



“In evaluating a family's financial ability to pay under this section, the county shall take into consideration the family's income, the necessary obligations of the family, and the number of persons dependent upon this income.”

- California Welfare and Institutions Code, Section 903(c)

Juvenile fees are not a form of restitution and may not be used for punitive purpose.

By law, juvenile fees imposed on parents or guardians may be used only to offset the county's costs of “support and maintenance of” a child who is incarcerated or on community supervision (CA W&IC, Section 902). They are not a form of restitution, and it is unlawful to use them for either punitive or rehabilitative purposes.

State statute requires that Counties conduct a meaningful “ability to pay” process, along with a formal process to appeal that determination. Yet Contra Costa's “Application for Financial Evaluation” form neglects to consider several “necessary obligations of the family” (CA W&IC, Section 903), thus overestimating the family's ability to pay. And the County's forms fail to inform recipients of the legally protected right to a formal appeal. (CA W&IC, Section 903.45)

The “ability to pay” form that CoCo uses to calculate how much a family has to pay in daily detention and GPS fees does not include the following family expenses:

- Health care and medical costs
- Public transportation
- Educational expenses
- Restitution orders
- Child support costs
- Clothing
- Auto repair or maintenance
- Emergencies
- The family's efforts to save for the future

Contra Costa youth are typically ordered to serve “indefinite” probation terms: With orders for “indefinite” supervision, young people can spend years on probation, constantly under surveillance. As a result, parents may be billed for hundreds of days on GPS or in juvenile incarceration, without ever knowing how long this expense might go on.

In CoCo, juvenile fees have disproportionate impact on low-income families of color.

Black and Latino youth in CoCo are disproportionately suspended, arrested, “referred” to court, found delinquent by the Court, placed on probation, and sentenced to custody than White youth.

In CoCo, 41% of children under probation supervision or custody are African American, 30% are Latino, 18% are White, and 11% are other.

(Demographic statistics: Probation Chief, direct communication, May 2016)



"My grandson has been through a world of hurt and I was not going to just leave him on his own. But I was told that if my grandson didn't have a guardian and was purely a ward of the court, then the state would have to pay for all the fees. So I've been thinking that this is how we were going to have to do it." – Grandmother of an adjudicated youth

Making Parents Pay: What the Research Tells Us about Juvenile Fees

As a matter of law, juvenile fees may not be used as punishment or restitution:

The only legally permissible purpose or use of juvenile fees is to offset the county's costs of "support and maintenance of" a child who is incarcerated or on community supervision. (CA W&IC, Section 902).

Juvenile administrative fees are not the same as restitution and may not legally be used as a tool of either punishment or rehabilitation. (UC Berkeley School of Law, 2016, p. 3)

Juvenile fees make poor families poorer: "Fines and fees are regressive payments that disproportionately impact the poor." (Council of Economic Advisers, 12/2015, p. 3)

"High fines and fee payments may force the indigent...to make difficult trade-offs between paying court debt and other necessary purchases." (Council of Economic Advisers, 12/2015, p. 4)

"Sociological studies show that debt is both a cause and a consequence of poverty but have not previously recognized that penal institutions are an important source of a particularly deleterious form of debt." (Harris, Evans, & Beckett, p. 1762)

They are contrary to rehabilitation: "Burdening a minor's mother with debts to be paid following his detention...hardly serves the future welfare of the child and hardly enhances the Probation Department's attempt to transform him into a productive member of society. Most disturbing, however, is that the County's actions undermine the very domestic 'support' for which it is ostensibly seeking reimbursement. In relentlessly pursuing the debt's collection and opposing its discharge, the County raises yet another obstacle to Rivera's efforts to provide her son with the support about which the County claims to be so deeply concerned. That 'betray[s] a misguided sense of values.' Jerald C., 36 Cal. 3d at 10." (In re Maria G. Rivera (9th Circuit), 2016)

They cause long-term and cumulative harm to families: "Legal debt is substantial relative to expected earnings and usually long term.... [T]his indebtedness contributes to the accumulation of disadvantage in three ways: by reducing family income; by limiting access to opportunities such as housing, credit, transportation, and employment; and by increasing the likelihood of ongoing criminal justice involvement." (Harris, Evans, & Beckett, p. 1756)

"[M]onetary sanctions, like incarceration and felony conviction, are a critical component of the process by which disadvantage accumulates over the life course among many of the urban poor." (Harris, Evans, & Beckett, p. 1792)

They intensify income inequality: "[I]f the imposition of monetary sanctions is...considered...the mechanisms by which poverty and inequality are reproduced are even more numerous." (Harris, Evans, & Beckett, p. 1761)

"For a single-parent family making federal minimum wage, even the average payment constitutes approximately two months' salary." (Feierman, Goldstein, Haney-Caron, & Columbo, p. 6)

They are racially inequitable: “African American families are doubly harmed by current practices—their children are overrepresented within the system, and they are liable for higher fees because of longer probation conditions [imposed on children of color].” (UC Berkeley School of Law, 2016, p. 6)

They’re ineffective: “Given the high administrative costs and low or negative rates of return for fee collection programs, some localities have opted to abolish fee payments altogether.” (Council of Economic Advisers, 12/2015, p. 6)

“If the policy goal is to improve the lives of victims, recoup state expenditures, and reduce crime, our findings suggest that the imposition of monetary sanctions is very likely a policy failure.” (Harris, Evans, & Beckett, p. 1792)

They increase the risk of recidivism: “[The] total amount of fines, fees, and/or restitution imposed at disposition significantly increase[s] the odds of a youth recidivating...even after controlling for relevant youth demographics and case characteristics variables.” (Piquero & Jennings, 2016, p. 26)

They impose costs on everybody else: “These findings are of obvious relevance to scholars...seeking to reduce the costs associated with entrenched urban poverty and crime—costs that are borne by all of us.” (Harris, Evans, & Beckett, p. 1793)

They’re inhumane: “The specific ways that [monetary] policies are implemented in the United States...raise important humanitarian concerns, particularly that they unfairly disadvantage low-income [people].” (Council of Economic Advisers, 4/2016, p. 38)

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