



## Superior Court of California, County of Contra Costa

### California Rules of Court, Rules 4.106 and 4.335

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

#### **Vacate Civil Assessment**

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

#### **Ability-to-Pay Determination**

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

The court may:

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

#### **Procedure**

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

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

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

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	<i>(COURT USE ONLY)</i>
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b>		
<input type="checkbox"/> <b>PITTSBURG</b> 1000 CENTER DRIVE PITTSBURG, CA 94565	<input type="checkbox"/> <b>RICHMOND</b> 100 37 <sup>th</sup> STREET RICHMOND, CA 94805	<input type="checkbox"/> <b>WALNUT CREEK</b> 640 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94596
DEFENDANT/PETITIONER:		
<input type="checkbox"/> <b>PETITION AND ORDER TO VACATE CIVIL ASSESSMENT</b> <input type="checkbox"/> <b>PETITION AND ORDER FOR AN ABILITY-TO-PAY DETERMINATION</b>		DOCKET NUMBER:

**Petition to Vacate Civil Assessment - California Rules of Court, Rule 4.106**

- If you received a notice that a civil assessment has been added to your citation, you may petition the court to vacate the assessment.
- This petition must be filed within 20 calendar days from the action date on the notification sent by the court.

**Note:** A petition to vacate an assessment does not stay any order requiring payment of bail, fines, penalties, fees, or assessments unless specifically ordered by a judicial officer.

**Petition for Ability-to-Pay Determination - California Rules of Court, Rule 4.335**

- You may request an ability-to-pay determination at sentencing, if you are currently on an installment plan, performing community service to satisfy your judgment, or while your judgment remains unpaid, including when your case is delinquent or in collections.
- You have the right to a review by a judicial officer. If you submit your request in writing, include any information you want the court to consider.
- If an ability-to-pay determination has already occurred, a subsequent ability-to-pay determination can be requested only based on a change in circumstances.

**Instructions:** Complete and file this form with any additional information or documentation you wish the court to consider. (See Page 2 for more information.)

*Check all that apply:*

- Petition:**     To Vacate Civil Assessment                       For an Ability-to-Pay Determination
- Check one:**    This is my first petition for this citation.             I have submitted a petition before for this citation.

**Please explain your reason for Petition or change in circumstance:**

Additional sheets attached to this document.

**DECLARATION**

I declare under penalty of perjury, under the laws of the State of California, that the information I have provided with this petition is true and correct.

Date: \_\_\_\_\_

Petitioner's Name (PRINT)
Petitioner's Signature

**INFORMATION**

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

For Petition to Vacate Civil Assessment:

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

For Petition for Ability-to-Pay Determination:

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

**ORDER**

**The Court has reviewed and considered the:**

PETITION TO VACATE CIVIL ASSESSMENT:

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

PETITION FOR ABILITY-TO-PAY DETERMINATION

**The Court Now Orders:**

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

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

Date: \_\_\_\_\_

\_\_\_\_\_ Bench Officer

*For Court Use*

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

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Court Location: \_\_\_\_\_

**PROOF OF SERVICE**

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

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

**KATE BIEKER, Executive Officer/Clerk**

Date: \_\_\_\_\_

\_\_\_\_\_ By Deputy