



SB 1290 (Ending Juvenile Fee Collection) County Implementation Checklist

This Checklist sets forth best practices to implement [Senate Bill 1290](#) (2020, Durazo, Mitchell), which repeals counties' authority to collect juvenile and young adult fees that were established prior to the repeal of these fees on January 1, 2018 by [Senate Bill 190](#) (2017, Mitchell, Lara).

SB 1290 requires counties to end collections and vacate all court judgments, stipulated agreements, and other instruments imposing such fees no later than January 1, 2021.

SB 1290 repeals county authority to collect all fees in the juvenile delinquency system ("juvenile fees"), including fees related to:

- detention (Cal. Welf. & Inst. Code § 903),
- legal representation (Cal. Welf. & Inst. Code §§ 903.1, 903.15),
- electronic monitoring (Cal. Welf. & Inst. Code § 903.2),
- probation or home supervision (Cal. Welf. & Inst. Code § 903.2), and
- drug testing (Cal. Welf. & Inst. Code § 729.9).

SB 1290 further repeals county authority to collect certain fees to young adults 21 and under in the criminal legal system ("young adult fees"), including fees related to:

- home detention (Penal Code § 1203.016),
- drug testing (Penal Code § 1203.1ab), and
- electronic monitoring (Penal Code § 1208.2).

There is nothing in the law that prevents your county from ending collection of these fees prior to the implementation date. To comply with the letter and spirit of SB 1290, we urge your county to take the following steps immediately:

- (1) end all juvenile and young adult fee collection activity,
- (2) discharge all outstanding juvenile and young adult fees,
- (3) refund youth, families and young adults who paid unlawfully assessed fees,
- (4) notify all impacted youth, families and young adults of these actions,
- (5) update all internal and online references to juvenile and young adult fees, and
- (6) update all county and collections staff of these requirements and notices.

The following checklist includes concrete steps your county can take to fully implement SB 1290, including best practices, resources, and templates from other counties that have successfully taken these actions.

(1) End all juvenile and young adult fee collection activities.

Counties must end all juvenile and young adult fee collection activity before January 1, 2021. We strongly encourage all counties to end the collection of such fees immediately by:

- Ceasing all solicitation of payment for previously assessed juvenile and young adult fees, including from third party debt collectors, e.g., [Alameda County Resolution](#) (2016) and [Humboldt County Probation Action](#) (2020); and
- Recalling all previously assessed juvenile fees referred to the Franchise Tax Board's Court-Ordered Debt Collections and/or the Interagency Intercept Collection Program, e.g., [Madera County Resolution](#) (2020).

(2) Discharge all outstanding juvenile and young adult fees.

Counties must discharge all outstanding juvenile and young adult fees by January 1, 2020. We strongly encourage all counties to discharge all such fee balances immediately by:

- Writing off all accounts receivable balances for juvenile fees and young adult fees as satisfied, e.g., [Santa Clara County Resolution](#) (2017);
- Satisfying and releasing all juvenile fee agreements and stipulations entered into between the county financial evaluation officer and families, e.g., [Solano County Resolution](#) (2017) and [Solano County Discharge Order](#) (2018); and
- Filing an acknowledgement of satisfaction with the court of all juvenile and young adult fee judgments, e.g., [San Mateo County Resolution](#) (2018) and [Los Angeles County Resolution](#) (2018).

(3) Refund youth, families and young adults who paid unlawfully assessed fees.

Counties should refund families, youth and young adults who paid unlawful juvenile and young adult fees by:

- Undertaking a comprehensive review of juvenile fees that have been assessed and collected to determine if any were assessed in violation of a state or federal statute, or the California or U.S. Constitution. Such unlawful practices in the juvenile system may include, but are not limited to, collecting or accepting payment from families:
 - of a youth whose petition was not sustained (violates due process and state law),
 - for detention fees that included meals provided to youth for which the county receives national nutrition program funding (violates federal law),
 - without conducting a proper ability-to-pay evaluation (violates due process and state law),
 - for items that are intended to benefit society as a whole such as probation supervision, home supervision, or electronic monitoring (violates equal protection),
 - for a juvenile investigation report (violates state law), and/or
 - for detention fees that exceeded \$31.69 per day (violates state law);

- Undertaking a comprehensive review of young adult fees that have been assessed and collected to determine if any were assessed in violation of a state or federal statute, or the California or U.S. Constitution. Such unlawful practices in the adult system may include, but are not limited to, collecting or accepting payment from youth 21 and under for home detention, drug testing, or electronic monitoring:
 - assessed after January 1, 2018 (violates state law), and/or
 - without conducting a proper ability-to-pay evaluation (violates due process and state law);
- Refunding youth, families and young adults for any payments they have made on fees that were unlawfully assessed, including any additional costs associated with collection, with interest, e.g., [Contra Costa County Board Resolution, Notice - Overpayment, Notice - Unsustained Petition](#) (2018).

(4) Notify all impacted youth, families & young adult of these changes.

Counties should properly notify all youth, families and young adults of these changes by:

- Informing all youth, families and young adults by mail, e.g., [Monterey County Template Notice](#) (2017), that:
 - Any unpaid previously assessed juvenile & young adult fees are no longer owed,
 - No payment will be collected or accepted, and
 - All such outstanding fees have been permanently discharged;
- Providing detailed information to youth, families and young adults to clarify the amount that has been discharged due to SB 1290, any remaining balance still owed to the county due to restitution or restitution fines, and their rights regarding restitution payments, e.g., [Riverside County Template Notice](#) (2020).

(5) Update all internal and online references to juvenile and young adult fees.

Counties should properly update all fee references by:

- Updating applicable online payment platforms and relevant county webpages to inform visitors that no payments on juvenile and young adult fees will be collected or accepted and all such outstanding fees have been permanently discharged.
- Updating all staff and providing necessary training to staff who will be carrying out the next steps for compliance with SB 1290 to ensure that staff are providing proper information to youth, families and young adults, and to ensure that notices and refunds are provided in a timely manner.
