



Parents Forced to Pay for Their Kids' Jail Time Are Getting Refunds

In California, families were billed for their kids' incarceration—even when they were innocent. Now some of them are getting checks in the mail.

Eli Hager

Jan 8 2018, 10:00am

For more than 300 days, Mariana Cuevas's son was held in a juvenile hall for a crime he did not commit. She was then billed nearly \$10,000 for his incarceration. Photo by Biz Herman

*This article was published in partnership with the **Marshall Project**.*

One California county is giving its citizens something that's not typically on offer from the US justice system: a refund.

This week, the Contra Costa County probation department will begin notifying and mailing checks to families who, since 2010, were wrongfully billed for their children's incarceration.

The county, located to the east of the Bay Area, will pay back a total of \$136,000—with interest—to about 500 mostly low-income families. It has also wiped out more than \$8.5 million of outstanding debt in about 11,000 other cases.

“It's not easy for government to look at a practice, admit it was wrong, and make a refund, but it's the right and moral thing to do,” said John M. Gioia, a member of the county's Board of Supervisors, which **made its decision** on the issue in December.

Until last year, California state law allowed counties to bill parents for the cost of their children's incarceration, a common policy nationwide that has recently come under wide criticism. **The Marshall Project** wrote about the practice in March, and in October, Democratic Governor Jerry Brown **banned** it statewide.

Even under the previous law, California parents were not supposed to be billed if their son or daughter was ultimately found not guilty. But most counties either did not know about the provision or did not follow it.

Billing parents for the cost of their children's incarceration is rooted in a decades-old belief among policymakers that families are responsible for supporting their delinquent children and should not expect government to pick up the tab. But critics have challenged the policy around the country, arguing it is akin to taxing parents for a child's loss of liberty.

In California, advocates began fighting the fee system locally in 2016, winning moratoriums in several counties, including Contra Costa. Philadelphia also stopped the practice last year, soon after The Marshall Project story.

Contra Costa appears to be the only California county to take the additional step of discharging all outstanding debt and repaying parents who had been improperly billed.

Probation officials there have spent the past several months going through more than 3,000 payment accounts, searching for parents who were billed even when their child was not guilty. They are now mailing **form letters** to the last known addresses of those families, notifying them of the refund effort.

There will also be a claims process for parents who believe they were unfairly assessed the fees earlier than 2010 or for reasons other than innocence. This could include cases in which indigent families were billed without an adequate way for them to demonstrate their income level, which was also required by the old law.

"You never like to lose revenue, but this was a real hardship for folks—and we're able to absorb the cost of paying them back," said Todd Billeci, the chief probation officer in Contra Costa.

Some activists, though, believe the Board of Supervisors has not gone far enough.

Rebecca Brown, director of **Reentry Solutions Group**, a criminal justice advocacy organization that spearheaded the effort to get the fees banned and the money paid back, says the county is getting off easy. She points out that only the “wrongfully” billed parents are getting repaid, even though California law now says the whole payment system is illegal. And the probation department is refunding accounts only going back to 2010, before which it says it does not have adequate records.

“The real reason that the county wants to claim the records don’t exist is that it opens the door to a) a lot of work and b) a much bigger pool of potential reimbursements,” Brown said. “The message is that justice reform isn’t that important in itself and shouldn’t actually cost the government anything.”

News of the refund was bittersweet for Mariana Cuevas, whose story The Marshall Project reported last year. Her son was imprisoned more than 300 days for a crime he did not commit, but she was nonetheless billed nearly \$10,000 for his detention, most of which she was not able to pay.

Cuevas, a house cleaner in the city of Antioch, spoke at the county meeting in December when the decision to issue refunds was made.

“Money for people who are working to survive can never be too late,” she said in an interview.

But her son was still wrongfully jailed for all those months. “It doesn’t fix it,” she said.

*A version of this article was originally published by the **Marshall Project**, a nonprofit news organization that covers the US criminal justice system. Sign up for the **newsletter**, or follow the Marshall Project on **Facebook** or **Twitter**.*