

**Superior Court of California
County of El Dorado
Policy and Procedures**

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF EL DORADO
&
EL DORADO COUNTY REVENUE & RECOVERY

DISCHARGE OF ACCOUNTABILITY**

Section: Collections	Section Number: To Be Determined
Policy Title: Discharge of Accountability	Issue Date: September 20, 2006 Revised: May 7, 2008

1. Discharge of accountability on uncollected debts must be sought only when either:
 - a. It has been determined that the cost of recovery exceeds that of collection or that insufficient data exists to locate the debtor;
 - b. All the required reasonable collection efforts have been performed;
 - c. At least five years have elapsed from the due date or conviction date;
 - d. The debtor is incarcerated in State Prison; or
 - e. The debtor is deceased and the estate has no assets.

2. The collection efforts required prior to the discharge of accountability for a debt must include at least the following:
 - a. Letters requesting payment, in accordance with collection standards;
 - b. Attempts at telephone contact with delinquent debtors, in accordance with collection standards;
 - c. Attempts at legal action, such as bank and wage attachments, when employment and assets are known;
 - d. Reporting of accounts to the credit bureaus;
 - e. Filing of abstracts against current and future acquisition of real property;
 - f. Return of accounts to the court for issuance of warrants, as needed; and
 - g. Requests for violation of probation hearings, as needed.

3. Prior to discharge of accountability, debts should be submitted to any entities performing enhanced collection processes for the time frames contractually agreed to. These agencies include:
 - a. Franchise Tax Board intercept and collection programs, if the court is participating in the programs and there are sufficient data to locate the debtor;
 - b. External collection agency;
 - c. County revenue recovery departments;
 - d. State or local licensing boards for any debtor who has a license;

- e. Department of Motor Vehicles; and
 - f. Credit reporting agency.
4. Debts meeting all requirements will be submitted to the Collection Committee for review and then to the Court Executive Committee for discharge of accountability. The list of cases recommended for discharge will be reviewed by the Collection Committee on a quarterly basis.
 5. An application for a discharge from accountability must comply with all of the requirements of Government Code section 25258.
 6. The recommendations for discharge of accountability must come from the Collections Committee.
 7. Recommendations for discharge of accountability must be categorized into these standard groups:
 - a. Unable to locate debtor and/or assets;
 - b. Deceased;
 - c. Debtor without ability to pay;
 - d. Legally not collectable—e.g., statute of limitations;
 - e. Cost of collection would exceed amount collected;
 - f. Settlement; and
 - g. Sent to State Prison.
 8. The court executive committee will review and approve discharges of accountability and dismissal of cases on a quarterly basis.
 9. El Dorado County Revenue Recovery is responsible for collections. The Board of Supervisors must be responsible for authorizing the discharge. Discharge disclosure will comply with all statutes relating to disclosure.
 10. Dockets and other documentation concerning debt must not be destroyed under any record retention policy until such time as the collecting entity in the county agrees that the documentation is no longer required.
 11. Recommendations for discharge of accountability will be listed on the attached spreadsheet and will be developed by County Revenue & Recovery and the Court.
 12. Cases that have been approved for discharge of accountability will be updated by the Court with action code DOA - DISCHARGE OF ACCOUNTABILITY *value*. The fine remains on the case.

13. Case dockets and documents concerning debt which have not been discharged will not be destroyed without approval from the Collection Committee.
14. Notification will be given to the Probation Department by the Court of formal and summary probation cases approved for discharge of accountability.