

Defendant's Request For Order Packet - Traffic

Use this form to ask the Court to make an order in your case on one or more of the following issues:

- Petition to Vacate Civil Assessment
- Petition for Ability to Pay Determination
- Request for Order to Modify Fine Amount
- Request for Order to Pay Fine in Installments
- Request to Perform Community Service in lieu of Total Fine
- Request for the court to take action on other issues

Your packet includes:

- **Defendant's Request for Order Packet and Instructions**
 - Your options under the California Rules of Court are provided.
 - Instructions on completing forms are provided.
- **Forms:**
 - **Defendant's Request for Order – Traffic**
 - **Financial Declaration** (required if your ability to pay any fine or fee is the reason for your request.)
 - **Advisement, Waiver of Rights and Plea** (required if you have not previously entered a plea. See page 9 for more information.)
 - **Order on Defendant's Request for Order – Traffic**
 - **Defendant's Declaration and Proof of Completion of Court Ordered Community Service**

Your options are listed below per the California Rules of Court. You have the right to request one or all of the following, depending on the status of your case:

1. **Petition to Reduce or 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 reduce or vacate the assessment.
 - A petition to reduce or vacate an assessment does not stay (stop) any order requiring payment of bail, fines, penalties, fees, or assessments unless specifically ordered by a judicial officer.
 - If you do not establish good cause as to why you didn't appear or did not pay, the court can still impose the civil assessment.
 - The court may consider such factors as your due diligence in appearing or paying after notice of the assessment has been given.
2. **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, 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. When you submit your request in writing, include any information you want the court to consider, including any attachment(s) that would help support your request.
 - The court will make a decision based on the information and supporting documentation that you provide in your written request. Specific documentation as to your financial status may be required for the court to make a determination.
 - If an ability-to-pay determination has already occurred, a subsequent ability-to-pay determination can be requested only if there is a change in circumstances. The change in circumstances must be supported with written documentation in order for the court to consider your request.
3. **Right to Appear in Court for Arraignment and Trial without Deposit of Bail – California Rules of Court, Rule 4.105**
 - If you have not already been arraigned or previously waived formal arraignment, which resulted in a conviction:
 - You have the right to appear in court for arraignment and trial without deposit of bail.

- If you have already been convicted, your options include:
 - Submitting a Request for Order (considered on your paperwork and written statements and documentation).
 - Filing a motion to schedule a hearing date (considered on your paperwork and verbal statements).
- If you have been convicted "in absentia" (in your absence), you have only 21 days to file a Request for Trial De Novo in order to appear in court to contest your case from the date of mailing on your Notice of Decision on Trial in Absentia.

If you need additional information regarding your options, or other self-help information, you can visit the Judicial Branch of California's self-help website at: <http://www.courts.ca.gov/selfhelp-traffic.htm>

Instructions for Completing Forms:

You may use this form to request one or all of the following actions:

- Petition to Vacate Civil Assessment
- Petition for Ability to Pay Determination
- Request for Order to Modify Fine Amount
- Request for Order to Pay Fine in Installments
- Request to Perform Community Service in lieu of Total Fine
- Request for the court to take action on other issues

You will need to complete the following forms :

- Defendant's Request for Order – Traffic You must also submit an Advisement, Waiver of Rights & Plea if no pleas has been entered previously in Court, or in writing. See page 9 for information on the form provided at the end of this packet.
- Order on Defendant's Request for Order – Traffic

If any of your requests involve the ability to pay a fine due to financial hardship, you will also be required to complete the following form, with current supporting documentation:

- Financial Declaration
 - Current proof of your financial situation must be submitted with your financial declaration. Examples of proof can be a current government assistance statement, recent check stubs, Medi-cal card, WIC card, recent bank statement of deposit of government assistance or pension, or of any income sources. Other documentation could be any recent statements for your bills you pay – child support payments, credit card statement, housing costs/rent receipt, insurance costs, medical expenses, funeral expenses, or any other documentation that supports your financial declaration.

Defendant's Request for Order – Traffic

- Complete all questions to the best of your ability.

ATTORNEY OR PARTY WITHOUT ATTORNEY: Name: _____ Address: 1 _____ Phone: _____ SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS TRAFFIC DIVISION 2260 Floyd Avenue Modesto, CA 95355 PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff vs. 2 _____ Defendant.	<div style="text-align: right; font-size: small;">FOR COURT USE ONLY <input type="checkbox"/> CAT <input type="checkbox"/> CAC <input type="checkbox"/> TIA</div> <div style="text-align: center; font-size: large; font-weight: bold;">SAMPLE</div>
DEFENDANT'S REQUEST FOR ORDER - TRAFFIC: (Check all that apply): <input checked="" type="checkbox"/> To Vacate Civil Assessment 3 <input checked="" type="checkbox"/> To Modify Fine Amount <input checked="" type="checkbox"/> To Pay Fine Amount In Installments <input checked="" type="checkbox"/> To Release Driver's License Hold with Department of Motor Vehicles <input type="checkbox"/> To Perform Community Service in lieu of Total Fine <input type="checkbox"/> Other _____	CASE NO: 4 _____ Date and Time of Hearing: _____

- Complete the upper left corner (#1) with your name, address and phone number (or message #).
- Complete the 2nd section with your name on the line above the word "Defendant"
- Complete the 3rd section by checking any box that will apply to what you are asking the court to order.
- Complete the 4th section with only your case number. If a hearing is later required, the clerk will fill out date and time of hearing.
- **Completing Section 1. Request to Vacate Civil Assessment.** If you failed to appear or failed to pay a fine and you had extra civil assessment fees added to your case, you can request to have the fees either waived or modified, however, you are required to tell the court why you failed to appear or pay when ordered. Mark all boxes that apply to your situation, and *if you are claiming a financial hardship, you must complete the financial declaration form in this packet.* You must also attach any supporting documents that will help the court understand why you did not appear at your hearing or why you did not pay a court ordered fine. Explain the situation as completely as possible.

1. ☒ **Request to Vacate Civil Assessment** – I did not appear in court or did not pay a fine ordered by the court because of the following reasons (check all that apply):
- | | |
|---|--|
| <input checked="" type="checkbox"/> HOSPITALIZATION | <input checked="" type="checkbox"/> MILITARY DUTY |
| <input checked="" type="checkbox"/> RESIDENTIAL DRUG/ALCOHOL TREATMENT | <input checked="" type="checkbox"/> THE DEATH OF FAMILY MEMBER |
| <input checked="" type="checkbox"/> INCARCERATION (In jail or state prison) | <input checked="" type="checkbox"/> NOT PERSON CITED |
| <input checked="" type="checkbox"/> A FINANCIAL HARDSHIP | <input checked="" type="checkbox"/> OTHER (Explain below) |

SAMPLE

The Court will not consider your request unless you attach documents that support your request (if available) and provide a detailed explanation of why you failed to appear in court or pay your fine. **If you are claiming a financial hardship, you must complete and submit a Financial Hardship Declaration.**

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

- **Completing Section 2. Request to Modify Fine Amount.** If your reason to request modification of the fine is due to a financial hardship (in addition to, or other than, the civil assessment in Section 1): Check the box to Request to Modify Fine Amount. Check either of the two boxes as to whether it is the first time you have requested this or if you have previously requested a fine modification in this case.

2. ☒ **Request to Modify Fine Amount** – I am requesting the court to modify my fine based on my inability to pay due to a financial hardship. I have completed a Financial Hardship Declaration and submitted it to the court. (Please mark one of the following):

- ☐ This is my first request to modify fine amount.
- ☐ I have submitted a previous request to modify fine amount in this case.

SAMPLE

Completing Page 2:

- **Completing Section 3: Request to Pay Fine Amount in Installments.** If your financial situation requires your paying it in monthly installment payments, you can check this section. Fill out the amount you can pay each month in the "\$_____" section. **Please note it must be a minimum of \$10.00 per month.** You must also be sure you complete the Financial Declaration form. Read the

information in bold letters. This is important information that tells you if you miss your payments and do not contact the court for an extension in a timely manner, your case can be sent to the Franchise Tax Board or other collection agency for collection proceedings.

3. ☒ **Request To Pay Fine Amount in Installments**

Due to a financial hardship, I am requesting to pay the fine amount, including the Civil Assessment, in installments of \$_____ per month (the installment payment must be at least \$10.00 per month). **I have also completed a Financial Hardship Declaration and submitted it to the court with my Defendant's Request For Order - Traffic.**

SAMPLE

I understand that if I miss an installment payment, the court may consider the entire unpaid balance is immediately due and payable and the court may send my case to the Franchise Tax Board (FTB) or other agency for collection. I also understand that if I need an extension of time, I must contact the Court to arrange an extension on or before my due date.

- **Completing Section 4: Request to perform Community Service in lieu of Total Fine.** If you are experiencing financial hardship and payment of the total fine would pose a hardship to you or your family, mark the box to Request to perform Community Service in lieu of Total Fine. You must also complete the Financial Declaration form.

4. ☒ **Request to perform Community Service in lieu of Total Fine** -- Due to a financial hardship, I am requesting the court to allow me to perform community service in lieu of my total fine. For the purposes of this section, the term "total fine" means the total bail, including the base fine and all assessments, penalties, and additional moneys to be paid.

SAMPLE

I understand that if I fail to perform and submit proof of completion for court ordered community service, the court may consider the entire unpaid balance is immediately due and payable and the court may send my case to the Franchise Tax Board (FTB) or other agency for collection. I also understand that if I need an extension of time, I must contact the Court to arrange an extension on or before my due date.

- **Completing Section 5: Request for Other Orders.** You can ask the court to review other issues, however, you must be specific as to what you are requesting and why you are requesting it. If there is any documentation to support your reasons for this request, you are encouraged to attach copies, so the court is able to make an order on your case without having to schedule your case for a hearing to have you appear in court at a later date to make the determination. The more information you provide, the more information the court has to consider in support of your request.

5. ☒ **Request for Other Order(s):** I request the court make the following other order(s): *(Please include a detailed explanation for what you are requesting and why you are making this request.)* _____

SAMPLE

I understand that I am required to provide proof of any statements related to my financial declarations if I am asking the Court to consider a financial hardship. In the event that I have not been able to provide this documentation, I understand that my request may be denied by the Court.

- **Completing the declaration under penalty of perjury**, listing your address, telephone number, date of signature, and signing your name where it says “Defendant’s signature”. The copy you file with the Court must be an original copy, therefore you are encouraged to **sign it in a blue pen**, so it easier to identify as an original.

I understand that I am required to provide proof of any statements related to my financial declarations if I am asking the Court to consider a financial hardship. In the event that I have not been able to provide this documentation, I understand that my request may be denied by the Court.

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

Executed at: _____ on _____
City and State Date Signed

Address of defendant: _____
Mailing Address, City, State and ZIP Code **SAMPLE**

Telephone or Message Phone Number: () _____

Signature _____
(Defendant’s Signature)

Completing the Financial Declaration

Personal Information:

This form requires you to provide personal information, including your name, address, birthdate, phone number, marital status, social security number, number of dependents, and any court ordered child support you pay.

PERSONAL INFORMATION	SAMPLE
Name: _____	Birthdate: _____ CASE # _____
Address: _____	Phone #: _____
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated	
Social Security number: _____	
Number of dependents: _____	
Court ordered child support payments: \$ _____	

Employment Information:

You must tell the court if you are currently employed. If you are not currently employed, how long you have been unemployed. If you are employed, you must tell the court who your employer is, how long you have worked there, and your monthly income. You must also provide this information for your spouse's employment, if applicable.

EMPLOYMENT	SAMPLE
Are you currently employed? <input type="checkbox"/> Yes <input type="checkbox"/> No How long have you been unemployed?: _____	
Employer: _____	How long: _____ Monthly Income: \$ _____
Spouse's employer: _____	How long: _____ Monthly Income: \$ _____

Other Monthly Income:

You must tell the court how much you receive in any of the areas listed on the form:

OTHER MONTHLY INCOME				
Unemployment \$	Disability \$	Retirement \$	Child Support \$	Spousal Support \$
General Relief \$	Social Security \$	SSI \$ SAMPLE	AFDC \$	Other \$

Housing

You must tell the Court if you are renting or buying and your share of the monthly payment. You must also tell the Court with whom you reside. If you are not renting or buying, please explain your housing situation.

HOUSING: <input type="checkbox"/> Renting <input type="checkbox"/> Own <u>Your share of the monthly payment:</u> \$ _____ SAMPLE
Other, please explain? _____

Motor Vehicles

You must tell the Court if you have any motorcycles, boats, motor homes, trailers, and automobiles:

MOTOR VEHICLES (Including motorcycles, boats motor homes, trailers, etc.) **SAMPLE**

Year & Make _____ ☐ Own ☐ Lease Monthly payment: \$ _____

Year & Make _____ ☐ Own ☐ Lease Monthly payment: \$ _____

Creditors (Money you owe, bills you're paying)

You must tell the Court if you owe money for any bills, ie: credit cards, department stores, medical bills, etc.

(Bills that you pay/owe)

CREDITORS (VISA, department stores, medical bills, etc.)

SAMPLE

Creditor _____

Monthly payment: \$ _____

Creditor _____

Monthly payment: \$ _____

Creditor _____

Monthly payment: \$ _____

Assets

This is very important. You must list any of the following assets you have. Do not leave any blanks. **If the answer is \$0.0, then enter it as 0, but do not leave it blank.**

ASSETS

SAMPLE

IMPORTANT:

Each of the questions about assets must be answered. Do not leave any of the lines blank. If the answer is \$0.00 then enter a 0.

Checking Account Balance

\$ _____

Savings Account Balance

\$ _____

Money owed to you

\$ _____

Equity in property you own

\$ _____

Other assets

\$ _____

Completing the Financial Declaration – page 2:

Declaration Under Penalty of Perjury:

You will be signing under penalty of perjury that the information you have provided to the court is true and correct. If it is not completed it cannot be filed. Be sure you have read this, as states that you must provide written documentation of your statements and financial situation. Be sure to submit your written documentation along with the Request for Order.

If there is a very good reason why you do not have any documentation, you can tell the Court why you were unable to provide it, as well as any efforts you have taken to obtain this documentation. You will then sign and date the Financial Declaration (example below):

Declaration Under Penalty of Perjury:

I understand that I am required to provide proof of any statements related to my financial declarations if I am asking the Court to consider a financial hardship. In the event that I have not been able to provide this documentation, I understand that my request may be denied by the Court.

☐ I am unable to provide proof of (specify) _____ **SAMPLE**

for the following reason(s): _____

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

Executed at: _____ on _____

City and State Date Signed

Signature _____ **SAMPLE**

Instructions for Order On Defendant's Request for Order – Traffic

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY:</p> <p>Name: _____</p> <p>Address: 1</p> <p>Phone: _____</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</p> <p>TRAFFIC DIVISION</p> <p>2260 Floyd Avenue</p> <p>Modesto, CA 95355</p> <p>PEOPLE OF THE STATE OF CALIFORNIA,</p> <p>Plaintiff</p> <p>vs. 2</p> <p>Defendant.</p> <p>DEFENDANT'S REQUEST FOR ORDER - TRAFFIC:</p> <p>(Check all that apply):</p> <p><input checked="" type="checkbox"/> To Vacate Civil Assessment 3</p> <p><input checked="" type="checkbox"/> To Modify Fine Amount</p> <p><input checked="" type="checkbox"/> To Pay Fine Amount In Installments</p> <p><input checked="" type="checkbox"/> To Release Driver's License Hold with Department of Motor Vehicles</p> <p><input type="checkbox"/> To Perform Community Service in lieu of Total Fine</p> <p><input type="checkbox"/> Other _____</p>	<p style="text-align: center; font-size: small;">FOR COURT USE ONLY</p> <p style="text-align: center; font-size: x-small;"><input type="checkbox"/> CAT <input type="checkbox"/> CAP <input type="checkbox"/> FIA</p> <p style="text-align: center; font-size: large; font-weight: bold;">SAMPLE</p> <p>CASE NO: _____ 4</p> <p><input type="checkbox"/> Date and Time of Hearing: _____</p>
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- Complete the upper left corner (#1) with your name, address and phone number.
- Complete the 2nd section with your name on the line above the word "Defendant"
- Complete the 3rd section by checking all boxes that you checked in your Defendant's Request for Order – Traffic. **These are sections you asked the Court to consider in your request.**
- Complete the 4th section listing only your case number. If the Judicial Officer sets it for hearing, the clerk will fill in the date and time of the hearing on your order and send it to you by mail.
- Turn to page 2 of your order, and fill in your name and case number at the top of the page.

Leave the rest of the document blank. The Court will complete it.

You have now finished filling out your Request For Order packet, and you must now make sure you provide any proof or documents required to be submitted to support your statements and situation you have provided to the Court for consideration. Your attachments to support your statements can be copied by

the clerk, and your original documents can be given back to you so you have them if needed. You can ask the Clerk at the window to make a copy of your documents so you can keep your originals. Once you have your documents attached to your "Request for Order", "Financial Declaration" (if this applies), and your "Order" you can now submit all three documents to the Traffic Court Clerk.

Tips:

- **Signature** - Check to be sure you have dated and signed your documents before turning them in to be filed.
- **Self-addressed-stamped envelope** - Be sure to submit your documents with a self-addressed stamped envelope, so the clerk can return the documents to you once the court makes an order on your request. If you don't have one, you can purchase one at the clerk's office counter.
- Please be patient, as the orders will take time to be reviewed and processed. They are processed in the order they are submitted to the Court. Once the order has been processed, your documents will be sent to you by mail.
- **To avoid delays, please be sure you have completed and attached your required written verifying documents required to support your written statements.**

If you have additional questions, you can contact the Traffic Court Clerk's office as follows:

Email: traffic.requests@stanct.org

Location: Traffic Division 2260 Floyd Avenue, Modesto, CA 95355

Phone: (209) 530-3100, option 1, between the hours of 10:00 a.m. and 2:00 p.m. on business days

Office hours: Monday through Friday, 8:15 a.m. to 4:00 p.m. **

A DROP BOX IS AVAILABLE: You can drop your documents into the filing and payment drop box on the external door of the Traffic Division. The clerk's office will process all documents and payments left in the drop box.

Please note - an additional Advisement, Waiver of Rights, and Plea form has been added to this packet. You are required to complete this form if you haven't ever previously entered a plea of either guilty, not guilty, or no contest in this case.

A plea is usually entered when you have appeared in court for arraignment, or started a payment plan, which requires a plea entry as well. If you are asking the Court to consider your request for order and your case has not yet been adjudicated (no outcome ordered), and if you are letting the court know you are now pleading guilty or no contest and requesting fine/fee reductions, you must enter a written plea. If you fail to submit this form, the Court cannot consider your request, and it will be returned to you to submit the required form.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF STANISLAUS**

TRAFFIC DIVISION

Advisement, Waiver of Rights and Plea Form

This form is provided for filing by a person who has never submitted a plea in the case, who is requesting an order to be made by the Court on a pending case.

If a Judicial Officer (Judge or Court Commissioner) has not asked you for a plea in this case, or if you have not been convicted in previously or submitted a written plea in this case, you must complete the attached plea form if you are wishing to enter a guilty or no contest plea to request the Judicial Officer to consider your Request for Order regarding Fines, Fees, and/or late fees.

- Read the form thoroughly, so you are aware of your rights.
- Complete the following:
 - 1) Your name, address and phone number must be completed.
 - 2) Your case number must be written on the form.
 - 3) Under section entitled "PLEA", you must select one of the two options:
 - a. "I plead guilty" or
 - b. "I plead Nolo Contendere (No Contest)"
 - 4) Under the section "Waiver of Rights", read the waiver, and if you agree, sign your name and include the date you signed the form.
- Submit the form along with your Request for Order packet documents.



Superior Court of California
County of Stanislaus
Traffic Division

For Use By Clerk

ADVISEMENT, WAIVER OF RIGHTS, AND PLEA

Name: _____

Address: _____

City _____ State _____ Zip _____

Phone #: (____) _____

Case # _____

ADVISEMENT OF RIGHTS

By choosing to enter a plea of Guilty or Nolo Contendere (No Contest), you will be giving up the following rights:

- A. To appear in court for formal arraignment, plea and sentencing;
- B. To have a court trial and to challenge the charges;
- C. To have a speedy court trial and have the charges dismissed if a speedy trial is requested by not provided;
- D. To be represented by an attorney at your own expense;
- E. To subpoena or present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- F. To confront and cross-examine all witnesses under oath testifying against you; and
- G. To remain silent and not testify.

ENTRY OF PLEA

Select only one (1) of the following plea options:

_____ I plead Guilty _____ I plead Nolo Contendere (No Contest)

_____ I previously entered a plea in Court, and now wish to vacate Traffic School.

_____ I previously forfeited bail and am now requesting Traffic School. I understand that I am entering a plea of either ☐ **guilty** or ☐ **nolo contendere** to be allowed to reopen this matter to attend Traffic School.

VACATING TRAFFIC SCHOOL

_____ I previously was granted Traffic School and want to vacate it to proceed with a payment plan.

WAIVER OF RIGHTS

By signing below, I declare that I have read and understand these rights and that I am knowingly and voluntarily giving up these right and that I understand and accept the terms and consequences of my plea.

SIGNED: _____

DATE: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY: Name: _____ Address: _____ Phone: _____ SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS TRAFFIC DIVISION 2260 Floyd Avenue Modesto, CA 95355	FOR COURT USE ONLY <input type="checkbox"/> CA/T <input type="checkbox"/> CA/P <input type="checkbox"/> TIA
PEOPLE OF THE STATE OF CALIFORNIA, <div style="text-align: right;">Plaintiff</div> vs. _____ <div style="text-align: right;">Defendant.</div>	
DEFENDANT'S REQUEST FOR ORDER - TRAFFIC: (Check all that apply): <input type="checkbox"/> To Vacate Civil Assessment <input type="checkbox"/> To Modify Fine Amount <input type="checkbox"/> To Pay Fine Amount in Installments <input type="checkbox"/> To Release Driver's License Hold with Department of Motor Vehicles <input type="checkbox"/> To Perform Community Service in lieu of Total Fine <input type="checkbox"/> Other _____	CASE NO: _____ <input type="checkbox"/> Date and Time of Hearing: _____

1. ☐ **Request to Vacate Civil Assessment** – I did not appear in court or did not pay a fine ordered by the court because of the following reasons (*check all that apply*):
- | | |
|--|---|
| <input type="checkbox"/> HOSPITALIZATION | <input type="checkbox"/> MILITARY DUTY |
| <input type="checkbox"/> RESIDENTIAL DRUG/ALCOHOL TREATMENT | <input type="checkbox"/> THE DEATH OF FAMILY MEMBER |
| <input type="checkbox"/> INCARCERATION (In jail or state prison) | <input type="checkbox"/> NOT PERSON CITED |
| <input type="checkbox"/> A FINANCIAL HARDSHIP | <input type="checkbox"/> OTHER (Explain below) |

*The Court will not consider your request unless you attach documents that support your request (if available) and provide a detailed explanation of why you failed to appear in court or pay your fine. **If you are claiming a financial hardship, you must complete and submit a Financial Hardship Declaration.***

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

☐ *Explanation is continued on additional page(s)*

Name of Case: People vs. _____ (Your Name)	Case # _____
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2. ☐ **Request to Modify Fine Amount** – I am requesting the court to modify my fine based on my inability to pay due to a financial hardship. I have completed a Financial Hardship Declaration and submitted it to the court. *(Please mark one of the following):*

- ☐ This is my first request to modify fine amount.
☐ I have submitted a previous request to modify fine amount in this case.

3. ☐ **Request to Pay Fine Amount in Installments**

Due to a financial hardship, I am requesting to pay the fine amount, including the Civil Assessment, in installments of \$_____ per month (the installment payment must be at least \$10.00 per month). **I have also completed a Financial Hardship Declaration and submitted it to the court with my Defendant's Request for Order - Traffic.**

I understand that if I miss an installment payment, the court may consider the entire unpaid balance is immediately due and payable and the court may send my case to the Franchise Tax Board (FTB) or other agency for collection. I also understand that if I need an extension of time, I must contact the Court to arrange an extension on or before my due date.

4. ☐ **Request to Release Driver's License Hold with Department of Motor Vehicles** – I am requesting the court to release the hold on my driver's license with the Department of Motor Vehicles.

5. ☐ **Request to Perform Community Service in lieu of Total Fine** – Due to a financial hardship, I am requesting the court to allow me to perform community service in lieu of my total fine. For the purposes of this section, the term "total fine" means the total bail, including the base fine and all assessments, penalties, and additional moneys to be paid.

I understand that if I fail to perform or fail to submit proof of completion for court ordered community service, the court may consider the entire unpaid balance is immediately due and payable and the court may send my case to the Franchise Tax Board (FTB) or other agency for collection. I also understand that if I need an extension of time, I must contact the Court to arrange an extension on or before my due date.

6. ☐ **Request for Other Order(s)**: I request the court make the following other order(s): *(Please include a detailed explanation for what you are requesting and why you are making this request.)* _____

Name of Case: People vs. _____ (Your Name)	Case # _____
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I understand that I am required to provide proof of any statements related to my financial declarations if I am asking the Court to consider a financial hardship. In the event that I have not been able to provide this documentation, I understand that my request may be denied by the Court.

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

Executed at: _____ on _____
City and State *Date Signed*

Address of defendant: _____
Mailing Address, City, State and Zip Code

Telephone or Message Phone Number: (____) _____

Signature _____
(Defendant's Signature)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF STANISLAUS
TRAFFIC DIVISION

CONFIDENTIAL

FINANCIAL DECLARATION

PERSONAL INFORMATION

Name: _____ Birthdate: _____ CASE # _____

Address: _____ Phone #: _____

Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Separated

Social Security number: _____

Number of dependents: _____

Court ordered child support payments: \$ _____

EMPLOYMENT

Are you currently employed? ☐ Yes ☐ No How long have you been unemployed?: _____

Employer: _____ How long: _____ Monthly Income: \$ _____

Spouse's employer: _____ How long: _____ Monthly Income: \$ _____

OTHER MONTHLY INCOME

Unemployment \$	Disability \$	Retirement \$	Child Support \$	Spousal Support \$
General Relief \$	Social Security \$	SSI \$	AFDC \$	Other \$

HOUSING: ☐ Renting ☐ Own Your share of the monthly payment: \$ _____

Other, please explain: _____

MOTOR VEHICLES (Including motorcycles, boats motor homes, trailers, etc.)

Year & Make _____ ☐ Own ☐ Lease Monthly payment: \$ _____

Year & Make _____ ☐ Own ☐ Lease Monthly payment: \$ _____

(Bills that you pay/owe)

CREDITORS (VISA, department stores, medical bills, etc.)

Creditor _____ Monthly payment: \$ _____

Creditor _____ Monthly payment: \$ _____

Creditor _____ Monthly payment: \$ _____

ASSETS

IMPORTANT:

Each of the questions about
assets must be answered. Do
not leave any of the lines blank.
If the answer is \$0.00 then enter
a 0.

Checking Account Balance \$ _____
Savings Account Balance \$ _____
Money owed to you \$ _____
Equity in property you own \$ _____
Other assets \$ _____

Declaration Under Penalty of Perjury:

I understand that I am required to provide proof of any statements related to my financial declarations if I am asking the Court to consider a financial hardship. In the event that I have not been able to provide this documentation, I understand that my request may be denied by the Court.

☐ I am unable to provide proof of (specify) _____

for the following reason(s): _____

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

Executed at: _____ on _____
City and State *Date Signed*

Signature _____
(Defendant's Signature)

☐ Number of pages attached (specify) _____.

ATTORNEY OR PARTY WITHOUT ATTORNEY: Name: _____ Address: _____ Phone: _____ <hr/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS TRAFFIC DIVISION 2260 Floyd Avenue Modesto, CA 95355 <hr/> PEOPLE OF THE STATE OF CALIFORNIA, <div style="text-align: right;">Plaintiff,</div> vs. _____ <div style="text-align: right;">Defendant.</div>	<div style="text-align: center;">FOR COURT USE ONLY</div> <div style="text-align: center;"> <input type="checkbox"/> CAT <input type="checkbox"/> CA/P <input type="checkbox"/> TIA </div> <hr/> <div> ORDER ON DEFENDANT'S REQUEST FOR ORDER - TRAFFIC: (Check all that apply): <input type="checkbox"/> To Vacate Civil Assessment <input type="checkbox"/> To Modify Fine Amount <input type="checkbox"/> To Pay Fine Amount in Installments <input type="checkbox"/> To Release Driver's License Hold with Department of Motor Vehicles <input type="checkbox"/> To Perform Community Service in lieu of Total Fine <input type="checkbox"/> Other _____ </div>
ORDER ON DEFENDANT'S REQUEST FOR ORDER - TRAFFIC: (Check all that apply): <input type="checkbox"/> To Vacate Civil Assessment <input type="checkbox"/> To Modify Fine Amount <input type="checkbox"/> To Pay Fine Amount in Installments <input type="checkbox"/> To Release Driver's License Hold with Department of Motor Vehicles <input type="checkbox"/> To Perform Community Service in lieu of Total Fine <input type="checkbox"/> Other _____	CASE NO: _____ <input type="checkbox"/> Date and Time of Hearing: _____

COURT ORDER ON DEFENDANT'S REQUEST FOR ORDER - TRAFFIC

The Court has Reviewed and considered the defendants request(s) and makes the following orders:

1. ☐ **Request to Vacate Civil Assessment:**

The Court ☐ finds ☐ does not find that good cause exists for the request to vacate civil assessment. It is hereby ordered that the request to vacate the Civil Assessment is:

- | | | |
|----------------------------------|---|--|
| <input type="checkbox"/> Denied | <input type="checkbox"/> With Prejudice | <input type="checkbox"/> Without Prejudice |
| <input type="checkbox"/> Granted | <input type="checkbox"/> FTA Vacated | <input type="checkbox"/> FTA Reduced to \$ _____ |
| | <input type="checkbox"/> FTP Vacated | <input type="checkbox"/> FTP Reduced to \$ _____ |

2. ☐ **Request to Modify Fine Amount:**

The Court ☐ finds ☐ does not find good cause to modify the fine amount. **It is hereby ordered that the request to modify fine amount is:**

- | | | |
|----------------------------------|--|--|
| <input type="checkbox"/> Denied | <input type="checkbox"/> With Prejudice | <input type="checkbox"/> Without Prejudice |
| <input type="checkbox"/> Granted | <input type="checkbox"/> Fine amount reduced to \$ _____ | |

3. ☐ **Request to Pay Fine Amount in Installments:**

The Court ☐ finds ☐ does not find that good cause for allow payment of the fine in installments. **It is hereby ordered that the request to pay fine amount installments is:**

- | | | |
|-----------------------------------|--|--|
| <input type="checkbox"/> Denied | <input type="checkbox"/> With Prejudice | <input type="checkbox"/> Without Prejudice |
| <input type="checkbox"/> Granted. | <input type="checkbox"/> Defendant is ordered to pay the fine amount, plus an administrative fee of \$35.00, to be in monthly installments of at least \$ _____. | |

Name of Case: People vs. _____ (Your Name)

Case # _____

The first payment is due on _____ and the _____ day of each month until the fine amount is paid in full. Extension requests on due dates must be submitted to the Clerk of the Court in a timely manner. If Traffic School is granted with installment payments, a failure to pay the installment, or failure to request an extension of time by the due date will result in the Court issuing a Notice of Failure to Pay letter. If you do not take action by the due date on the letter, the fines will be sent to a collection agency, and the case will be reported to DMV as a conviction and as a point on your driving record. You can request an extension by contacting the Court Clerk's Office.

4. ☐ **Request to Release Driver's License Hold with Department of Motor Vehicles:**

The request to release driver's license hold with DMV is hereby ordered:

- ☐ Denied ☐ With Prejudice ☐ Without Prejudice
☐ Granted

5. ☐ **Request To Perform Community Service in lieu of Total Fine:**

The Court ☐ finds ☐ does not find good cause to perform community service in lieu of total fine. It is hereby ordered that the request to perform community service is:

- ☐ Denied ☐ With Prejudice ☐ Without Prejudice
☐ Granted ☐ Defendant is ordered to pay the total fine amount of \$_____.
☐ Defendant is ordered to perform a total of _____ hours of community service.

You are responsible for signing up with a non-profit agency, such as a governmental or faith based entity, that arranges for community service work to be performed. You will have 90 days to complete your court ordered community service. You must submit the "Defendant's Declaration and Proof of Completion of Court Ordered Community Service" form on or before your due date of _____ to the Superior Court of California, County of Stanislaus, Traffic Court Division located at 2260 Floyd Avenue, Modesto, CA 95355 as proof of completion for court ordered community service.

I understand that if I fail to perform or fail to submit proof of completion for court ordered community service, the Court may consider the entire unpaid balance is immediately due and payable and the Court may send my case to the Franchise Tax Board (FTB) or other agency for collection. I also understand that if I need an extension of time, I must contact the Court to arrange an extension on or before my due date.

6. ☐ **Request for Other Order(s)**

The request for other orders of the Court is hereby ordered:

- ☐ Denied ☐ With Prejudice ☐ Without Prejudice
☐ Granted

The court makes the following additional orders:

ORDER ON DEFENDANT'S REQUEST FOR ORDER

Name of Case: People vs. _____ (Your Name)

Case # _____

7. ☐ The Court finds that a hearing is required to consider defendant's request.

The defendant's hearing on a Request for Order is hereby set for law and motion hearing on _____, at _____ a.m./p.m., at the Superior Court of California, County of Stanislaus, Traffic Court Division located at 2260 Floyd Avenue, Modesto, CA 95355. If the defendant fails to appear at the date and time set for hearing, the Request for Order will be denied.

IT IS SO ORDERED.

Date _____

Signature _____

Judicial Officer

CLERK'S CERTIFICATE OF MAILING

I, the below-named Deputy 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 Order on the Defendant's Request for Order upon the defendant or defendant's counsel as indicated below:

☐ by placing it for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Modesto, 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.

Date: _____

By _____, Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY: Name: Address: Phone: ()	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS TRAFFIC DIVISION 2260 Floyd Avenue Modesto, CA 95355	
PEOPLE OF THE STATE OF CALIFORNIA, <div style="text-align: center;">Plaintiff</div> vs. <div style="text-align: center;">_____</div> <div style="text-align: center;">Defendant. </div>	
DEFENDANT'S DECLARATION AND PROOF OF COMPLETION OF COURT-ORDERED COMMUNITY SERVICE	CASE NO:

INSTRUCTIONS:

1. Complete, date and sign this form as proof that you completed the required number of hours of court-ordered community service.
2. Please attach a letter from the volunteer organization where you performed the community service. An authorized representative of the organization must sign the letter and state the number of hours of community service you performed. The letter must be on the organization's letterhead stationery.
3. The court must receive the signed form and the organization's letter on or before the completion date given to you by the Judicial Officer or court clerk. If you are unable to complete your hours by the deadline, contact the Traffic Court Clerk's office before your due date to see if you are eligible for a one-time extension.

1. Defendant's Name: _____
2. Name of Non-Profit Agency: _____
 Street Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone: _____ Name of Supervisor: _____
3. Number of Community Service Hours Performed: _____
4. Date(s) Community Services Hours Performed: _____

I declare under penalty of perjury of the laws of the State of California that the information contained in this form is true and correct, and I personally performed the required number of community service hours set forth in item number 3 listed above.

Date: _____ Defendant's Signature: _____

Number of pages attached: _____