

District Court Clerical Training Resource Document	
Effective Date Statewide: July 2010	Revision Date: November 2010

CRIMINAL COLLECTIONS

Description:

Criminal collections is the timely review and monitoring of accounts receivable for collection of fines, fees and restitution.

Reference:

Utah Code Annotated, Section [76-3-201.1](#)

Section [78A-2-214](#)

[Accounting Manual - Collections](#)

[Best Practices in Maintaining Accurate Account Receivables](#)

Overview:

Each district court is required to have a written policy and procedures approved by the Court Executive, for monitoring and collecting accounts receivable.

The written policy should include:

- A time-line and procedures to track accounts when a collection letter must be mailed;
- A procedure to reference telephone calls made/received regarding collection of accounts;
- A recommended procedure for gathering information regarding personal data from a defendant to help process collections work;
- Which types of cases should be reviewed by a judge for determination of further action;
- A time-line and procedures for compliance in referring accounts to the Office of State Debt Collection (OSDC).

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Procedure/Computer Entry

Any account overdue 61 days shall be reviewed and, according to local procedures, referred to the judge or initiate final collection efforts before transferring the case to OSDC.

Any account, meeting the local procedures for eligibility for referral to OSDC, shall be transferred to OSDC within 90 days of the past due date.

Justice courts wanting to access the resources of the Office of State Debt Collections (OSDC) must first reach an agreement with OSDC. Contact the Courts Help Desk 801-578-3850 for CORIS access to transfer cases to OSDC.

The following reports may be used to track the accounts receivable:

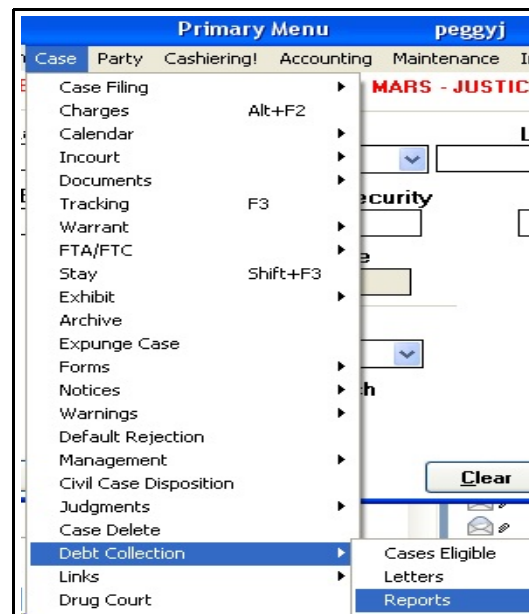
- Receivable;
- GASB Receivable (which must run overnight);
- The Debt Collection Report (depicts cases with past due dates).

Cases may be placed on tracking, which can be helpful for a collections department.

For any accounts receivable (except an NSF Check), collection efforts should begin within 31 days of the account becoming delinquent.

Notices should be mailed to a defendant, using CORIS generated delinquent letters.

1. From the **Primary Menu** select **Case > Debt Collection > Reports**.



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2. The debt collections report may be sorted by **N**ame or **C**ase. Select the type of report, either by **A**LL cases past due or only case with **P**ayments due on date. Select the box if **P**rint Account Notes is preferred. Then enter the date for the report to run through. Select **P**repare Report, then **E**xit. Go to Print Index! to print the report.

By selecting this report, the clerk can determine what collection letter should be sent.

The screenshot shows a window titled "Debt Collections Report". It contains the following elements:

- Sort By:** Two radio buttons, "Name" (selected) and "Case".
- Report Type:** Two radio buttons, "report ALL cases past due as of date" and "report only cases with Payments due on date" (selected).
- Print Account Notes:** An unchecked checkbox.
- Report Date:** A text box containing "04/08/2008".
- Buttons:** "Prepare Report" and "Exit".

In order to print the correct letter, select **Primary screen > Debt Collections > Letters**

Enter the case number, select **F**ind Case, the name on the case will be populated. Select the radio button for the letter that best applies. Enter the due date and the amount due. Select **P**repare Letter. The letter will be in the print index.

The screenshot shows a window titled "Local Debt Collection Letters". It contains the following elements:

- Case Information:** Text boxes for "Case", "Last Name", and "First Name". A "Find Case" button is next to the Case box, and a "Clear" button is next to the Last Name and First Name boxes.
- Status:** A label "local debt collection status: OFF".
- Date Prepared:** A text box.
- Letter Selection:** Five radio buttons labeled "Letter 1", "Letter 2", "Letter 3 (2b)", "Letter 4 (AR)", and "Letter 5 (P)".
- Due Date:** A text box.
- Amount Due:** A text box.
- Buttons:** "Prepare Letter" and "Clear Date".
- Traffic Citation Letters:** Three radio buttons labeled "Past Due Citation (6)", "Extension Now Overdue (7)", and "Notice that Warrant was Issued (8)".
- Exit:** A button at the bottom.

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Letter 1 - states the fine is unpaid and the defendant is to pay the amount by a certain date.

Letter 2 - states the defendant is in violation of a court order. The defendant has to pay the amount that is past due by a certain date or the case will be sent to the judge.

Letter 3 - states the total fine was due on a certain date and failure to pay by a certain date will result in the case being sent to the judge for further action.

Letter 4 - states the court has sent letters and/or tried to reach the defendant by telephone about his/her delinquent fine. The letter states the defendant is in violation of a court order and the case has been referred to the judge for a warrant to be issued, unless the fine is paid in full on a certain date.

Letter 5 - states the defendant has broken a promise to the court to pay a fine, that the fine has to be paid by a certain date or the case will be referred to the judge for a warrant.

Letter 6 - this letter is for use if the court receives traffic citation filings. The letter states the citation #, court case #, date of violation and payment is now past due. If the fine is not paid by a certain date, the case referred to the judge for further action.

Letter 7 - this letter is for use if the court receives traffic citation filings. The letter states the court has given the defendant extra time to pay and the fine is still outstanding. The case will be referred to the judge for further action.

Letter 8 - this letter is for use if the court receives traffic citation filings. The letter states that a warrant for arrest, has been issued, the fine amount increased, and the defendants driving privileges may have been suspended.

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Primary screen > Debt Collections > Cases Eligible.

This screen is used once a case becomes 90 days past due. There are several options for generating the report.

Cases Eligible for Debt Collection

Case: Case Specific Use Find Case

Last Name:

First Name:

Number of accounts found: 250

Cases Sentenced From: To: Account Types With a balance of

This many days overdue: ☐ 0-30 days ☐ 30 days ☐ 60 days ☒ 90 days ☐ Only cases on hold

Only This Many: Sorted By:

Only Case Type:

Case	Minor Name	Balance	Due Date	Last Pymt Date	Sentence Date	State Status	Local Status
005102368	MORRISON, DANIEL RYAN	210.00					
005102836	BROWN, O'LEAH C	903.17		01/30/02	01/30/02		
005103316	SINAST, TONY PAUL	927.61			01/26/01		
005103949	STUBBS, PATRICK A	154.19			08/14/01		
005104305	JONES, BILLY	776.63			06/28/01		
005104348	TULEY, MERRITT ANNE	299.22			03/04/02		
005105711	MARTINEZ, LLOYD J	114.33			02/25/02		
005107329	BACA, JAMES JOHN	1,987.73		08/06/01	03/27/02		
005107590	ABURTO, ARTURO M	664.21			01/24/01		

List Use Find Accounts

Find Accounts - this will list all cases with overdue accounts receivable based on the criteria selected.

Detail - Gives information related to each over due account. A clerk also uses this screen to send a case to OSDC.

Select Case - A case is selected from the bottom of the screen, case information will populate.

Set to Local Collection - By selecting the option, "local debt collection" in red font will be displayed on the Primary Menu when a case is displayed.

Print - Select print, to print the account information.

Exit - Select Exit to return to the primary screen.

Criteria selections are located in the upper right hand area of the screen.

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To send a case to the Office of State Debt Collections the case must be highlighted on the list and **Detail** selected.

If a case has previously been set for Local Debt Collections the **Unset for Local Debt Collections** button should be selected before selecting the **Send to State Debt Collections**.

Send Case to Debt Collections

02/09/10 10:52

Account Balance Detail

Case Number: 005107329
Case Type: Traffic Court Case

Local Debt Collection Status:
State Debt Collection Status:

Warning(s):

Name	Acct Type	Due Date	Amt Due	Amt Paid	Amt Credit	Balance
BACA, JAMES JOHN						
	Fee		442.73	0.00	0.00	442.73
	Fine		1,850.00	305.00	0.00	1,545.00

Note:

Save Note
Put on Hold
Payment History
Case History
Print

Send to State Debt Collections
Set for Local Debt Collections
Exit

Put on Hold
Payment History
Case History
Print

Send to State Debt Collections
Unset for Local Debt Collections
Exit

Selecting the **Send to State Debt Collections** button will:

- zero out the accounts receivable;
- create a civil judgment in the amount of the account receivable;
- create a case history entry note "Case was sent to State Debt Collections;"
- create a red message on the primary menu " **Case Sent to State Debt Collections**"

When a bankruptcy is filed, fines & restitution can not be discharged.

In Brent's opinion on Returned Checks dated 10/6/03, he states, "the reason that fines and restitution are not dischargeable in bankruptcy court is because of their punitive nature. If they lose their punitive nature, by becoming just another civil debt, they may lose their bankruptcy protections."

Once a case has been sent to OSDC, any payments received by the court must be forwarded to OSDC or returned to the defendant. **Do not** adjust the A/R by the payment amount and receipt the payment.

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Recall Cases from OSDC

A case must have a court order to be recalled from OSDC, unless the case was initially transferred to OSDC in error. To recall a case from OSDC, log into the OSDC dcART System(<http://dcart.utah.gov>) to initiate the recall.

(Contact Robert Johnson for access rights to dcArt: Robjohnson@utah.gov)

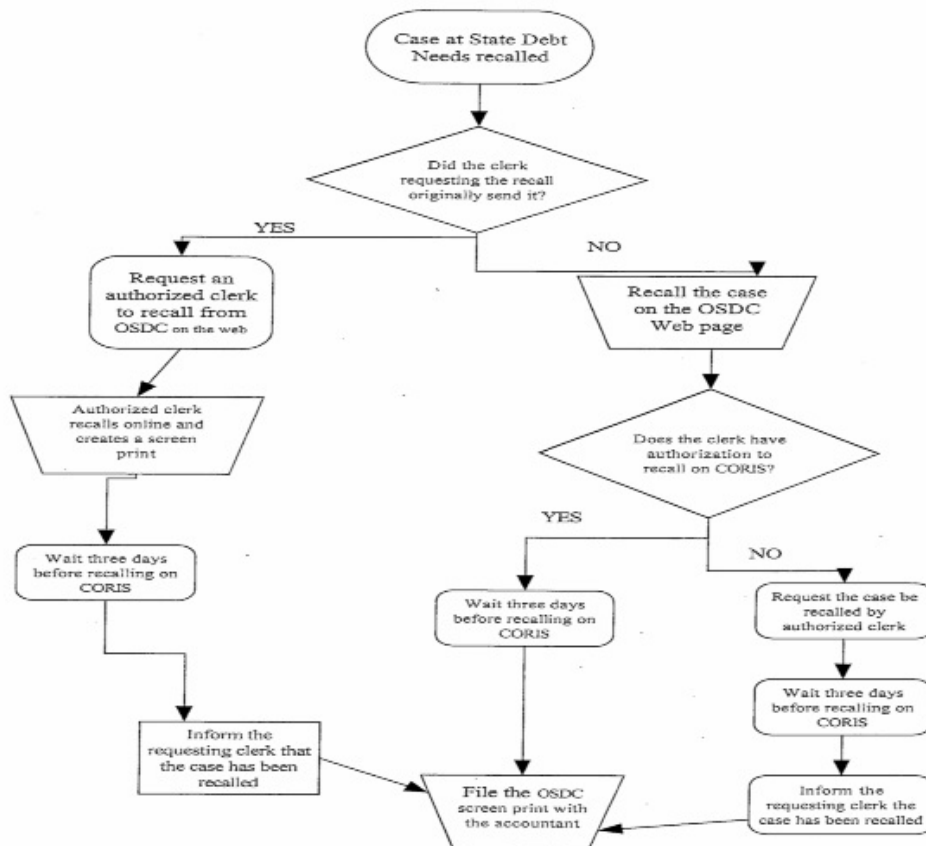
The court should monitor if any payments have been made directly to the Office of State Debt Collections.

- If the case **will not be resent**, inform OSDC that payments should not be returned to the court. Rebuild the debt once recalled and credit previously applied payments.
- If a case is to be resent to OSDC, wait one week prior to re-sending. The accounts receivable should be verified prior to re-sending.
- When a case is at the Office of State Debt Collection and the court must send additional fines for collection (i.e. restitution ordered later, monies due as a result of a warrant being issued), the court shall recall the case to increase the amount owing and resend to ensure accurate interest calculations are included. A clerk **does not** have to have a judges order to add the additional receivables.

___File either a copy of the OSDC screen print or email in the daily accounting records.

The court must wait three days before recalling a case on CORIS. (See OSDC flow diagram)

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If it is immediately realized a case was selected for OSDC in error, the **Undo State Debt Collection** button may be selected. A message "The case had been flagged to be sent to State Debt Collection but has not yet been sent." will display, or, If the message is not displayed, recall the case account(s) on dcArt. After three days recall the case on CORIS by selecting the **Undo State Debt Collection** button.

Cases Eligible for Debt Collection

Case: 051000625 STATE FELONY Clear Find Case Only This Many: 250

Last Name: SMYTHE This Judge Only: All Judges Sorted By: Case

First Name: NELLIE Account Types: Fine/Fee/Trust With a balance of: 100.00

Number of accounts found: 0

Cases Sentenced From: To: Only Case Type: All

This many days overdue: ☐ 0-30 days ☐ 30 days ☐ 60 days ☒ 90 days ☐ Only cases on hold

Undo State Debt Collection

MESSAGE

The case had been flagged to be sent to State Debt Collection but has not yet been sent. It will be recalled.

OK

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When a case is recalled from OSDC, the clerk is responsible to verify the account balances and remove the civil judgment.

Recalling a case from OSDC using only dcArt or CORIS will not result in an accurate recall.

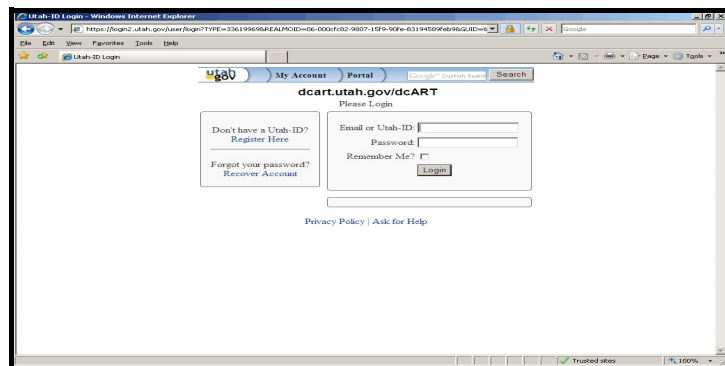
If collection efforts by the OSDC are successful, the court will receive a Satisfaction of Judgment from OSDC. When a Satisfaction of Judgment is received, the judgment should be disposed of on the judgment screen (F6).

When a satisfaction is received any outstanding FTA/FTC should be adjudicated.

[Http://dcart.utah.gov](http://dcart.utah.gov)

Enter your LAN password

Select 'Account Search' to bring up individual cases. Other selections on this screen may be selected to identify all cases sent to OSDC in the last three months, prior years, etc. Grand totals are displayed that reflect the principal and collection costs, etc.



Type in Account Number, Last Name, or First Name (a wildcard can be entered). Select on the Account Number.

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This screen displays Other Accounts, Transaction History, Payment, Adjustments, or Recall.

Double click on the case number (Account) to display defendant information.

To calculate a payoff, follow the same process used to view an account. From the Account View screen, select Payoff. Enter the payoff date or the payoff days. Select calculate. The system will calculate the payoff total.

Use the Account Listing to view a list of accounts for various criteria.

Use the Placement Report to view the number and dollar amount of placements, adjustment, interest, and collections by month and year.

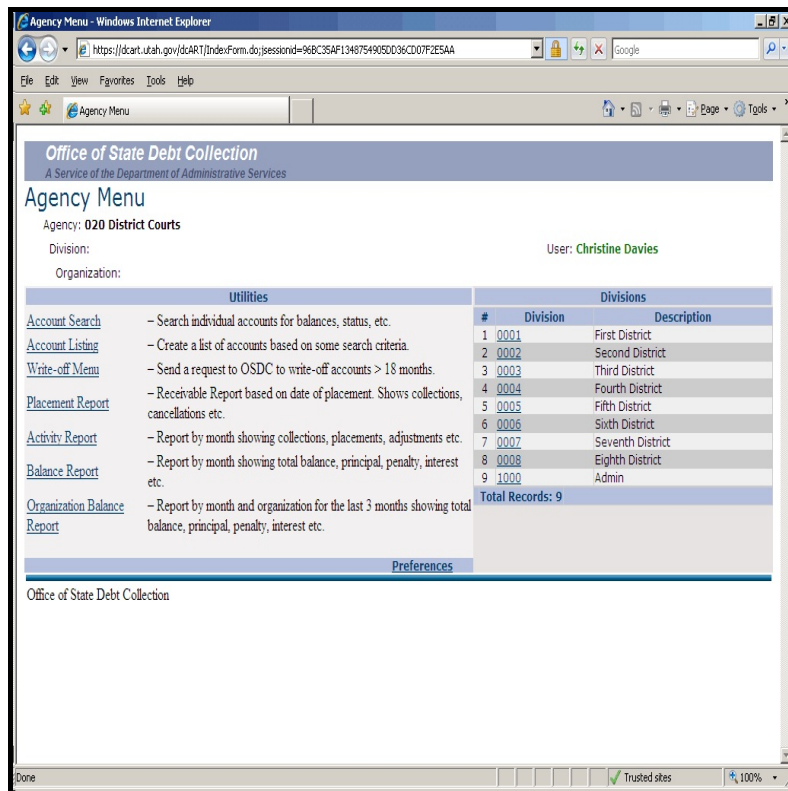
To view the detail that makes up each amount, select on the field under the # sign.

Select the Activity Report to view a list of activity by month.

Select the principal underlined numbers for a list of accounts making up the total amount submitted.

The Balance Report lists the ending balance for each fiscal month.

The Organization Balance Report breaks up by organization, year, month, for the last 3 active account months.



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Select the Trans History tab to view payments made, and fees charged.

To recall (return and close) an account:

Follow the same process used to view an account. From the Account View Screen, select Recall Account.

Enter the reason for the recall. Select the Recall Account. Select Finish.

Account View

Payoff Account Search Agency Menu Recall Account

Account	071901422	Total	\$2,302.58	Aging Date	May 14, 2007
Agency	District Courts	Prin	\$1,745.71	Placement Date	Feb 22, 2010
Org	Salt Lake	Pen	\$0.00	Placement Type	Primary
Agency #		OSDC Int	\$0.00	Status	Open
Current Last	NELSON	Agency Int	\$119.39	NSF Check	No
Current First	JOSEPH MENLOVE	Coll Fee	\$437.48	NSF Count	0
Original Last	NELSON	Other Fee	\$0.00	Vendor	NCO
Original First	JOSEPH MENLOVE	Daily Int Fee	0.320031	Vendor Phone	8663152497

#	Trans Date	Trans ID	Trans Code	Type	Amount
1	Feb 22, 2010	4743745	Collection Fee	Collection Fee	\$436.82
2	Feb 22, 2010	4743746	Interest	PJI Fine	\$52.56
3	Feb 22, 2010	4743747	New Balance	Principal	\$128.38
4	Feb 22, 2010	4743748	New Balance	Principal	\$128.38
5	Feb 22, 2010	4743749	New Balance	Principal	\$218.24
6	Feb 22, 2010	4743750	New Balance	Principal	\$25.00
7	Feb 22, 2010	4743751	Interest	PJI Restitution	\$32.43
8	Feb 22, 2010	4743752	New Balance	Principal	\$945.71
9	Feb 22, 2010	4743753	Interest	PJI Restitution	\$31.55
10	Feb 22, 2010	4743754	New Balance	Principal	\$300.00
11	Mar 5, 2010		Collection Fee	Collection Fee	\$0.66
12	Mar 5, 2010		Agency Interest	PJI Fine	\$0.82
13	Mar 5, 2010		Agency Interest	PJI Restitution	\$2.03
Totals					\$2,302.58

Total Records: 13

Office of State Debt Collection