Review and Action by Circulating Order

Voting members

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by **noon on July 28, 2022**.
- If you are unable to reply by **noon on July 28, 2022**, please do so as soon as possible thereafter.

Advisory members

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.

CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages

Effective immediately, the Judicial Council approves the Trial Court Budget Advisory Committee recommendation that the Judicial Council approve fiscal year 2022–23 pretrial release allocations of \$70 million General Fund for the trial courts in accordance with methodologies outlined in SB 129 and including minimum funding floors.

My vote is as follows:

☒ Approve

☐ Disapprove

☐ Abstain

Tani G. Cantil-Sakauye, Chair

_____/s/
Marla O. Anderson

_____/s/
Richard Bloom

_____/s/
C. Todd Bottke

_____/s/
Stacy Boulware Eurie

_____/s/
Kevin C. Brazile

_____/s/
Kyle S. Brodie

_____/s/
Jonathan B. Conklin

_____/s/
Carol A. Corrigan

_____/s/
Samuel K. Feng

_____/s/
David D. Fu

_____/s/
Carin T. Fujisaki

Brad R. Hill

_____/s/
Rachel W. Hill

My vote is as follows:

☒ Approve

☐ Disapprove

☐ Abstain

/s/
Harold W. Hopp

/s/
Dalila Corral Lyons

/s/
Gretchen Nelson

/s/
Maxwell V. Pritt

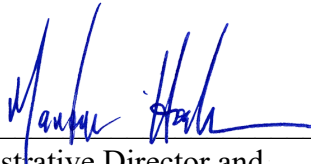
/s/
David M. Rubin

/s/
Marsha G. Slough

/s/
Thomas J. Umberg

Date: July 28, 2022

Attest:



Administrative Director and
Secretary of the Judicial Council



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov

CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: 22-05

Title

Rules and Forms: Form Revisions to
Implement AB 199

Action Requested

VOTING MEMBERS ONLY: Submit votes
by responding to the transmittal email.

Rules, Forms, Standards, or Statutes Affected

Revise forms FW-001, FW-001-GC, FW-001-
INFO, APP-015/FW-015-INFO, TR-300, TR-
300 (online), TR-310, and TR-310 (online)

Please Respond By

Noon, July 28, 2022

Date of Report

July 21, 2022

Recommended by

Judicial Council staff
Anne M. Ronan, Supervising Attorney
Legal Services

Contact

Anne Ronan, 415-865-8933
anne.ronan@jud.ca.gov

Jamie Schechter, 415-865-5327
jamie.schechter@jud.ca.gov

California Rules of Court, rules 10.5(h) and 10.13(d) allow the Judicial Council to act on business between meetings, including urgent matters, by circulating order. This memorandum is not a Judicial Council meeting, circulating orders are conducted via electronic communications. Prior public notice of a proposed circulating order is not required.

Executive Summary

To implement changes in law made in Assembly Bill 199 (Stats. 2022, ch. 57), Judicial Council staff recommend the revision of four council fee waiver forms containing items reflecting the bases for fee waiver eligibility, and four council traffic forms referencing the maximum amount of civil assessments. Because AB 199 was enacted as urgency legislation, the amendments in the bill are effective immediately. The revisions will ensure that litigants and courts are provided with accurate information in both areas.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective August 1, 2022, revise the following Judicial Council forms to reflect changes in law enacted in Assembly Bill 199:

1. Revisions to reflect new fee waiver eligibility requirements:
 - *Request to Waive Court Fees* (form FW-001), at item 5a and b;
 - *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC), at item 8a and b;
 - *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO), at top of second page; and
 - *Information Sheet on Waiver of Appellate Court Fees—Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO), at item 1; and
2. Revisions to reflect new maximum amount of civil assessments:
 - *Agreement to Pay and Forfeit Bail in Installments (Traffic Infractions)* (form TR-300), on first page;
 - *Online Agreement to Pay and Forfeit Bail in Installments (Traffic Infractions)* (form TR-300 (online)), on first page;
 - *Agreement to Pay Traffic Violator School Fees in Installments (Traffic Infractions)* (form TR-310), on first page; and
 - *Online Agreement to Pay Traffic Violator School Fees in Installments (Traffic Infractions)* (form TR-310 (online)), on first page.

The revised forms are attached at pages 5–22.

Relevant Previous Council Action

The council last revised the fee waiver forms effective March 14, 2022, to reflect the most recent change in the federal poverty guidelines. The council last revised the traffic forms effective January 1, 2017, to further standardize and improve the imposition of bail, fines, and assessments when the defendant wishes to pay by installment, and to allow agreements for such payments to be made via online interfaces.

Analysis/Rationale

Judicial Council forms should reflect current law.

Fee waiver forms

The eligibility of indigent litigants to proceed without paying filing fees or other court costs is determined by Government Code section 68632.

- Section 68632(a) previously provided that a fee waiver will be granted to litigants who receive public benefits under one or more of several programs listed in the statute. AB 199 (see Link A) has added two new programs to that list: California Special

Supplemental Nutrition Program for Women, Infants, and Children (WIC Program), and unemployment compensation.

- Section 68632(b) previously provided that a fee waiver will be granted to litigants whose household monthly income is *125 percent* or less of the current poverty guidelines established by the U.S. Department of Health and Human Services (HHS). That eligibility amount was amended by AB 199 to *200 percent* or less of the current federal poverty guidelines.

The Judicial Council has adopted rules of court and forms for litigants to obtain fee waivers. Three of those forms contain figures based on the monthly poverty guidelines: the tables in item 5b on the general fee waiver application form (form FW-001), in item 8b on the probate fee waiver form (form FW-001-GC), and on page 1 of the appellate court information sheet (form APP-015/FW-015-INFO) provide monthly income figures on which a court may base a decision to grant a fee waiver in accordance with Government Code section 68632. Those items have been revised to reflect the new income levels under AB 199.¹

Four of the fee waiver forms also include items listing the public benefits programs set out in Government Code section 68632: item 5a in form FW-001, item 8a in form FW-001-GC, page 2 of the general fee waiver information sheet (form FW-001-INFO), and page 1 of the appellate fee waiver information sheet (form APP-015/FW-015-INFO). The two new qualifying public benefits programs added in AB 199 have been added to the lists on those forms.

Traffic forms

The Judicial Council has adopted *Agreement to Pay and Forfeit Bail in Installments* (forms TR-300), *Online Agreement to Pay and Forfeit Bail in Installments* (form TR-300 (online)), *Agreement to Pay Traffic Violator School Fees in Installments* (form TR-310), and *Online Agreement to Pay Traffic Violator School Fees in Installments* (form TR-310 (online)) for installment payments for traffic infractions. The four traffic forms all contain references to the court's authority to charge civil assessments should the installment payments not be made.

AB 199 authorizes changes to the imposition of civil assessments, effective July 1, 2022, by, among other things, amending Penal Code section 1214.1(a) to decrease the maximum amount that a court may impose for a civil assessment—from up to \$300 to up to \$100. Forms TR-300, TR-300 (online), TR-310, and TR-310 (online) have been revised to state that the court may impose a civil assessment up to \$100 (rather than \$300) if a defendant fails to pay.

¹ The 2022 figures have been published in the Federal Register. See U.S. Department of Health and Human Services, Annual Update of the HHS Poverty Guidelines (87 Fed.Reg. 3315 (Jan. 21, 2022)). (See Link B.) To determine the new monthly income figures for the forms, the federal poverty guidelines must be multiplied by 200 percent and divided by 12. See Attachment A for the Computation Sheet.

Policy implications

The Legislature has expanded the eligibility requirements for fee waivers and amended the civil assessment requirements, and any policy implications arise from that action. The Judicial Council should revise the council forms presented here as soon as possible in order to reflect those changes in legislative policies. Once adopted, the revised forms will be distributed to the courts and forms publishers and posted to the California Courts website.

Comments

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered

Staff did not consider the option of *not* updating the forms because failure to do so would result in forms with items contrary to current law.

Fiscal and Operational Impacts

If a court provides free copies of these forms to parties, it will incur costs to print or duplicate the forms. However, the revisions are required to make the forms consistent with current law.

Attachments and Links

1. Forms FW-001, FW-001-GC, FW-001-INFO, APP-015/FW-015-INFO, TR-300, TR-300 (online), TR-310, and TR-310 (online), at pages 5–22
2. Attachment A: Computation Sheet
3. Link A: Assembly Bill 199 (Stats. 2022, ch. 57),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB199
4. Link B: Annual Update of the HHS Poverty Guidelines (Jan. 21, 2022),
<https://www.federalregister.gov/documents/2022/01/21/2022-01166/annual-update-of-the-hhs-poverty-guidelines>
5. Voting instructions
6. Vote and signature pages

Clerk stamps date here when form is filed.

DRAFT**07/21/2022****Not approved by
the Judicial Council**

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (person asking the court to waive the fees):

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____

Employer's address: _____

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): _____a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☐

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- ☐ Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- ☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?a. ☐ I receive (check all that apply; see form FW-001-INFO for definitions):☐ Food Stamps ☐ Supp. Sec. Inc. ☐ SSP ☐ Medi-Cal ☐ County Relief/Gen. Assist. ☐ IHSS☐ CalWORKS or Tribal TANF ☐ CAPI ☐ WIC ☐ Unemploymentb. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$786.67 for each extra person.
1	\$2,265.00	3	\$3,838.34	5	\$5,411.67	
2	\$3,051.67	4	\$4,625.00	6	\$6,198.34	

c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you **must** fill out page 2):☐ waive all court fees and costs ☐ waive some of the court fees ☐ let me make payments over time**6** ☐ Check here if you asked the court to waive your court fees for this case in the last six months.(If your previous request is reasonably available, please attach it to this form and check here): ☐

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here

Sign here

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7 ☐ Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

- a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____
 (4) _____ \$ _____

b. Your total monthly income: \$ _____

9 Household Income

- a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8b plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page. ☐

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$ _____
 b. All financial accounts (List bank name and amount):
 (1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____
 c. Cars, boats, and other vehicles
- | Make / Year | Fair Market Value | How Much You Still Owe |
|-------------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |
- d. Real estate
- | Address | Fair Market Value | How Much You Still Owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |

- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

11 Your Monthly Deductions and Expenses

- a. List any payroll deductions and the monthly amount below:

(1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____
 (4) _____ \$ _____

- b. Rent or house payment & maintenance \$ _____
 c. Food and household supplies \$ _____
 d. Utilities and telephone \$ _____
 e. Clothing \$ _____
 f. Laundry and cleaning \$ _____
 g. Medical and dental expenses \$ _____
 h. Insurance (life, health, accident, etc.) \$ _____
 i. School, child care \$ _____
 j. Child, spousal support (another marriage) \$ _____
 k. Transportation, gas, auto repair and insurance \$ _____
 l. Installment payments (list each below):

Paid to:

(1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____

- m. Wages/earnings withheld by court order \$ _____

- n. Any other monthly expenses (list each below).

Paid to:	How Much?
(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

Total monthly expenses (add 11a – 11n above): \$ _____

Clerk stamps date here when form is filed.

DRAFT
not approved by JC
07.21.22

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

This form must be used by a guardian or conservator, or by a petitioner for the appointment of a guardian or conservator, to request a waiver of court fees in the guardianship or conservatorship court proceeding or in any other civil action in which the guardian or conservator represents the interests of the ward or conservatee as a plaintiff or defendant.

If the ward or conservatee (including a proposed ward or conservatee if a petition for appointment of a guardian or conservator has been filed but has not yet been decided by the court) directly receives public benefits or is supported by public benefits received by another for his or her support, is a low-income person, or does not have enough income to pay for his or her household's basic needs and the court fees, you may use this form to ask the court to waive the court fees. The court may order you to answer questions about the finances of the ward or conservatee. If the court waives the fees, the ward or conservatee, his or her estate, or someone with a duty to support the ward or conservatee, may still have to pay later if:

- You cannot give the court proof of the ward's or conservatee's eligibility,
- The ward's or conservatee's financial situation improves during this case, or
- You settle the civil case on behalf of the ward or conservatee for **\$10,000** or more. The trial court that waives fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge the ward or conservatee, or his or her estate, any collection costs.

1 Your Information (guardian or conservator, or person asking the court to appoint a guardian or conservator):

Name: _____ Phone: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

2 Your Lawyer (if you have one): Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Email: _____

a. The lawyer has agreed to advance all or a portion of court fees or costs (check one): Yes ☐ No ☐

b. (If yes, your lawyer must sign here.) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your or the ward's or conservatee's low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Ward's or Conservatee's Information (file a separate Request for each ward in a multiward case):

Name: _____ Age and date of birth (ward only): _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____

4 Ward's or Conservatee's Lawyer, if any: Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Email: _____

5 Ward or Conservatee's Job (job title; if not employed, so state): _____

Name of employer: _____

Employer's address: _____ State: _____ Zip: _____



Name of (Proposed) Ward or Conservatee:

Case Number:

6 What court's fees or costs are you asking to be waived?

- ☐ Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

- 7** ☐ Check here if you asked the court to waive court fees for this case in the last six months.
(If your previous request is reasonably available, please attach it to this form and check here): ☐

8 Why are you asking the court to waive the ward's or conservatee's court fees?

- a. ☐ The ward or one or both of the ward's parents, or the conservatee or the conservatee's spouse or registered domestic partner, receive (check all that apply):
- ☐ Supplemental Security Income (SSI) ☐ State Supplemental Payment (SSP) ☐ SNAP (Food Stamps)
☐ IHSS (In-Home Supportive Services) ☐ CalWORKS or Tribal TANF ☐ Medi-Cal
☐ County Relief/General Assistance ☐ CAPI (Cash Assistance Program for Aged, Blind, and Disabled)
☐ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program)
☐ Unemployment Compensation

(Names and relationships to ward or conservatee of persons who receive the public benefits listed above):

- b. ☐ The gross monthly income of the ward's or conservatee's household (before deductions for taxes) is less than the amount listed below. (If you check 8b, you **must** fill out items 14, 15, and 16 on page 4 of this form.)*

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$786.67 for each extra person.
1	\$2,265.00	3	\$3,838.34	5	\$5,411.67	
2	\$3,051.67	4	\$4,625.00	6	\$6,198.34	

- c. ☐ The ward's or conservatee's household does not have enough income to pay for its basic needs and the court fees. I ask the court to (check one, and you **must** fill out items 14, 15, 16, 17, and 18 on page 4):*
- (1) ☐ Waive all court fees and costs. (2) ☐ Waive some court fees and costs.
(3) ☐ Let the (proposed) guardian or conservator, on behalf of the (proposed) ward or conservatee, make payments over time.

*(Do not include income of guardian or conservator living in the household in 8b or 8c or count him or her in family size in 8b, unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.)

Guardians or petitioners for their appointment must complete items 9 and 10.

9 Ward's Estate: ☐ Person only, no estate. ☐ Inventory or petition estimated value:

Source (e.g., gift, inheritance, settlement, judgment, insurance): Est. collection date:

10 Ward's Parents' Information:

- a. Name of ward's father: _____ ☐ Deceased (date of death): _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone: _____
- b. Name of ward's mother: _____ ☐ Deceased (date of death): _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone: _____
- c. Ward's parents are (check all that apply): ☐ married ☐ living together ☐ separated ☐ divorced
Support order for ward? ☐ No ☐ Yes Payable to (name): _____
Payor (name): _____
Court: _____ Case Number: _____
Date of order (if multiple, date of latest): _____ Monthly amount: _____

Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

Conservators or petitioners for their appointment must complete items 11–13.

11 Conservatee's Estate: ☐ Person only, no estate.

☐ Inventory or petition estimated value: _____

Est. collection date: _____

12 Conservatee's Spouse's or Registered Domestic Partner's Information:

Name of conservatee's spouse or registered domestic partner: _____ ☐ Spouse ☐ Partner

Date of marriage or partnership: _____ ☐ Deceased (*date of death*): _____

Street or mailing address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Name of employer (*if none, so state*): _____

Employer's address: _____ State: _____ Zip: _____

The conservatee's spouse or partner ☐ is ☐ is not managing, or following appointment of a conservator is planning to manage, some or all of the couple's community property outside the conservatorship estate.

If you selected "is" above: The income, money, and property shown on page 4 ☐ includes ☐ does not include the income and property managed, or expected to be managed, by the spouse/partner outside the estate.

☐ Divorced (*date of final judgment or decree*): _____

Court: _____

Case Number: _____ Support order for conservatee? ☐ No ☐ Yes

Date of support order (*if multiple, date of latest*): _____ Monthly amount: _____

13 The Conservatee and Trusts:

The conservatee:

a. ☐ is ☐ is not a trustor or settlor of a trust.

b. ☐ is ☐ is not a beneficiary of a trust.

If you selected "Is" to complete any of the above statements, identify and provide, in an attachment to this *Request*, the current address and telephone number of the current trustee(s) of each trust, describe the general terms of and value of each trust and the nature and value of the conservatee's interest in each trust, and the amount(s) and frequency of any distributions to or for the benefit of the conservatee prior to your appointment as conservator of which you are aware. (*You may use Judicial Council form MC-025 for this purpose.*)

All applicants who checked item 8b or item 8c on page 2 must continue to and follow the instructions for completion of items 14–16 or items 14–18 on page 4, before signing below.

The information I have provided on this form and all attachments about the (proposed) ward or conservatee is true and correct to the best of my information and belief. The information I have provided on this form and all attachments concerning myself is true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Print your name here

Sign here

Name of (Proposed) Ward or Conservatee:

Case Number:

If you checked 8a on page 2, do not fill out below. If you checked 8b, you **must** answer questions 14–16. If you checked 8c, you **must** answer questions 14–18. If you need more space, attach form MC-025 or attach a sheet of paper, and write "Financial Information" and the ward's or conservatee's name and case number at the top.

- 14 ☐ Check here if the ward's or conservatee's income changes a lot from month to month. If it does, complete the form based on his or her average income for the past 12 months.

15 Ward's or Conservatee's Gross Monthly Income

- a. List the source and amount of **any** income the ward or conservatee gets each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
(5) _____ \$ _____

b. Total monthly income: \$ _____

16 Ward's or Conservatee's Household's Income

- a. List the income of all other persons living in the ward's or conservatee's home who depend in whole or in part on him or her for support, or on whom he or she depends in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____
(5) _____	_____	_____	\$ _____
(6) _____	_____	_____	\$ _____
(7) _____	_____	_____	\$ _____
(8) _____	_____	_____	\$ _____
(9) _____	_____	_____	\$ _____
(10) _____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (15b plus 16b): \$ _____

To list any other facts you want the court to know, such as the (proposed) ward's or conservatee's unusual medical expenses, etc, attach form MC-025 or attach a sheet of paper and write "Financial Information" and the (proposed) ward's or conservatee's name and case number at the top.

Check here if you attach another page. ☐

Important! If the ward's or conservatee's financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010-GC.

Do not include income of guardian or conservator living in the household in item 16, his or her money and property in item 17, or his or her deductions and expenses in item 18 unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.

17 Ward's or Conservatee's Household's Money and Property

a. Cash \$ _____

b. All financial accounts (list bank name and amount):

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____

c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

d. Real estate

Address	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

18 Ward's or Conservatee's Household's Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____

b. Rent or house payment and maintenance \$ _____

c. Food and household supplies \$ _____

d. Utilities and telephone \$ _____

e. Clothing \$ _____

f. Laundry and cleaning \$ _____

g. Medical and dental expenses \$ _____

h. Insurance (life, health, accident, etc.) \$ _____

i. School, child care \$ _____

j. Child, spousal support (another marriage) \$ _____

k. Transportation, gas, auto repair and insurance \$ _____

l. Installment payments (list each below):

Paid to:

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____

m. Wages/earnings withheld by court order \$ _____

n. Any other monthly expenses (list each below).

Paid to:

(1) _____ How Much? \$ _____
(2) _____ \$ _____
(3) _____ \$ _____

Total monthly expenses (add 18a – 18n above): \$ _____

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household's basic needs and your court fees, you may ask the court to waive all or part of those fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). If you qualify, the court will waive all or part of its fees for the following:
 - Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
 - Making and certifying copies
 - Sheriff's fee to give notice
 - Court fee for telephone hearing
 - Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter (use form FW-020 to ask for a court reporter)
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal
 - Holding in trust the deposit for a reporter's transcript on appeal under Cal. Rules of Court, rule 8.833 or 8.834
 - Making a transcript or copy of an official electronic recording under Cal. Rules of Court, rule 8.835
 - Giving notice and certificates
 - Sending papers to another court department
2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002) or *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC). The court will consider waiving fees for items such as the following, or other court services you need for your case:
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Other necessary court fees
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness
3. If you want the Appellate Division of the Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.**
 - **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked. You or your ward's or conservatee's estate may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
 - **Public benefits programs listed on the application form.** In item 5 on the Request to Waive Court Fees (item 8 of the Request to Waive Court Fees (Ward or Conservatee)), there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:
 - Medi-Cal
 - Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
 - SSP—State Supplemental Payment
 - Supp. Sec. Inc.—Supplemental Security Income (not Social Security)
 - County Relief/Gen. Assist.—County Relief, General Relief (GR), or General Assistance (GA)
 - IHSS—In-Home Supportive Services
- (list continues on next page)

- CalWORKs—California Work Opportunity and Responsibility to Kids Act
 - Tribal TANF—Tribal Temporary Assistance for Needy Families
 - CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants
 - WIC—Special Supplemental Nutrition Program for Women, Infants, and Children
 - Unemployment—unemployment compensation
- **If you receive a fee waiver, you must tell the court if there is a change in your finances, or the finances of your ward or conservatee.** You must tell the court within five days if those finances improve or if you, or your ward or conservatee, become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) or *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010-GC) with the court.) You may be ordered to repay any amounts that were waived after your eligibility, or the eligibility of your ward or conservatee, came to an end.
 - **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
 - **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases and in guardianships and conservatorships. (Gov. Code, § 68637(d), (e); Cal. Rules of Court, rule 7.5).)
 - **If you settle your civil case for \$10,000 or more:** Any trial court-waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
 - **The court can collect fees and costs due the court.** If waived fees and costs are ordered paid to the trial court, or if you fail to make the payments over time, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
 - **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you or your ward or conservatee are not eligible for a fee waiver. If the case is a guardianship or conservatorship proceeding, see California Rules of Court, rule 7.5(k) for information on the final disposition of that matter.
 - **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time. See Government Code section 68635.
 - **If you want a record made of your court hearing or trial:** There are various reasons why you may want a record of the hearing or trial. Among other reasons, you may want to have a record for an appeal if you disagree with a court order or judgment. If you receive a fee waiver and if the court is not electronically recording the proceeding, you may ask the court to have an official court reporter attend your hearing or trial at no cost to you, so there can be a record of the proceeding. You should use form FW-020 to make the request, which you should file at least 10 calendar days before a scheduled court date, or as soon as you can if the court date is set with less than 10-days' notice.

If you want a written transcript after the hearing or trial, you will need to pay the court reporter separately, or arrange to get the transcript in another way. To learn about ways to do that, talk with the court's Self Help Center or read the information about appeals on the self-help webpages at <https://courts.ca.gov/selfhelp-appeals.htm>.

INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES— SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION

If you file an appeal, a petition for a writ, or a petition for review in a civil case, such as a family law case or a case in which you sued someone or someone sued you, you must generally pay a filing fee to the court. If you are a party other than the party who filed the appeal or the petition, you must also generally pay a fee when you file your first document in a case in the Court of Appeal or Supreme Court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk's transcript in an appeal. However, if you cannot afford to pay these court fees and costs, you may ask the court to issue an order saying you do not have to pay these fees (this is called "waiving" these fees).

1. Who can get their court fees waived? The court will waive your court fees and costs if:

- **You are getting public assistance**, such as Medi-Cal; Food Stamps; Supplemental Security Income (not Social Security); State Supplemental Payment; County Relief/General Assistance; In-Home Supportive Services; CalWORKS; Tribal Temporary Assistance for Needy Families; Cash Assistance Program for Aged, Blind, and Disabled; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program); or unemployment compensation.
- **You have a low income level.** Under the law you are considered a low-income person if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$2,265.00	3	\$3,838.34	5	\$5,411.67
2	\$3,051.67	4	\$4,625.00	6	\$6,198.34

If more than 6 people at home, add \$786.67 for each extra person.

- **You do not have enough income to pay for your household's basic needs and your court fees.**

2. What fees and costs will the court waive? If you qualify for a fee waiver, the Supreme Court, Court of Appeal, or Appellate Division will waive the filing fee for the notice of appeal, a petition for a writ, a petition for review, or the first document filed by a party other than the party who filed the appeal or petition, and any court fee for participating in oral argument by telephone. The trial court will also waive costs related to the clerk's transcript on appeal, the fee for the court to hold in trust the deposit for a reporter's transcript on appeal under rule 8.130(b) or rule 8.834(b) of the California Rules of Court, and the fees for making a transcript or copy of an official electronic recording under rule 8.835. If you are the appellant (the person who is appealing the trial court decision), the fees waived include the deposit required under Government Code section 68926.1 and the costs for preparing and certifying the clerk's transcript and sending the original to the reviewing court and one copy to you. If you are the respondent (a party other than the appellant in a case that is being appealed), the fees waived include the costs for sending you a copy of the clerk's transcript. You can also ask the trial court to waive other necessary court fees and costs.

The court **cannot** waive the fees for preparing a reporter's transcript in a civil case. A special fund, called the Transcript Reimbursement Fund, may help pay for the transcript. (See www.courtreportersboard.ca.gov/consumers/index.shtml#trf and Business and Professions Code sections 8030.2 and following for more information about this fund.) If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by preparing an agreed statement or, in some circumstances, a statement on appeal or settled statement.

3. How do I ask the court to waive my fees?

- **Appeal in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** In a limited civil case, if the trial court already issued an order waiving your court fees *and that fee waiver has not ended* (fee waivers automatically end 60 days after the judgment), the fees and costs identified in item 2 above are already waived; just give the court a copy of your current fee waiver. If you do not already have an order waiving your fees or you had a fee waiver but it has ended, you must complete and file a *Request to Waive Court Fees* (form FW-001). If you are the appellant (the party who is appealing), you should check both boxes in item 4 on FW-001 and file the completed form with your notice of appeal. If you are the respondent (a party other than the appellant in a case that is being appealed), the completed form should be filed in the court when the fees you are requesting to be waived, such as the fee for the clerk's transcript or telephonic oral argument, are due.

- **Writ Proceeding in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** If you want the Superior Court to waive the fees in a writ proceeding in a limited civil case, you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box. The completed form should be filed with your petition for a writ.
- **If You Are a Guardian or Conservator.** If you are a guardian or conservator or a petitioner for the appointment of a guardian or conservator, special rules apply to your request for a fee waiver on an appeal from an order in the guardianship or conservatorship proceeding or in a civil action in which you are a party acting on behalf of your ward or conservatee. Complete and submit a *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC) to request a fee waiver. See California Rules of Court, rule 7.5.
- **Appeal in Other Civil Cases.** If you want the court to waive fees and costs in an appeal in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box to ask the Court of Appeal to waive the fee for filing the notice of appeal or, if you are a respondent (a party other than the one who filed the appeal), the fee for the first document you file in the Court of Appeal. Check both boxes if you also want the trial court to waive your costs for the clerk's transcript (if the trial court already issued an order waiving your fees *and that fee waiver has not ended*, you do not need to check the first box; the fees and costs identified in item 2 above are already waived, just give the court a copy of your current fee waiver). If you are the appellant, the completed form should be submitted with your notice of appeal (if you check both boxes in item 4, the court may ask for two signed copies of this form). If you are the respondent, the completed form should be submitted at the time the fee you are asking the court to waive is due. For example, file the form in the trial court with your request for a copy of the clerk's transcript if you are asking the court to waive the transcript fee or file the form in the Court of Appeal with the first document you file in that court if you are asking the court to waive the fee for filing that document. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due.
- **Writ Proceeding in Other Civil Cases.** If you want the Supreme Court or Court of Appeal to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). If you are the petitioner (the party filing the petition), the completed form should be submitted with your petition for a writ in the Supreme Court or Court of Appeal clerk's office. If you are a party other than the petitioner, the completed form should be filed with the first document you file in the Supreme Court or Court of Appeal.
- **Petition for Review.** If you want to request that the Supreme Court waive the fees in a petition for review proceeding, you must complete a *Request to Waive Court Fees* (form FW-001) or a *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). If you are the petitioner, you should submit the completed form with your petition for review. If you are a party other than the petitioner, the completed form should be filed with the first document you file in the Supreme Court.

IMPORTANT INFORMATION!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your finances improve or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If the trial court waived your fees and costs and you settle your case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <div style="text-align: center;"> DRAFT Not Approved by the Judicial Council </div>
<div style="text-align: center;"> PEOPLE OF THE STATE OF CALIFORNIA vs. </div> DEFENDANT:	
<div style="text-align: center;"> AGREEMENT TO PAY AND FORFEIT BAIL IN INSTALLMENTS (Vehicle Code, § 40510.5) </div>	

TO BE COMPLETED BY THE COURT
Read carefully and, if you agree, sign and return the form to the clerk.

1. I am the defendant in this case and I have been charged with the following infraction violation(s) of the Vehicle Code that do not require me to go into court:

a. § _____ b. § _____ c. § _____ d. § _____ e. § _____

2. My court appearance date or extension date has not passed, and I am providing proof of correction for any correctable violations.

3. I want to pay and forfeit bail for the violation(s) listed above. I understand that the court does not have to allow me to make installment payments.

4. I understand that by signing below, each violation that is reportable to the Department of Motor Vehicles (DMV) and has no proof of correction will be reported as a conviction.

5. TERMS OF THE AGREEMENT:

Total bail (including penalties and administrative fee of \$ _____) is \$ _____

Initial Payment (10% minimum): \$ _____

Remaining balance after first payment: \$ _____

() I agree to pay the remaining balance in monthly installments of at least \$ _____ due on the ____ day of each month, starting on ____/____/____ and until paid in full on or before ____/____/____.

() Other (explain): _____

I agree that: All payments must be made by the due date and there is no grace period.

If I do not make a payment on time, I may have to pay the rest of my unpaid bail immediately.

I understand that if I do not make the payment by each due date the court may:

Charge me with a failure to appear or pay under Vehicle Code section 40508.

Charge a civil assessment of up to \$100 (Pen. Code, § 1214.1) or have a warrant issued for my arrest.

Report the failure to pay to the DMV, which may suspend or place a hold on my driver's license.

Assign my case to a collection agency or the State Franchise Tax Board for collection.

I understand that if I pay as agreed and if any proof of correction has been filed with the court as required, my bail forfeiture will be complete, and at that time, the case will be closed.

By signing below, I affirm that I have read, understood, and accepted the above terms and conditions. I also affirm that I have read and understood my rights printed on the reverse side, and that I choose to give them up.

_____ (SIGNATURE OF DEFENDANT)	_____ (DATE)	_____ (TYPE OR PRINT NAME)
_____ (DRIVER'S LICENSE/ID NUMBER)	_____ (ADDRESS)	_____ (CITY, STATE, AND ZIP CODE)
_____ (TELEPHONE NUMBER)	<input type="checkbox"/> [I have provided a cellular phone number, and I authorize the court to send me SMS text messages or call reminders regarding payments that I owe under this agreement.] [Optional]	
_____ (EMAIL ADDRESS)	<input type="checkbox"/> [I have provided an email address, and I authorize the court to send me electronic notices regarding payments that I owe under this agreement.] [Optional]	

CLERK OF THE SUPERIOR COURT

ACCEPTED (date): _____ BY: _____

(DEPUTY CLERK)

ADVISEMENT OF RIGHTS

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court without deposit of bail for formal arraignment, plea, and sentencing;
- To ask for community service (if available) instead of paying the total amount due;
- To request and have a court trial, to challenge the charges without deposit of bail, unless the court orders bail;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena or present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.

At any time before your final payment, if you have experienced a change in financial circumstances, you may ask that the court consider your ability to pay. If the court considers your ability to pay, the court may modify your installment plan, allow you to complete community service (if available) instead of paying the total amount due, or suspend all or part of the fine. The court is not required to offer you any of the above options, and the court may deny your request.

[If you do not make a payment, please contact the court as soon as possible to make arrangements.]

[Optional]

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <div style="text-align: center;"> DRAFT Not Approved by the Judicial Council </div>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
ONLINE AGREEMENT TO PAY AND FORFEIT BAIL IN INSTALLMENTS (Vehicle Code, § 40510.5)	

TO BE COMPLETED BY THE COURT

Read carefully, and if you agree, type your name below and submit the form.

1. I am the defendant in this case, and I have been charged with the following infraction violation(s) of the Vehicle Code that do not require me to go into court:

a. § _____ b. § _____ c. § _____ d. § _____ e. § _____

2. My court appearance date or extension date has not passed [and I have provided proof of correction for any correctable violations (if applicable).]

3. I want to forfeit and pay bail for the violation(s) listed above. I understand that the court does not have to allow me to make installment payments.

4. I understand that by completing this agreement, each violation that is reportable to the Department of Motor Vehicles (DMV) will be reported as a conviction.

5. TERMS OF THE AGREEMENT:

Total bail (including penalties and administrative fee of \$ _____) is \$ _____

Initial Payment (10% minimum): \$ _____

[Online transaction fee (if applicable): \$ _____]

Total amount due today: \$ _____

Remaining balance after first payment: \$ _____

I agree to pay the remaining balance in monthly installments of at least \$ _____ due on the ____ day of each month, starting on ____ / ____ / ____ and until paid in full on or before ____ / ____ / ____.

I agree that: All payments must be made by the due date, and there is no grace period.

If I do not make a payment on time, I may have to pay the rest of my unpaid bail immediately.

I understand that if I do not complete my payment plan, the court may:

Charge me with a failure to appear or pay under Vehicle Code section 40508.

Charge a civil assessment of up to \$100 (Pen. Code, § 1214.1) or have a warrant issued for my arrest.

Report the failure to pay to the DMV, which may suspend or place a hold on my driver's license.

Assign the case to a collection agency or the State Franchise Tax Board for collection.

I understand that if I pay as agreed [and if any proof of correction has been filed with the court as required], my bail forfeiture will be complete, and at that time, the case will be closed.

I have read and understood my rights as explained in this agreement and attachment, and I choose to give them up. (See Attachment 1.) I have read, understood, and agreed to the terms and conditions stated above.

I understand that by electronically filing this document, it will be deemed signed. (Code Civ. Proc., § 1010.6(b)(2)(A) and Cal. Rules of Court, rule 2.257(b).)

_____	_____	_____
(TYPE NAME OF DEFENDANT)	(DRIVER'S LICENSE/ID NUMBER)	(ADDRESS)
_____	_____	_____
(TELEPHONE NUMBER)		(CITY, STATE, ZIP CODE)
_____	<input type="checkbox"/> [I have provided a cellular phone number, and I authorize the court to send me SMS text messages or call reminders regarding payments that I owe under this agreement.] [Optional]	
_____	<input type="checkbox"/> [I have provided an email address, and I authorize the court to send me electronic notices regarding payments that I owe under this agreement.] [Optional]	
(EMAIL ADDRESS)		

ACCEPTED (date): _____

BY: _____
(CLERK OF THE SUPERIOR COURT)

ADVISEMENT OF RIGHTS

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court without deposit of bail for formal arraignment, plea, and sentencing;
- To ask for community service (if available) instead of paying the total amount due;
- To request and have a court trial, to challenge the charges without deposit of bail, unless the court orders bail;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena or present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.

At any time before your final payment, if you have experienced a change in financial circumstances, you may ask that the court consider your ability to pay. If the court considers your ability to pay, the court may modify your installment plan, allow you to complete community service (if available) instead of paying the total amount due, or suspend all or part of the fine. The court is not required to offer you any of the above options, and the court may deny your request.

[If you do not make a payment, please contact the court as soon as possible to make arrangements.]

[Optional]

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <div style="text-align: center;"> DRAFT Not Approved by the Judicial Council </div>
<div style="text-align: center;"> PEOPLE OF THE STATE OF CALIFORNIA vs. </div> DEFENDANT:	
AGREEMENT TO PAY TRAFFIC VIOLATOR SCHOOL FEES IN INSTALLMENTS (Vehicle Code, § 42007)	

TO BE COMPLETED BY THE COURT
Read carefully and, if you agree, sign and return the form to the clerk.

1. I am the defendant in this case. I have been charged with the following infraction violation(s) that do not require me to go into court and that are eligible for confidential conviction(s) for completion of traffic violator school:

a. § _____ b. § _____ c. § _____ d. § _____ e. § _____

2. My court appearance date or extension date has not passed, and I am providing proof of correction for any correctable violations.

3. I want to pay the traffic violator school fees for the violation listed above. I understand that the court does not have to allow me to make installment payments.

4. TERMS OF THE AGREEMENT:

The total fee (including an administrative fee of \$ _____) is \$ _____

Initial Payment (10% minimum): \$ _____

Remaining balance after first payment: \$ _____

() I agree to pay the remaining balance within 90 days. I will pay in monthly installments of at least \$ _____ due on the ____ day of each month, starting on ____/____/____ and until paid in full on or before ____/____/____.

() Other (explain): _____

I agree that: All payments must be made by the due date and there is no grace period.

If I do not make a payment on time, I may have to pay the rest of my unpaid fees immediately.

I understand that if I do not complete my payment plan the court may:

Charge me with a failure to pay under Vehicle Code section 40508.

Charge a civil assessment of up to \$100 (Pen. Code, § 1214.1) or have a warrant issued for my arrest.

Report convictions and the failure to pay to the Department of Motor Vehicles, which may suspend or place a hold on my driver's license.

Assign the case to a collection agency or the State Franchise Tax Board for collection.

I understand that my case will continue to be open until the date that my last installment is paid. If I pay as agreed and if my proof of completion of traffic school is reported, a confidential conviction will be reported to the DMV and no further proceedings will be held.

By signing below, I affirm that I have read, understood, and accepted the above terms and conditions. I also affirm that I have read and understood my rights printed on the reverse side and that I choose to give them up.

_____ (SIGNATURE OF DEFENDANT)	_____ (DATE)	_____ (TYPE OR PRINT NAME)
_____ (DRIVER'S LICENSE/ID NUMBER)	_____ (ADDRESS)	_____ (CITY, STATE, AND ZIP CODE)
_____ (TELEPHONE NUMBER)	<input type="checkbox"/> [I have provided a cellular phone number, and I authorize the court to send me SMS text messages or call reminders regarding payments that I owe under this agreement.] [Optional]	
_____ (EMAIL ADDRESS)	<input type="checkbox"/> [I have provided an email address, and I authorize the court to send me electronic notices regarding payments that I owe under this agreement.] [Optional]	

CLERK OF THE SUPERIOR COURT

ACCEPTED (date): _____

BY: _____
(DEPUTY CLERK)

ADVISEMENT OF RIGHTS

By choosing to pay traffic violator school fees in installments and not go into court, you will be giving up these rights:

- To appear in court without deposit of bail for formal arraignment, plea, and sentencing;
- To ask for community service (if available) instead of paying the total amount due;
- To request and have a court trial, to challenge the charges without deposit of bail, unless the court orders bail;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena or present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- To confront and cross-examine all witnesses testifying under oath against you; and
- To remain silent and not testify.

At any time before your final payment, if you have experienced a change in financial circumstances, you may ask that the court consider your ability to pay. If the court considers your ability to pay, the court may modify your installment plan, allow you to complete community service (if available) instead of paying the total amount due, or suspend all or part of the fine. The court is not required to offer you any of the above options, and the court may deny your request. If the court grants your request, you may no longer be eligible for traffic school.

[If you do not make a payment, please contact the court as soon as possible to make arrangements.]

[Optional]

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <div style="text-align: center;"> DRAFT Not Approved by the Judicial Council </div>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
ONLINE AGREEMENT TO PAY TRAFFIC VIOLATOR SCHOOL FEES IN INSTALLMENTS (Vehicle Code, § 42007)	

TO BE COMPLETED BY THE COURT

Read carefully and, if you agree, type your name below and submit the form.

1. I am the defendant in this case. I have been charged with the following infraction violation(s) of the Vehicle Code that do not require me to go into court and that are eligible for confidential conviction(s) by completion of traffic violator school:

a. § _____ b. § _____ c. § _____ d. § _____ e. § _____

2. My court appearance date or extension date has not passed [and I have provided proof of correction for any correctable violations.]

3. I want to pay the traffic violator school fees for the violation(s) listed above. I understand that the court does not have to allow me to make installment payments.

4. TERMS OF THE AGREEMENT:

The total fee (including an administrative fee of \$ _____) is: \$ _____

Initial Payment (10% minimum): \$ _____

[Online transaction fee: \$ _____]

Total amount due today: \$ _____

Remaining balance after first payment: \$ _____

I agree to pay the remaining balance within 90 days. I will pay in monthly installments of at least \$ _____ due on the ____ day of each month, starting on ____ / ____ / ____ and until paid in full on or before ____ / ____ / ____.

I agree that: All payments must be made by the due date and there is no grace period.

If I do not make a payment on time, I may have to pay the rest of my unpaid fees immediately.

I understand that if I do not complete my payment plan the court may:

Charge me with a failure to pay under Vehicle Code section 40508.

Charge a civil assessment of up to \$100 (Pen. Code, § 1214.1) or have a warrant issued for my arrest.

Report convictions and the failure to pay to the Department of Motor Vehicles (DMV), which may suspend or place a hold on my driver's license.

Assign the case to a collection agency or the State Franchise Tax Board for collection.

I understand that my case will continue to be open until the date that my last installment is paid. If I pay as agreed and if my proof of completion of traffic school is reported, a confidential conviction will be reported to the DMV and no further proceedings will be held.

I have read and understood my rights as explained in this agreement and attachment, and I choose to give them up. (See Attachment 1.) I have read, understood, and agreed to the terms and conditions stated above.

I understand that by electronically filing this document it will be deemed signed. (Code Civ. Proc., § 1010.6(b)(2)(A) and Cal. Rules of Court, rule 2.257(b).)

_____ (TYPE NAME OF DEFENDANT)	_____ (DRIVER'S LICENSE/ID NUMBER)	_____ (ADDRESS)
_____ (TELEPHONE NUMBER)	_____ (CITY, STATE, ZIP CODE)	
_____ (EMAIL ADDRESS)	<input type="checkbox"/> [I have provided a cellular phone number, and I authorize the court to send me SMS text Messages or call reminders regarding payments that I owe under this agreement.] [Optional]	
	<input type="checkbox"/> [I have provided an email address and I authorize the court to send me electronic notices regarding payments that I owe under this agreement.] [Optional]	

ACCEPTED (date): _____

BY: _____

(CLERK OF THE SUPERIOR COURT)

Page 1 of 2

ADVISEMENT OF RIGHTS

ATTACHMENT 1

By choosing to pay traffic violator school fees in installments and not go into court, you will be giving up these rights:

- To appear in court without deposit of bail for formal arraignment, plea, and sentencing;
- To ask for community service (if available) instead of paying the total amount due;
- To request and have a court trial, to challenge the charges without deposit of bail, unless the court orders bail;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena or present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- To confront and cross-examine all witnesses testifying under oath against you; and
- To remain silent and not testify.

At any time before your final payment, if you have experienced a change in financial circumstances, you may ask that the court consider your ability to pay. If the court considers your ability to pay, the court may modify your installment plan, allow you to complete community service (if available) instead of paying the total amount due, or suspend all or part of the fine. The court is not required to offer you any of the above options, and the court may deny your request. If the court grants your request, you may no longer be eligible for traffic school.

[If you do not make a payment, please contact the court as soon as possible to make arrangements.]

[Optional]

Computation Sheet

Number in Family	2022 Federal Poverty Guidelines (A)	200% of Poverty Guidelines (B) (B = A x 2)	2022 California Monthly Income (C) (C = B / 12)*
1	\$13,590.00	\$27,180.00	\$2,265.00
2	18,310.00	36,620.00	3,051.67
3	23,030.00	46,060.00	3,838.34
4	27,750.00	55,500.00	4,625.00
5	32,470.00	64,940.00	5,411.67
6	37,190.00	74,380.00	6,198.34
For each additional person, add:	\$4,720.00	\$9,440.00	\$786.67

* These amounts have been rounded up to the nearest whole cent. Language on the forms reflects this slight excess by stating that the household income is “less than” the amounts in the chart.

Instructions for Review and Action by Circulating Order

Voting members

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by **noon on July 28, 2022**.
- If you are unable to reply by **noon on July 28, 2022**, please do so as soon as possible thereafter.

Advisory members

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.

CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages

Effective August 1, 2022, the Judicial Council approves the revisions to the following forms:

- *Request to Waive Court Fees* (form FW-001);
- *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC);
- *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO);
- *Information Sheet on Waiver of Appellate Court Fees—Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO);
- *Agreement to Pay and Forfeit Bail in Installments (Traffic Infractions)* (form TR-300);
- *Online Agreement to Pay and Forfeit Bail in Installments (Traffic Infractions)* (form TR-300 (online));
- *Agreement to Pay Traffic Violator School Fees in Installments (Traffic Infractions)* (form TR-310); and
- *Online Agreement to Pay Traffic Violator School Fees in Installments (Traffic Infractions)* (form TR-310 (online)).

My vote is as follows:

☒ Approve

☐ Disapprove

☐ Abstain

Tani G. Cantil-Sakauye, Chair

_____/s/
Marla O. Anderson

_____/s/
Richard Bloom

_____/s/
C. Todd Bottke

_____/s/
Stacy Boulware Eurie

_____/s/
Kevin C. Brazile

_____/s/
Kyle S. Brodie

_____/s/
Jonathan B. Conklin

My vote is as follows:

☒ Approve☐ Disapprove☐ Abstain

/s/
Carol A. Corrigan

Samuel K. Feng

David D. Fu

/s/
Carin T. Fujisaki

Brad R. Hill

/s/
Rachel W. Hill

/s/
Harold W. Hopp

Dalila Corral Lyons

/s/

Gretchen Nelson

Maxwell V. Pritt

/s/


David M. Rubin

/s/
Marsha G. Slough

Thomas J. Umberg

Date: July 28, 2022

Attest:


Administrative Director and
Secretary of the Judicial Council