

Maricopa County Department of Finance County Collections Unit Frequently Asked Questions

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The following was prepared by Maricopa County Department of Finance, County Collections Unit. However, due to the complexity of the subject matter, not all information and resources have been included. Interested parties should review the Arizona Revised Statutes and seek legal or tax advice as needed.

Criminal Restitution Order and Restitution

What is a Criminal Restitution Order (CRO)?

A CRO is a financial judgment that may be issued at the time restitution is ordered, at the time the defendant's period of probation or sentence ends, or the defendant absconds. CROs are further discussed in the Criminal Code within Arizona Revised Statute (A.R.S.) §13-805. All Arizona Revised Statutes can be found at: www.azleg.gov/

What is a Restitution Lien?

A CRO is a restitution lien against all current and future interests in property which includes personal property, real estate, mobile homes, vehicles, boats, all-terrain vehicles, etc., within the State of Arizona. The CRO would need to be paid in full in order for the lien to be released. Maricopa County does not subordinate.

Restitution Liens are not financial liens in which the lienholder is typically a bank, finance company, or other financial institution whom you have a signed agreement to borrow money using a particular asset as collateral.

Where can I find a copy of the CRO?

A CRO is a recorded public document and can be found online through Maricopa County Recorder's Office at: www.recorder.maricopa.gov.

How are CROs enforced?

CROs are enforced by filing a lien against interests in personal property. This is done by filing the lien with the Secretary of State, except for titled motor vehicles which are filed with Arizona Department of Transportation (ADOT) Motor Vehicles Division (MVD). A CRO is placed against real property by filing the lien with the Maricopa County Recorder's Office in which the property is located.

Pursuant to A.R.S. §13-806, CROs do not expire until paid in full and are not dischargeable in bankruptcy.

County Collection Unit

What is the purpose of the Maricopa County Department of Finance County Collections Unit (CCU)?

CCU collects on the amounts owed for all CROs that are issued by the Maricopa County Superior Court. CCU sends a series of courtesy letters in an effort to make contact with the debtor and establish a payment plan. When a payment is made, CCU will send an updated billing letter acknowledging payment was received. If no payment is made, CCU sends the account to a collection agency for further collection efforts.

Do you report to the credit bureaus?

CCU does not report to the credit bureaus, however CROs are recorded public documents.

Why does the balance on the letter I received seem higher than what I thought I owed?

In addition to the outstanding court ordered financial sanction (principal), pursuant to A.R.S §13-805, a CRO is subject to interest at a rate of up to 10% per annum from the effective date of the CRO. A collection fee may be added which is calculated as a percentage of the principal.

How is interest calculated?

Interest is accrued on a daily basis at an annual rate of up to 10%. For demonstration purposes only, if the outstanding principal is \$1,375.00, then the interest is figured as follows:

- $\$1,375.00 \times 10\% = \137.50 per year/365 days = \$0.38 per day (rounded)
- $\$0.38$ per day \times 30 day month = \$11.40 per month

How can I contact CCU about my CRO?

CCU can be reached by:

- Phone: 602-506-0073
- Email: collection@maricopa.gov
- Mail: PO Box 20187, Phoenix, AZ 85036-0187

Can I set up a payment plan?

Yes, call or email and CCU will assist you. Keep in mind that in order to see your outstanding balance decrease, your monthly payments will need to be more than your monthly accrued interest and any collection fees.

What forms of payment do you accept?

CCU accepts money orders by mail or credit/debit card payments made by telephone. CCU cannot accept cash and/or title to property for payment. Clerk of the Superior Court accepts money orders, cash or credit/debit card payments.

Where can I make a payment?

In most cases, payments can be made:

- In Person: Clerk of the Superior Court at 175 W Madison, 12th Floor, Phoenix, AZ 85003.
- By Mail: PO Box 20187, Phoenix, AZ 85036-0187

If you make a payment in person, you will need to inform CCU of the payment. This can be done by calling 602-506-0073, or email: collection@maricopa.gov.

What if I made an overpayment?

If it is determined that an overpayment is due, a refund check will be issued and mailed by Clerk of the Superior Court.

What if I can't make a payment?

If the account is delinquent, CCU will send your account to a private collection agency per A.R.S. §12-116.03. The collection agencies have additional fees (collection fees) that will be added to your outstanding financial obligation.

Why did the CCU take my Arizona State Tax Refund?

CCU can intercept your Arizona State Tax Refund and lottery winnings for all non-current (delinquent) accounts. At this time, CCU cannot intercept Federal Tax Refunds and casino winnings.

Once I pay the CRO in full, what happens?

CCU will prepare a Satisfaction of Judgment which will be filed with Clerk of Superior Court and recorded with Maricopa County Recorder's Office. CCU will also release restitution liens and holds filed with MVD as a result of the CRO.

Maricopa County Clerk of the Superior Court (COSC)

Where can I obtain a copy of my payment history?

You may contact COSC, Criminal Financial Obligation Unit (CFO) by email at CFOResponse@mail.maricopa.gov, or by phone at 602-372-5375 for instructions on obtaining your payment history.

What if I don't agree with the balance or I think there are missing payments?

You may compare your payments with the payment history and provide evidence that your account is in error. Examples of "evidence" would be COSC receipts or front and backs of cancelled checks or money orders.

Can I negotiate or settle my debt for less than what is owed?

The debt is based on a criminal sanction, neither the COSC nor the CCU is able to collect or negotiate less than what has been ordered by the Court.

As a victim, how can I update my address with the Court?

You may contact COSC, CFO by email at CFOResponse@mail.maricopa.gov, or by phone at 602-372-5375.

Maricopa County Superior Court

How do I file a motion with the Court?

CCU is prohibited from providing legal advice and this "Frequently Asked Questions" is for informational purposes only.

You may wish to consult with an attorney or visit the Court's online self-service center at: www.azcourts.gov/selfservicecenter. You may visit the Maricopa County Law Library for additional research. Maricopa County Law Library is located at 101 W Jefferson, Phoenix, AZ 85003. You may also contact COSC at 602-372-5375 for filing instructions.

How do I get my rights restored or get my undesignated felony reduced to a misdemeanor?

Once all of the terms of your sentence are met, you may contact the Criminal Filing Counter at 602-372-5375 for instructions.

Arizona Department of Transportation Motor Vehicle Division (MVD)

I have already sold my vehicle and I can't transfer my title to the buyer.

Chances are you have a CRO against the vehicle and this has stopped the title transfer. CCU files all CROs directly with the MVD. Pursuant to A.R.S. §13-806, in order to transfer the title out of your name, the debt must be paid in full.

I bought a vehicle and MVD will not let me transfer the title into my name.

Chances are the person on the title has a CRO against them and this is preventing the title transfer. Pursuant to A.R.S. §13-806, in order to transfer the title into your name, the debt must be paid in full. If you purchased a vehicle in good faith you may contact the MVD to request an Executive Hearing with their court.

What options do I have as either the buyer or the seller?

Aside from paying the debt in full, you may file a motion with the court. CCU is not a financial lien holder so we cannot take possession of the vehicle in lieu of payment. CCU cannot release the CRO lien without either the debt being paid in full or a Court order to release.

How long does it take for the hold to be released once the debt is paid in full?

All releases are done electronically. Typically the hold is released by MVD within a few hours, but it may take up to 3-5 business days.

How can I protect myself from buying a vehicle that has a lien on it?

It is recommended that you contact MVD prior to the exchange of money. MVD should be able to tell you if there is any reason the vehicle cannot be transferred into your name. You will need to have the Vehicle Identification Number (VIN) when contacting MVD.

Helpful Links and References:

Arizona Supreme Court
www.azcourts.gov/restitution

Arizona State Legislature
www.azleg.gov/

Maricopa County
www.maricopa.gov

Maricopa County Clerk of Superior Court
www.clerkofcourt.maricopa.gov

Maricopa County Recorder's Office
www.recorder.maricopa.gov

Maricopa County Superior Court
<https://superiorcourt.maricopa.gov/>

AZ Court Self-Service Center
www.azcourts.gov/selfservicecenter