

Superior Court of California, County of Stanislaus

Defendant's Request and Declaration to Vacate Civil Assessment (PC 1214.1) Information and Instruction Sheet

What is Civil Assessment?

A Civil Assessment and fee of \$310 is imposed against anyone who does not appear (Failure to Appear - FTA) in court and/or pay a court-ordered fine by the due date (Failure to Pay - FTP).

The Civil Assessment is added to and is separate from, any fine and fees connected with your case. You must pay the Civil Assessment even if you are not found guilty on the traffic citation.

Can the Civil Assessment be reviewed?

You may ask the Court to remove the Civil Assessment if your failure to come to court or pay was due to one of the following reasons:

- Hospitalization
- Incarceration
- Military Duty
- Residential Treatment
- Death Certificate
- Not Person Cited
- Clerical Error

What can I do to have the Civil Assessment reviewed?

1. **If your case is not in collections (e.g.; NOT with Franchise Tax Board or MSB)** you can fill out the "Defendant's Request and Declaration to Vacate Civil Assessment" form to request a review.
2. **Provide a written explanation of the reason you did not appear in court and did not pay, and attach supporting documentation.** Examples of supporting documentation include:
 - Records of admission and discharge from the hospital (the court does not need to know your medical condition);
 - Court orders to remand into custody/or records of release from custody;
 - Appropriate military orders for active service
 - Death certificate
3. **If your case is in collections (e.g.; WITH Franchise Tax Board or MSB)** you must file a Law and Motion form and a date and time will be given to you to appear before the judge to address your case.

What happens after the Application is filed?

A Judicial Officer will review your Request and supporting documents. If the Request is granted, the Civil Assessment might be modified or removed. If the application is denied, the Civil Assessment will remain on your case.

You will be notified of the Court's decision by mail, as long as you submit your request along with a self-addressed stamped envelope. If this is not provided, a copy will not be mailed to you. It is important that you supply the Court with your correct address and telephone number to ensure you receive the Court's ruling on your Request to Vacate Civil Assessment.

Fines, fees and Civil Assessments that remain unpaid will be sent to a collection agency.

What if I have a Failure to Appear, but also want to contest my traffic citation?

You can appear for Court, on one of the Court's walk-in FTA calendars as follows:
Wednesdays 8:00 a.m. and 9:30 a.m.

Pursuant to California Rule of Court 4.105(b), **you have the option to appear for arraignment and trial without posting bail.** Under rule of Court 4.105(c), **bail is required** to be deposited if you elect to proceed with trial by written declaration without appearing in court (VC 40902) and/or written not guilty plea (VC 40519(a-b)), or elect to pay bail and not contest the citation or appear in court (VC 40510 and 40521).

Rev.3.30.16

Superior Court of California, County of Stanislaus
CIVIL ASSESSMENT PETITION AND ORDER

Received: / / By: _____
 CA/T CA/P Both
 FTB/MSB/COLLECTIONS IN DMS

**DEFENDANT'S REQUEST AND DECLARATION TO VACATE CIVIL ASSESSMENT ON
FAILURE TO APPEAR OR FAILURE TO PAY ON TRIAL IN ABSENTIA**

NAME OF DEFENDANT: _____ **CASE #** _____

IMPORTANT: Written proof of any of the following must be attached and cover the time period in question.

- | | |
|--|--|
| <input type="checkbox"/> HOSPITALIZED | <input type="checkbox"/> MILITARY DUTY |
| <input type="checkbox"/> RESIDENTIAL TREATMENT | <input type="checkbox"/> DEATH CERTIFICATE |
| <input type="checkbox"/> INCARCERATED | <input type="checkbox"/> NOT PERSON CITED |
| <input type="checkbox"/> OTHER | |

The following is an explanation of my failure to appear and/or pay: (Please print)

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and that written proof is attached to this form.

Executed at _____ on _____
City and State Date

Address of defendant: _____

Telephone # _____ Signature _____

ORDER REGARDING CIVIL ASSESSMENT (COURT USE ONLY)

The Court having read and considered the Petition regarding vacating the Civil Assessment pursuant to PC 1214.1(B), hereby makes the following order:

Petition to vacate is:

() Denied () With prejudice () Without Prejudice () Granted () Modified

Date _____ Signature _____
Commissioner

Notice: Any fines, fees and Civil Assessments that remain unpaid will be sent to a collection agency.

A stamped self-addressed envelope was was not provided.

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