

Many California Counties Charge Parents High Fees While Kids are Locked Up



Contra Costa County's juvenile hall in Martinez (*Sukey Lewis/KQED*)

By **Sukey Lewis** OCTOBER 24, 2016

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If your kid gets arrested and locked up, it turns out you (the parent) might end up footing the bill.

This might seem strange — after all, the state doesn't charge adults for the cost of incarcerating them — but there is a little-known law that allows counties to collect money from parents for the cost of upkeep while their kids are in custody.

One such parent is M.C., an Antioch resident who didn't want her full name used because she worries for her and her son's safety. Her 16-year-old son was charged with homicide in 2013 and was locked up in Contra Costa County's juvenile hall.

“I told the detective that my son didn’t commit that crime,” M.C. said, through a translator. “But that if he was sure, then I’d trust the police to prove that my son was guilty. And if my son did do it, then he should be responsible and he should pay.”

On the day he turned 18, he was transferred to adult detention in Martinez, and M.C. was sent a bill for 313 days in juvenile custody.

Contra Costa, like many other counties, collects money from parents for the cost of upkeep while their kids are in custody.

But recent [research](#) shows that kids from low-income families are likelier than kids from wealthier families to end up in the justice system, and advocates say these fees are unfair and bad policy. On Tuesday, the county’s Board of Supervisors will [vote](#) on whether to place a moratorium on these fees, or ban them altogether.

In fact, Contra Costa has some of the [highest fees](#) in the state — up to \$30 per day for juvenile hall detention and \$17 per day for ankle monitoring. That means M.C. could have been billed more than \$9,000 for the cost of holding her son.

She works as a house cleaner and was already struggling to make ends meet. M.C. told the probation department she couldn’t pay the full amount, and they reduced her bill to \$939.

M.C. started paying it off when she could, about \$50 a month, but she says the fees felt like an injustice. It made her “angry to see these letters arrive charging me money, and my son was locked up, and still they wanted to blame him for something he never did.”

After more than two years, all charges against her son were dropped, and he came home.

But M.C. still had to pay the probation department.

Under state law, the county had every right to do this. The [California Welfare and Institutions Code](#) holds parents financially responsible for their kids even while in custody. The logic goes that if M.C.’s son were at home she would have to pay for the cost of clothing him and feeding him, so she should have to reimburse the county for those same costs.

“The main idea is to kind of create a sense of shared responsibility between the parents and the probation department,” said John Keene,

chair of the legislative committee for the [Chief Probation Officers of California](#), and chief probation officer for San Mateo County. “Because when we step in, in most instances, we are stepping into that capacity as a parent when the kid become wards of the court.”

Candace Andersen, chair of Contra Costa County’s [Board of Supervisors](#), said her hope was that the fees would encourage parents to do a better job keeping their kids out of trouble.

“But what I’m finding is the studies are not supporting that,” she added.

A [group](#) of students at the UC Berkeley School of Law have been studying these fees for the past three years. Their research, which will be presented to the county on Tuesday, includes an analysis of Contra Costa in particular.

“We don’t think there are many compelling arguments to support these fees,” said Tim Kline, one of the Berkeley law students studying the fines. “Counties don’t make money. They’re bad for families. They don’t help kids rehabilitate and get back on track.”

One of the more startling statistics Kline’s group found is the disproportionate racial aspect of these fees. For example, African-American kids are 23 times more likely than their white counterparts to be locked up.

Dan Macallair, executive director of the nonprofit [Center on Juvenile and Criminal Justice](#), said disproportionate impacts are present statewide.

“Who ends up in the juvenile justice system?” he said. “It’s kids from poverty, who grew up in poverty, who grow up in the margins of society, who come from fractured families, often disproportionately African-American, or in California, Latino. So yes, it [juvenile fees] falls heavily on the kids whose families can least afford it.”

John Keene, of the Chief Probation Officers union, said the fees aren’t meant to target any particular group or be a burden on struggling families, and points out that counties do take into account a parent’s “ability to pay” when determining how much to charge them.

“We care about what happens to our young people. We care about what happens to the families,” he said. “We really work hard to try to engage the families in building and reconnecting the family.”

But while some argue these fees are meant to hold parents financially responsible for their kids' behavior, Macallair added that these fees got their start back in the 1950s for a very different reason.

“It became kind of a practice for parents to, when they had an argument or heated disagreement with their kid, they could actually bring the child to the local detention center and tell the center, ‘I’ve had enough!’ ” Macallair said.

The child would often spend the weekend in detention, and then parents would have a change of heart and come pick their kid up on Monday morning.

“So, administrative fees were originally instituted for the purpose of discouraging parents from misusing detention centers,” he said.

“A parent can’t just show up at our door and say, ‘he’s incorrigible, would you detain him?’ ” laughed Contra Costa Probation Chief Todd Billeci. Even legally, the state can lock up only kids who are suspected of criminal behavior.

But, Billeci said, it’s hard to advocate for a loss of revenue. If Contra Costa does do away with juvenile fees, his department stands to lose around \$200,000 in net revenue. But an [analysis](#) of how much it costs to collect these fees shows that the cost is actually greater than the revenue they bring in. And the fees do little to offset the total cost of running the county’s juvenile hall, which is more than \$19 million.

And that’s part of the problem statewide. The money that juvenile administrative fees bring in varies from county to county, and some counties don’t collect these fees at all. Macallair says county probation departments who are used to getting this revenue don’t want to see it go away, even if it is just a case of bureaucracy maintaining itself.

But Keene says counties need the flexibility to charge these fees, and that they are used to provide kids with recreation programs and educational opportunities.

Last year [a bill](#) sponsored by state Sen. Holly Mitchell (D-Los Angeles) would have banned counties from collecting these fees, but it stalled in the appropriations committee.

Now, some counties are moving forward with reform on their own.

After reviewing the practice, both Alameda and Santa Clara counties have repealed these fees. Los Angeles doesn't charge juvenile fees and neither does San Francisco.

To Contra Costa County Supervisor John Gioia, the juvenile fees aren't so much a fiscal issue as a moral one. He says the goal of the juvenile justice system is to keep youth out of the criminal justice system.

"These fees don't achieve that goal," he said. "The policy doesn't make any rational sense."

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