



Collection Improvement Program

MODEL CONCEPT & OVERVIEW

Office of Court Administration
STATE OF TEXAS

Collection Improvement Program Concept Office of Court Administration

Collection Improvement Program Overview

The Office of Court Administration's (OCA) Collection Improvement Program (CIP) is a set of principles and processes designed to assist cities and counties with collecting court costs, fees, and fines assessed against persons convicted of (or placed on deferred adjudication or deferred disposition for) misdemeanor or felony charges when they are not prepared to pay all court costs, fees, and fines, at the time of assessment and when time to pay is requested.

The CIP began over a decade ago as a voluntary model. In 2005, the 79th Texas Legislature recognized the importance of expanding the collection of court-ordered payments by adding **Article 103.0033** to the **Code of Criminal Procedure**. This statute requires cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement a collection improvement program that conforms to a model developed by OCA and designed to improve in-house collections through the application of best practices.

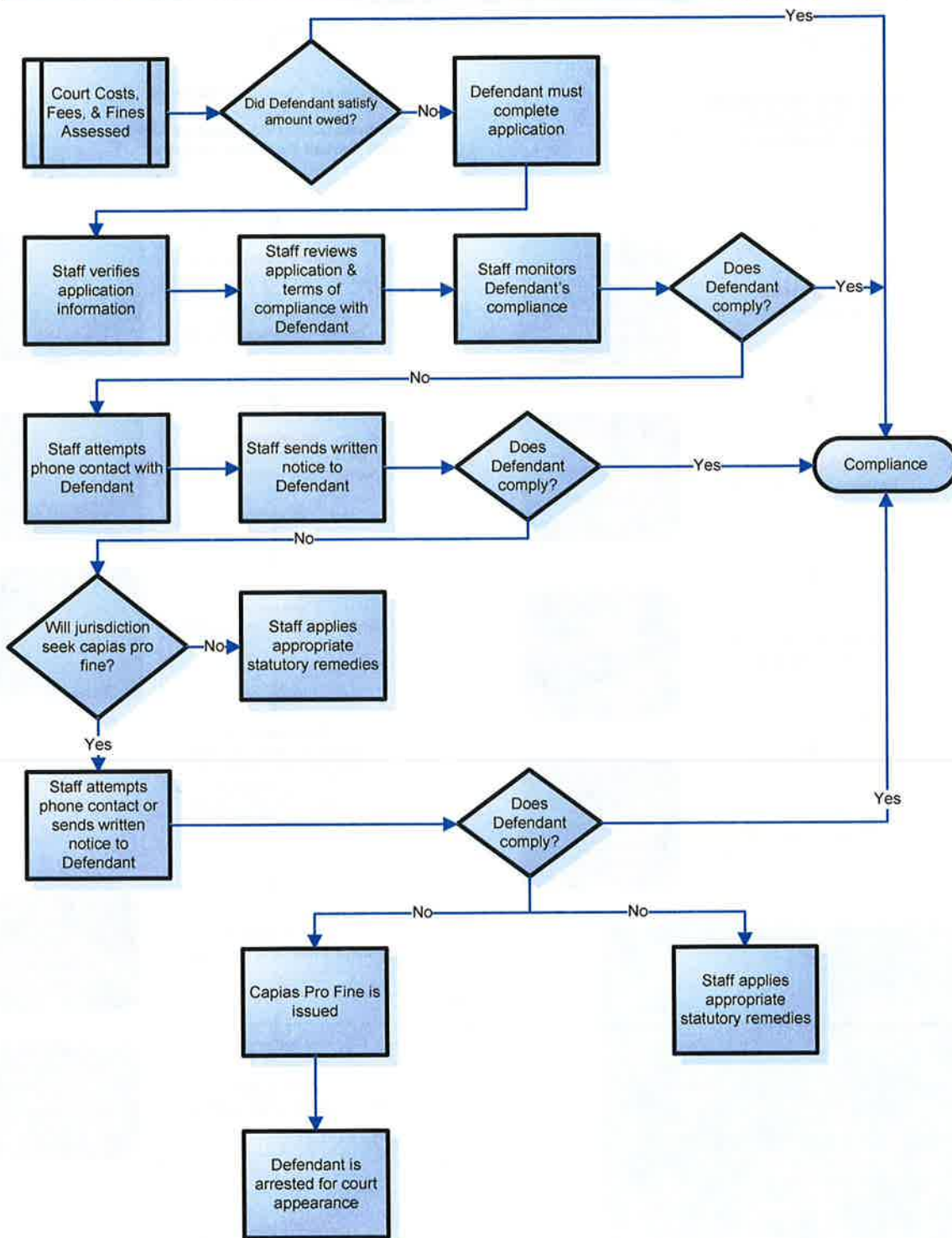
The key elements of the Program "model" are:

- Staff or staff time dedicated to collection activities.
- Expectation that all court costs, fees, and fines are generally due at the time of assessment (sentencing or judgment imposed date).
- Defendants unable to pay in full on the day of assessment are required to complete an application for extension of time to pay.
- Application information is verified and evaluated to establish an appropriate payment plan for the defendant.
- Payment terms are usually strict.
- Alternative enforcement options (e.g., community service) are available for those who do not qualify for a payment plan.
- Defendants are closely monitored for compliance, and action is taken promptly for non-compliance:
 - Telephone contact and letter notification are required when a payment is missed;
 - Possible issuance of a warrant for continued non-compliance; and
 - Possible application of statutorily permitted collection remedies, such as programs for non-renewal of driver's license or vehicle registration.
- A county or city may contract with a private attorney or a public or private vendor for the provision of collection services on delinquent cases (61+ days), after in-house collection efforts are exhausted.

In order to facilitate the application of the CIP, the "best practices" model was configured to a rules format for implementation and these rules were formally adopted by the Texas Judicial Council and published in the **Texas Administrative Code Title 1 Part 8 Chapter 175**.

Collection Improvement Model

This model does not apply to defendants who have been determined to be indigent.



COLLECTION IMPROVEMENT PROGRAM (11 Components)

PROGRAM OPERATION (4 Components) Full Compliance

Dedicated Staff
(May Be Existing Staff)

Collections Staff
Compliance Staff
Court Staff
Probation Officer

Compliance Monitor
(Payment Plans/Extensions)

Collections Staff
Compliance Staff
Court Staff
Probation Officer

Delinquent Case Process
(60 days+ - Outsourcing)

Warrants
Revocations
Omni
Scoff

Reporting
(As Required by OCA)

Each Program and
Collectively

PROGRAM COMMUNICATION (7 Components) 80% Substantial Compliance (All) 50% Partial Compliance (One)

Application/Contact Info
(Within 1 Month of Assessment)
OR
*Attempt to Obtain
(Within 7 Days and 1 Month)

CSCD
Pre-Sentence
Pre-Trial
Intake

Verification
Job/Primary Contact Number
(Within 5 Days of Receipt of App)

CSCD
1st Office Visit
(Documented)

Interview
(Within 14 Days of Receipt of App)

CSCD
1st Office Visit
(Documented)

Payment Terms
Municipal/Justice: 120 Days
County/District: 2 Months Prior
to End of Probation
Exceptions: Ability, Judicial,
Multiple Cases

Phone Contact
(Within 1 Month of Missed Payment)

CSCD
Office Visit
(Documented)

Mail Contact
(Within 1 Month of Missed Payment)

CSCD
Office Visit
(Documented)

Capias Pro Fine Notice
(Within 1 Month of Last Effort
if Court Issues)

PROGRAM KEY

Governing Statute:
Code of Criminal Procedure Article 103.0033

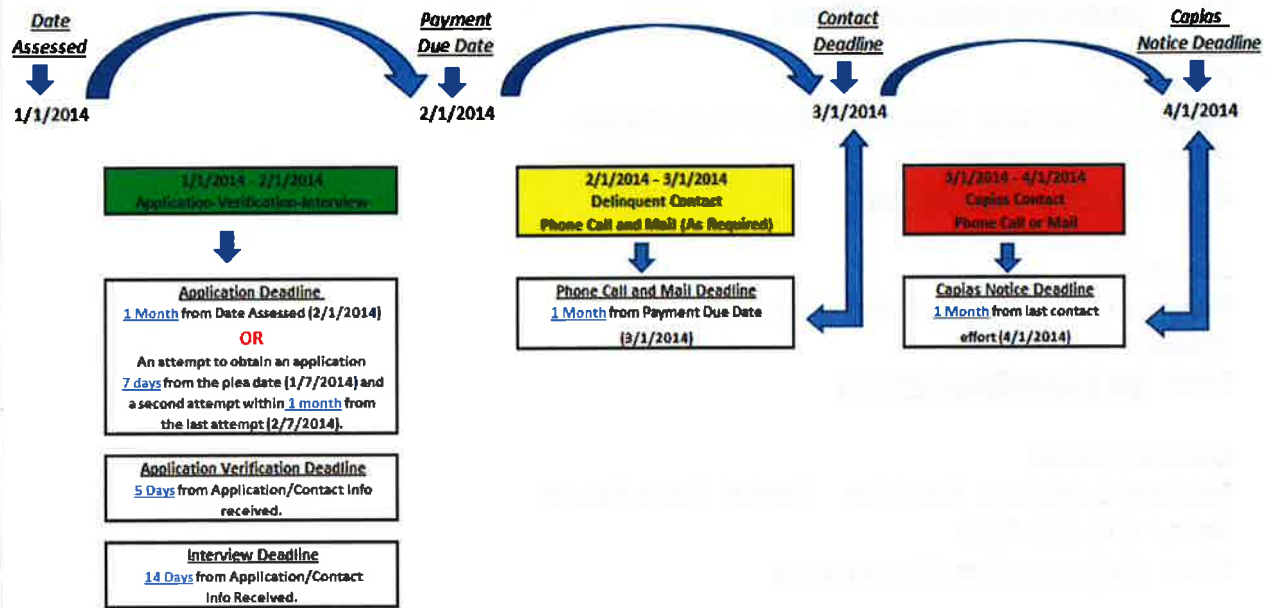
Model Rules:
Texas Administrative Code Title 1 Part 8 Chapter 175

Applicable Cases:
Adult criminal cases in which court costs, fees, and fines are paid under a payment plan or extension rather than immediately.

Eligible Cases: Adult criminal cases in which a judgment has been entered by a trial court. Criminal cases in which a defendant is placed on deferred disposition, elected to take a driving safety course, or is incarcerated (unless the defendant is released and payment is requested) are not included.

*Limited to those cases in which timely access to the defendant in order to obtain the required application or contact information is not possible, and efforts to obtain an application or contact information are documented.

Collection Improvement Program Standard Setup & Communication Timeline



* In computing any period of time under these rules, when the last day of the period falls on Saturday, Sunday, legal holiday, or other day on which the office is not open for business, then the period runs until the end of the next day on which the office is open for business. For additional details go to: <http://www.txcourts.gov/oca/collections/collections.asp>

Mandatory Major Requirements

- Requires specific “in-house” management of current cases as outlined by OCA
- Requires strict management of delinquent cases (more than 60 days delinquent) which may include outsourcing
- Requires jurisdiction to report costs and results in format requested by OCA
- Requires four audits: Pre-implementation, Post implementation, Compliance audit, and Data Verification audit conducted by OCA Audit Section
- Failure of compliance audit will result in loss of 10 percent service fee and time payment fee

OCA Technical Support

- Assist with Local Development
- Assist with Local Implementation
- Provide Training
- Monitor and Evaluate Performance
 - Evaluate & analyze program results
 - Make recommendations to maximize effectiveness and minimize cost.

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**COLLECTION IMPROVEMENT PROGRAM
(Related Statutes)**

TEXAS CODE OF CRIMINAL PROCEDURE

Article 103.0033, Code of Criminal Procedure, as amended:

(a) In this article:

(1) "Eligible case" means a criminal case in which the judgment has been entered by a trial court. The term does not include a criminal case in which a defendant has been placed on deferred disposition or has elected to take a driving safety course.

(2) "Office" means the Office of Court Administration of the Texas Judicial System.

(3) "Program" means the program to improve the collection of court costs, fees, and fines imposed in criminal cases, as developed and implemented under this article.

(b) This article applies only to:

(1) a county with a population of 50,000 or greater; and

(2) a municipality with a population of 100,000 or greater.

(c) Unless granted a waiver under Subsection (h)(2) or (h-1), each county and municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h)(1). A county program must include district, county, and justice courts.

(d) The program must consist of:

(1) a component that conforms with a model developed by the office and designed to improve in-house collections for eligible cases through the application of best practices; and

(2) a component designed to improve the collection of balances for eligible cases more than 60 days past due, which may be implemented by entering into a contract with a private attorney or public or private vendor in accordance with Article 103.0031.

(e) Not later than June 1 of each year, the office shall identify those counties and municipalities that:

(1) have not implemented a program; and

(2) are able to implement a program before April 1 of the following year.

(f) The office shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(g) The office shall:

(1) make available on the office's Internet website requirements for a program; and

(2) assist counties and municipalities in implementing a program by providing training and consultation, except that the office may not provide employees for implementation of a program.

(h-1) The office shall grant a waiver to a county that:

(1) contains within its borders a correctional facility operated by or under contract with the Texas Department of Criminal Justice; and

(2) has a population of 50,000 or more only because the inmate population of all correctional facilities described by Subdivision (1) is included in that population.

(h-2) The office may:

(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and

(2) determine whether it is not cost-effective to implement a program in a county or municipality and grant a waiver to the county or municipality.

(i) Each county and municipality shall at least annually submit to the office a written report that includes updated information regarding the program, as determined by the office. The report must be in a form approved by the office.

(j) The office shall periodically audit counties and municipalities to verify information reported under Subsection (i) and confirm that the county or municipality is conforming with requirements relating to the program.

LOCAL GOVERNMENT CODE

Section 133.058 (PORTION OF FEE RETAINED) Subsection (e) as amended:

(e) A municipality or county may not retain a service fee if, during an audit under Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure, and the

municipality or county is unable to reestablish compliance on or before the 180th day after the date the municipality or county receives written notice of noncompliance from the office. After any period in which the municipality or county becomes unable to retain a service fee under this section, the municipality or county may begin once more to retain the fee only on receipt of a written confirmation from the office that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

Section 133.103 (TIME PAYMENT FEE) Subsections (b), (c) and (c-1) as amended:

(b) Except as provided by Subsection (c-1), the treasurer shall send 50 percent of the fees collected under this section to the comptroller. The comptroller shall deposit the fees received to the credit of the general revenue fund.

(c) Except as provided by Subsection (c-1), the treasurer shall deposit 10 percent of the fees collected under this section in the general fund of the county or municipality for the purpose of improving the efficiency of the administration of justice in the county or municipality. The county or municipality shall prioritize the needs of the judicial officer who collected the fees when making expenditures under this subsection and use the money deposited to provide for those needs.

(c-1) The treasurer shall send to the comptroller 100 percent of the fees collected under this section if, during an audit under Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure, and in the case of a municipality if the municipality is unable to reestablish compliance on or before the 180th day after the date the municipality receives written notice of noncompliance from the office. After any period in which the treasurer is required under this subsection to send 100 percent of the fees collected under this section to the comptroller, the municipality or county shall begin once more to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

TEXAS ADMINISTRATIVE CODE
TITLE 1. ADMINISTRATION

PART 8. TEXAS JUDICIAL COUNCIL

CHAPTER 175. COLLECTION IMPROVEMENT PROGRAM

SUBCHAPTER A. GENERAL COLLECTION IMPROVEMENT PROGRAM PROVISIONS

§175.1. Source, Purpose and Scope.

(a) The source is Article 103.0033 of the Code of Criminal Procedure.

(b) The purpose is to provide notice to counties and municipalities of the scope and components of the Collection Improvement Program and of the audit standards that will be used by the Office of Court Administration to determine program implementation.

(c) The Collection Improvement Program applies to criminal cases in which the defendant agrees to or is required to pay court costs, fees, and fines under a payment plan or extension rather than on the assessment date. Although the program can be utilized by a judge in virtually every criminal case to effectuate the judge's financial orders, it is not designed to influence the judicial determination of whether to order payment of costs, fees and fines, or otherwise to affect the sentencing or other disposition decision that is within the judge's discretion. The program is simply designed to improve the collection of court costs, fees and fines that have been imposed, while helping defendants satisfy their obligations. The program is not intended to conflict with or undermine the provision to defendants of full procedural and substantive rights under the constitution and laws of this state and of the United States.

(d) Although the program focuses on collection of court costs, fees and fines, it should be implemented in the context of local, state and national efforts to develop and apply systemic policy to the competing financial obligations of people in the criminal justice system.

§175.2. Definitions.

(a) "Assessment date" is the date on which a defendant becomes obligated to pay court costs, fees and fines. When a defendant remits partial payment of a citation without appearing in person, the assessment date is the date the partial payment was received.

(b) "Contact" means a documented attempt to reach a defendant.

(c) "Contact information" means the defendant's home address and home or primary contact telephone number; the defendant's employer's or source of support's name, address and telephone number; at least two personal references; and the date the information is obtained.

(d) "Designated counties" are those with a population of 50,000 or greater.

(e) "Designated municipalities" are those with a population of 100,000 or greater.

(f) "Eligible case" means a criminal case in which a judgment has been entered by a trial court. The term does not include a criminal case in which a defendant has been placed on deferred disposition; has elected to take a driving safety course; or is incarcerated, unless the defendant is released and payment is requested.

(g) "Jurisdiction" means a designated county or designated municipality that is subject to this chapter.

(h) "OCA" means the Office of Court Administration of the Texas Judicial System.

(i) "Collection Improvement Program" or "CIP" means the program described in this subchapter.

(j) "Payment ability information" means the defendant's account balances in financial institutions, debt balances and payment amounts, and stated income.

(k) "Payment Plan" or "Extension" means a schedule of payment(s) to be made by a defendant who does not pay all court costs, fees and fines at the time they are assessed and payment is requested. A judge's order that payment is due at a future date constitutes a payment plan or extension.

(l) "Program" or "Local Program" means the collection program implemented by a jurisdiction.

§175.3. Collection Improvement Program Components.

(a) Summary of CIP Components. The CIP has eleven components. Four components relate to the way a local program must be implemented, staffed, and operated. The other seven components relate to the way program staff communicates with defendants and documents those communications. In accordance with Article 103.0033(j), OCA will periodically audit counties and municipalities to confirm implementation of the components of the CIP; the audit standards are more fully described in §175.5. In computing any period of time under these rules, when the last day of the period falls on a Saturday, Sunday, legal holiday, or other day on which the office is not open for business, then the period runs until the end of the next day on which the office is open for business.

(b) Components for Local Program Operations.

(1) Dedicated Program Staff. Each local program must designate at least one employee whose job description contains an essential job function of collection activities. The collection job function may be concentrated in one individual employee or distributed among two or more employees. The collection function need not require 40 hours per week of an employee's time, but must be a priority.

(2) Payment Plan or Extension Compliance Monitoring. Program staff must monitor defendants' compliance with the terms of their payment plans or extensions and document the ongoing monitoring by either an updated payment due list or a manual or electronic tickler system.

(3) Delinquent Cases. Each local program must have a component designed to improve collection of balances more than 60 days past due.

(4) Proper Reporting. The program must report its collection activity data to OCA at least annually in a format approved by OCA, as described in §175.4.

(c) Components for Defendant Communications.

(1) Application or Contact Information. For payment plans or extensions set by a judge, the defendant must provide or acknowledge contact information and program staff must document it. In other cases, the defendant must provide a signed or acknowledged application for extended payment that includes both contact information and payment ability information. Programs may use a single form for both contact information and payment ability information, and the required information must be obtained within one month of the assessment date.

(2) Verification of Contact Information. Within five days of receiving the data, program staff must verify both the home or contact telephone number and the employer or source of support, if applicable. Verification

may be conducted by reviewing written proof of the contact information, by telephoning the contacts, or by using a verification service. Verification must be documented by identifying the person conducting it and the date.

(3) Defendant Interviews. Within 14 days of receiving an application or a judge-imposed payment plan or extension, program or court staff must conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or extension, or to review the terms of the judge-imposed payment plan or extension. Interviews must be documented by indicating the name of the interviewer and date of the interview.

(4) Specified Payment Terms.

(A) Documentation. Payment plans or extensions must be documented by notation in the judgment or court order, on a docket sheet, by written or electronic record, or by other means enabling later review.

(B) Payment Guidelines. Payment plans or extensions should require the highest payment amounts, and should require payment in full in the shortest period of time that the defendant can successfully make, considering the amount owed, the defendant's ability to pay, and the defendant's obligations to pay other court-mandated amounts, including child support, victim restitution, and fees for drug testing, rehabilitation programs, or community supervision.

(C) Time Requirements. Time requirements for payment plans or extensions set by a judge are within judicial discretion. Payment plans or extensions set by program staff must meet the following time requirements:

(i) In municipal and justice court cases, full payment within four months of the assessment date.

(ii) In county and district court cases involving community supervision, full payment at least two months before expiration of the term of community supervision.

(iii) In county and district court cases not involving community supervision and not involving incarceration, full payment within six months of the assessment date.

(iv) Extension of the time requirements for payment in full may be allowed if a defendant has multiple cases.

(5) Telephone Contact for Past-Due Payments. Within one month of a missed payment, a telephone call must be made to a defendant who has not contacted the program staff. Telephone calls may be made by an automated system, but an electronic report or manual documentation of the telephone contact must be available on request.

(6) Mail Contact for Past-Due Payments. Within one month of a missed payment, a written delinquency notice must be sent to a defendant who has not contacted the program. Written notice may be sent by an automated system, but an electronic report or manual documentation of the mail contact must be available on request.

(7) Contact if Capias Pro Fine Sought. If a capias pro fine will be sought, the program must make another telephone call or send another written notice to the defendant within one month of the telephone call described in paragraph (5) of this subsection or the written delinquency notice described in paragraph (6) of this subsection, whichever is later. An electronic report or manual documentation of the contact must be available on request.

(d) Exceptions to Defendant Communications Rules. Exceptions to the defendant communications rules described in subsection (c) of this section are limited to those cases in which timely access to the defendant in order to obtain the required application or contact information is not possible, and efforts to obtain an application or contact information are documented, as provided in paragraphs (1) and (2) of this subsection.

(1) Attempt to Obtain Application or Contact Information. An attempt to obtain an application or contact information described in subsection (c)(1) of this section is made, either by mailing an application or contact information form or by obtaining the information via the telephone before a plea is made by the defendant or within 7 days of the court's acceptance of a plea. An electronic report or manual documentation of the attempt must be available on request. Should a completed application or contact information form not be returned by the defendant and the post office has not returned the application or contact information form as undeliverable, the program must make a second attempt to contact the defendant with any existing available information within one month of the first attempt. An electronic report or manual documentation of the second attempt must be made available on request.

(2) Application or Contact Information Is Obtained. Should a completed application or contact information form be returned to the program by a defendant as the result of an attempt described in paragraph (1) of this subsection, it will be considered timely and all other timing requirements for defendant communications described in subsection (c)(2) and (3) of this section are based on the later of the assessment date or the date the program receives the application or contact information form.

§175.4. Content and Form of Local Government Reports.

(a) General Scope. Article 103.0033(i) requires that each program submit a written report to OCA at least annually that includes updated information regarding the program, with the content and form to be determined by OCA. Reporting under Article 103.0033 and this subchapter is not the same as reporting of judicial statistics under Government Code §71.035 and different rules for reporting and waiver apply.

(b) Reporting Format and Account Setup. OCA has implemented a web-based Online Collection Reporting System for program participants or jurisdictions to enter information into the system. For good cause shown by a jurisdiction, OCA may grant a temporary waiver from timely online reporting. Program participants or jurisdictions must provide OCA with information for the online reporting system to enable OCA to establish the program reporting system account. The information must include the program name, program start date, start-up costs, the type of collection and case management software programs used by the program, the entity to which the program reports (e.g., district clerk's office, sheriff, etc.), the name and title of the person who manages the daily operations of the program, the mail and e-mail addresses and telephone and fax numbers of the program, the courts serviced by the program, and contact information for the program staff with access to the system so user identifications and passwords can be assigned.

(c) Content and Timing of Reports.

(1) Annual Report. By the 60th day following their fiscal year end, each program or jurisdiction must report the following information:

- (A) Number of full-time and part-time collection program employees;
- (B) Total program expenditures;
- (C) Salary expenditures for the program;
- (D) Fringe benefit expenditures for the program;
- (E) Areas other than court collections for which the program provides services;

(F) Local and contract jail statistics and average cost per day to house a defendant; and

(G) A compilation of 12 months of the monthly reporting information described in paragraph (3) of this subsection, if not reported each month as requested.

(2) Additional information may be requested in the annual report on a voluntary basis.

(3) Monthly Reports. By the 20th day of the following month, each program or jurisdiction is requested to provide the following information regarding the previous month's program activities:

(A) Number of cases in which court costs, fees, and fines were assessed;

(B) For assessed court costs and fees: the dollar amount assessed and collected; the dollar amount of credit given for jail time served; the dollar amount of credit given for community service performed; the dollar amount waived because of indigent status, and the dollar amount waived for reasons other than indigency;

(C) For fines: the dollar amount assessed, collected, or waived; the dollar amount of credit given for jail time served; and the dollar amount of credit given for community service performed; and

(D) Aging information consisting of the time span from date of assessment through the date of payment, in 30-day increments up to 120 days, and for more than 120 days.

§175.5. Audit Standards.

(a) Compliance Audits. In accordance with Article 103.0033(j), OCA must periodically audit jurisdictions to confirm compliance with the components described in §175.3(b) and (c).

(b) Compliance Audit Methods. OCA must use random selection to generate an adequate sample of eligible cases to be audited, and must use the same sampling methodology as used for programs with similar automation capabilities.

(c) Compliance Audit Standards. OCA must use the following standards in the compliance audit:

(1) A county has met the requirements of §175.3(b) when either 90 percent of all courts in the county, or all courts in the county except one court, have satisfied all four requirements. Partial percentages are rounded in favor of the county. A municipality must satisfy all four requirements of §175.3(b).

(2) To be in substantial compliance with a component of §175.3(c), the requirement must be met for at least 80% of the eligible cases at that stage of collection. To be in partial compliance with a component of §175.3(c), the requirement must be met for at least 50% of the eligible cases at that stage of collection. For OCA to find a jurisdiction in compliance with the requirements of §175.3(c), the jurisdiction cannot be in less than partial compliance with any component, may be in partial compliance with a maximum of one component, and must be in substantial compliance with all of the other applicable components.

SUBCHAPTER B. IMPLEMENTATION SCHEDULE AND WAIVERS

§175.6. Implementation Schedule.

OCA has developed and published on its website a prioritized implementation schedule for jurisdictions.

§175.7. Waivers.

(a) Statutory Basis. Article 103.0033 provides that OCA may determine that it is not cost-effective to implement a program in a county or municipality and grant a waiver to the requesting entity.

(b) Criteria for granting waivers. OCA will grant a blanket waiver from implementation when the requesting entity demonstrates that:

(1) The estimated costs of implementing the program are greater than the estimated additional revenue that would be generated by implementing the program; and

(2) A compelling reason exists for submitting the waiver request after the entity's published implementation deadline. The requesting entity and OCA program staff each must submit documentation supporting their cost and revenue projections to the administrative director for determination.

(c) Temporary waivers. OCA will consider a request to grant a temporary waiver for good cause that could not have been reasonably anticipated. Such temporary waivers may be granted after an audit to allow a program to correct deficiencies discovered during the audit.