



SB 190

Ending Juvenile Administrative Fees

Mitchell (D-Los Angeles) and Lara (D-Bell Gardens)

ISSUE

National attention is focused on economic and racial discrimination in the criminal justice system. Low-income people of color are overrepresented at every stage in the system, even when controlling for alleged criminal behavior. These inequities are compounded by state and local laws that impose additional financial burdens on these individuals.

According to data from the California Attorney General, youth of color are grossly overrepresented in our juvenile system. They are punished more frequently and harshly at a variety of discretion points. They are more likely to be arrested, detained, and put on probation, and they serve longer detention and probation terms.

California law currently allows counties to charge administrative fees to families with youth in the juvenile system. These juvenile administrative fees—which can quickly add up to thousands of dollars for a family—are not supposed to be punitive or restorative. They are supposed to help counties recoup costs without being excessive or unfair.

A [report](#) by the Policy Advocacy Clinic at U.C. Berkeley School of Law has found that imposing these fees on families with youth in the juvenile system is often harmful, unlawful, and costly. In fact, such criminal justice debt undermines the rehabilitative goals of the juvenile system without benefit to county residents.

This bill would end the assessment of administrative fees against families with youth in the juvenile system. By doing so, it will eliminate a source of financial harm to some of the state's most vulnerable families, support the reentry of youth back into their homes and communities, and reduce the likelihood that youth will recidivate.

THIS BILL

SB 190 will end the harmful, unlawful, and costly assessment of administrative fees against families with youth in the juvenile system. This bill will foster youth rehabilitation and the reentry of youth into their families and communities.

BACKGROUND

Each year, California counties place tens of thousands of youth in the juvenile system. The purpose of California's juvenile system is to promote public safety by rehabilitating young people. Counties provide legal representation, care, and supervision to youth to help them "be a law-abiding and productive member of his or her family and the community."

Juvenile courts can order that a young person be detained, and they can require youth to comply with a range of probation conditions, including supervision, electronic monitoring, and drug testing. State law authorizes counties to charge parents and guardians for costs related to the youth's legal representation, detention, and probation.

By law, juvenile administrative fees are intended only to help counties recoup costs. Counties determine the type and amount of the fees. To protect families against excessive fees, state law requires counties to evaluate families' ability to pay. Once imposed, the fees become a civil judgment, subjecting families to tax intercepts and wage garnishments.

Although state law authorizes counties to assess and collect juvenile administrative fees, they are not required to do so. According to research by the Policy Advocacy Clinic, 51 of 58 California counties currently charge one or more juvenile

administrative fees. The fee types, amounts, and burdens on families vary widely by county.

After three years of research on juvenile administrative fees in California, including state law, county policies and practices, state and local data, and the experiences of youth and families in the juvenile system, the Policy Advocacy Clinic has found that these fees are harmful, unlawful, and costly.

Harmful. Contrary to the legislative intent of the system, the fees create financial hardship for families, weaken family ties, and undermine family reunification. The fees disproportionately harm families of color. Criminologists also found that juvenile debt correlates with a greater likelihood of recidivism, even after controlling for case characteristics and youth demographics. These negative outcomes from fees undermine the rehabilitative purpose of the juvenile system.

Unlawful. The Policy Advocacy Clinic found that fee practices are sometimes unlawful. Some counties charge juvenile administrative fees to families in violation of state law, including fees that are not authorized in the juvenile setting, fees that exceed statutory maximums, and fees for youth who are found not guilty. Other counties violate federal law and others engage in fee practices that may violate the state Constitution by depriving families of due process of law or by denying families equal protection of the law in charging certain fees.

Costly. Counties are authorized to charge families for administrative fees to pay for the care and supervision of their children. Yet counties net little revenue from these fees. Because of the high costs and low returns associated with trying to collect fees from low-income families, most of the fee revenue pays for collection activities, not for the care and supervision of youth. Further, a benefit-cost analysis by other researchers at U.C. Berkeley found that fee debt can cause families to spend less on positive social goods, such as education and preventative healthcare, which imposes long term costs on families, communities, and society by prolonging and exacerbating poverty.

SUPPORT FOR JUVENILE FEES HAS ERODED

Just a week before President Barack Obama left office, the U.S. Department of Justice issued a formal advisory to local juvenile justice jurisdictions regarding such fees:

Before courts impose fines and fees on juveniles—even on those rare juveniles who might be able to pay—they should consider whether such financial burdens serve rehabilitation. In many cases, fines and fees will be more punitive than rehabilitative, and they may in fact present an impediment to other rehabilitative steps, such as employment and education.

Courts have also raised concerns about juvenile administrative fees. For example, the U.S. Court of Appeals for the 9th Circuit recently admonished Orange County for aggressively pursuing payment on a more than \$16,000 juvenile fee bill after the financial burden forced a family to sell its home and declare bankruptcy. (In Re Rivera, 2016).

Due to concerns about fairness, legality, and costs, some counties do not charge juvenile administrative fees. Alameda, Contra Costa, Los Angeles, Sacramento, Santa Clara, and Sonoma Counties repealed or suspended their assessment and collection of the fees. Solano County ended the assessment of juvenile detention fees in 2017, and San Francisco County has never charged such fees.

Juvenile administrative fees undermine the rehabilitative purpose of the system. They are at times administered unlawfully, and they do not protect the fiscal integrity of counties because they are costly to assess and collect, and most families cannot afford to pay them. Research suggests that the fees may also increase recidivism.

SUPPORT

Anti-Recidivism Coalition (co-sponsor)
Center on Juvenile and Criminal Justice (co-sponsor)
East Bay Community Law Center (co-sponsor)
Fathers and Families of San Joaquin (co-sponsor)

Insight Center for Community Economic Development (co-sponsor)
Lawyers Committee on Civil Rights of SF Bay Area (co-sponsor)
PolicyLink (co-sponsor)
Public Counsel (co-sponsor)
RYSE Youth Center Richmond (co-sponsor)
Western Center on Law and Poverty (co-sponsor)
W. Haywood Burns Institute (co-sponsor)
Youth Justice Coalition – Los Angeles (co-sponsor)

A New Way of Life Re-Entry Project
Advokids
Alameda County Supervisor Richard Valle
Alliance for Boys and Men of Color
Berkeley Youth Alternatives
Black Woman Organized for Political Action
California Asset Building Coalition
California Alliance for Youth and Community Justice
California Alliance of Child and Family Services
California Attorneys for Criminal Justice
California CAN
California Women's Law Center
Californians for Safety and Justice
Californians United for a Responsible Budget
Children Now
Children's Defense Fund - California
Coleman Advocates for Children and Youth
Communities United for Restorative Youth Justice
Contra Costa Public Defender's Office
Contra Costa County Supervisor John Gioia
Courage Campaign
Dolores Huerta Foundation
Drug Policy Alliance
Ella Baker Center for Human Rights
Equality California
Fair Chance Project
Free Indeed Reentry Project
Further the Work
Girls Inc. of Alameda County
Homeboy Recycling
John Burton Advocates for Youth
Justice Now
Juvenile Court Judges of California
Juvenile Law Center
Legal Services for Children
Legal Services for Prisoners with Children
Lutheran Office of Public Policy - California
Mental Health America of California

Motivating Individual Leadership for Public Advancement (MILPA) Collective
National Center for Youth Law
National Employment Law Project
National Juvenile Justice Network
Pacific Juvenile Defender Center
Patricia Billings, Advocate
Prison Law Office
Public Law Center
Restorative Schools Foundation
Returning Home Foundation
Root and Rebound
San Francisco Financial Justice Project
San Francisco Chief Probation Officer Allen Nance
Senior & Disability Action
Silicon Valley De-Bug
Southern Poverty Law Center
Sunny Hill Services
Youth Alive!
Youth Law Center
Women's Foundation of California

FOR MORE INFORMATION

Estevan Ginsburg
Office of Senator Holly J. Mitchell
(916) 651-4030
estevan.ginsburg@sen.ca.gov