



DEBT FREE JUSTICE

The background is a teal-colored image of a classical building facade, featuring several large, fluted columns and a pediment. The image is semi-transparent, allowing the text to be clearly visible.

***Shirley Freeman v. County of
Riverside,***

Case No. RIC2001772



Overview

**Harms of
juvenile
fees and
why ability
to pay does
not work**

**Overview of
Freeman v.
Riverside class
action**

**Advocacy
strategies**

Why fees are harmful

Disproportionately impact and extract wealth from Black, Brown, and Indigenous Communities

Advance punitive, rather than restorative and rehabilitative, treatment of our children



Cause financial hardship and strain family ties

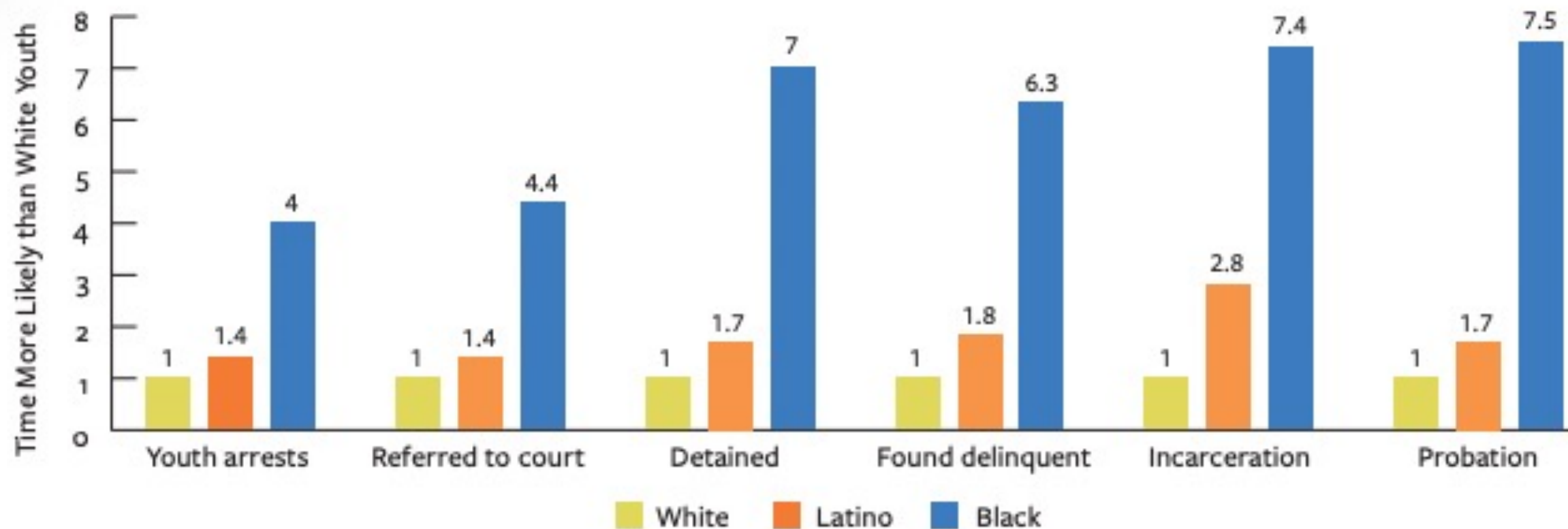


Figure 2: Racial Disparity in California's Juvenile System, 2014



Race and Ethnicity	Total Fee Liability	Average Probation Conditions			
		Juvenile Hall (days)	Probation Supervision (months)	Electronic Monitoring (days)	Drug Testing (tests)
		\$25.29/day	\$90.00/mo.	\$15.00/day	\$28.68/test
Black	\$3,438	25	22	34	11
Latino	\$2,563	24	14	33	7
Asian	\$2,269	7	12	56	6
White	\$1,637	11	10	21	5
Other	\$1,192	4	6	31	3

Table 2: Average Juvenile Probation Conditions and Fees by Race and Ethnicity in Alameda County, 2013

Ability to pay: False equity

Even good statutory ability-to-pay determinations are not sufficient to protect families:

- a) perverse incentives;
- b) systems are ill-equipped to make determinations; and
- c) Disproportionately impacts low-income families who cannot afford fees (waiver v. payment plans).



Multiple Advocacy Strategies

Administrative Advocacy

Advocate for discharging of outstanding fees



Legislation

Running legislation to end fines and fees



Direct Services/ Representation

Assisting youth/parents with requesting a hearing and/or their hearing



Litigation

- What does state law require?
- Constitutional angles
 - what types of fees are at issue
 - what due process is provided



Context of *Freeman v. Riverside*



2009-2017

Local campaigns ended fees in 3 counties: Los Angeles (Youth Justice Coalition), Alameda (EBCLC and UC Berkeley), and Contra Costa (RYSE).

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California passes SB 190!

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2020

Freeman v. Riverside County

Class action lawsuit filed, leads to discharge of \$4.2 million previously assessed fees in Riverside County, and a 2023 settlement that provides \$540K reimbursement fund.

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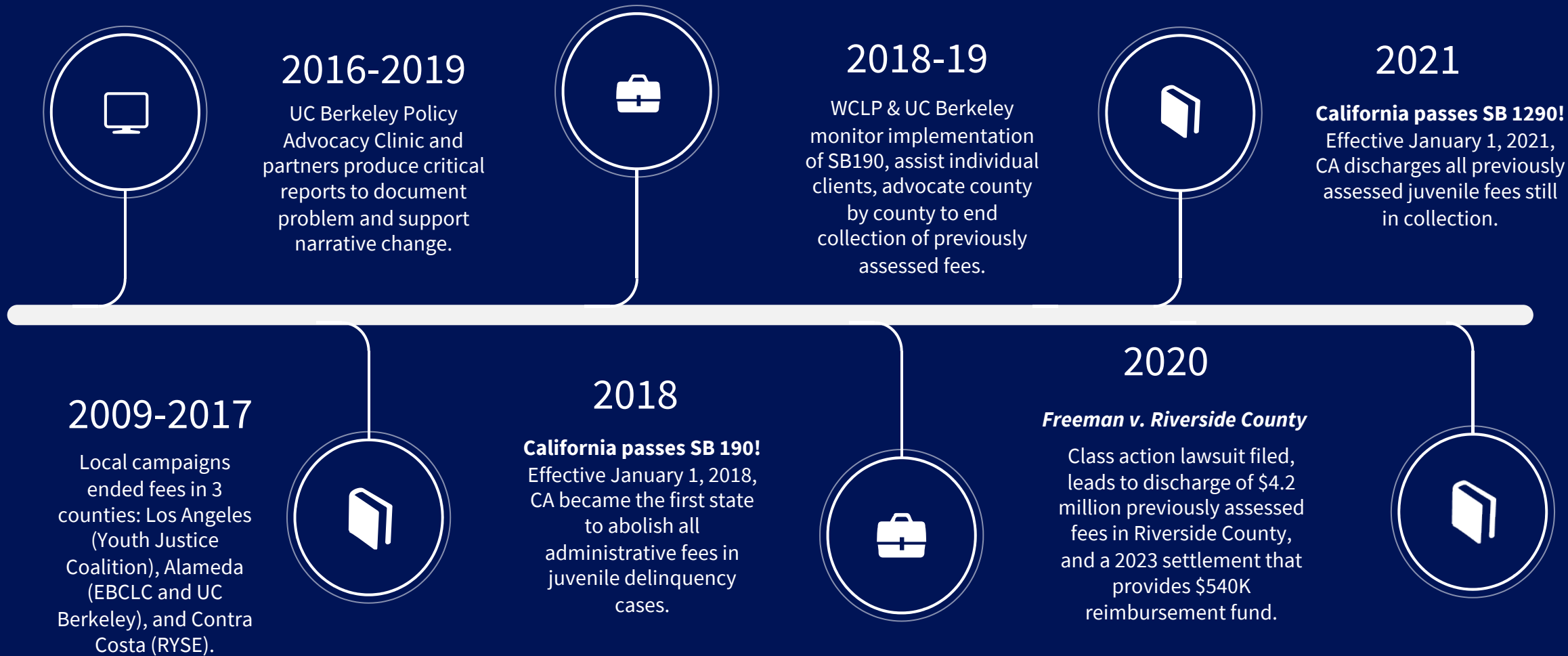


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Context of *Freeman v. Riverside*



Plaintiffs

Daniel and Shirley Freeman

- Raised 3 grandchildren whose mother had passed away.
- In 2008, Riverside County began collection of over \$8,000 in juvenile administrative fees and pursued collection for over ten years.
- Main source of income was social security retirement.

Tiffine Hansbrough

- Raised two sons and her nephew on her own.
- In 2010, Riverside County began collection of over \$5,500 in juvenile administrative fees.
- Main source of income was In-Home Supportive Services/ Supplemental Security Income
- Riverside spent over a decade trying to collect from Ms. Hansbrough including intercepting her state tax refunds.

Facts

California law prior to SB 190 generally required:

1. A court order holding families liable for juvenile administrative fees
2. An ability to pay determination
3. An opportunity for families to challenge:
 - a) amount of fees due
 - b) amount of fees they were able to pay
4. Provide families with notice of their rights

Riverside County failed to comply with any of these requirements and, between 2010 and 2020 collected approximately \$4 million from Riverside families.

Shirley Freeman v. Riverside County

Settlement

- \$540,307 Class Settlement Fund
- Reimbursement checks went out to 1,205 class members on July 14, 2023
- A portion of all detention fees paid stretching back to 1998
- No claims process
- Service Award for Shirley and Daniel Freeman
- Settlement for Tiffine Hansbrough
- Attorneys' Fees



Legal Claims

- Statutory Violations?
- Constitutional Violations?
 - Due Process
 - Equal Protection
 - State v. Federal
- Taxpayer type claim

TIP: look for creative state law vehicles to challenge practices

What type of relief can you seek?

- Injunctive?
- Declaratory?
- damages or restitution?
- Policy changes?





**How far back can you seek reimbursement?
Look at state and federal statute of limitations.**

For example:

State law: 1 year per Gov't Code § 911.2(a)

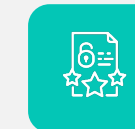
Federal law: 2 years per 42 U.S.C. § 1983

State law: 3 years per Code Civ. Proc. § 338(a)*



Can time period be extended?

- Equitable Estoppel
- Continuing Violation Doctrine



TIP: Consider any state law administrative exhaustion requirements when seeking monetary damages. In this case, we needed to file a government tort claim under CA law.



Identifying advocacy opportunities

WHAT: What does state law or court rules require?

WHERE/WHEN: What are youth/families being told about financial obligations?

- from the judge, clerks' office, court website?
- from probation, prosecuting attorneys, public defenders?
- What documents are families given about financial responsibilities?
- When do financial obligations come up in process?

HOW: How are fees determined? is ability to pay considered?

Are there any hearings or information to allow parents to challenge the amount charged?

WHO: Which government agencies are involved in assessing fees? Who does collection and what does that process look like?

Information Gathering

- ❖ Review publicly available information
- ❖ Talking to and working with impacted youth and parents (flyers, clinics)
- ❖ Talking to the clerk's office, collections offices, etc.
- ❖ Work with partners (public defenders; community-based groups; legal aid)
- ❖ Submit a public information request
- ❖ Court watching

TIP: Confidentiality issues



TAKEAWAYS

- Statutory ability to pay procedure goes beyond the juvenile system context:
 - Criminal court
 - Municipal court
 - Truancy court
 - Dependency court
- Connect with us if you see fines and fees assessment and collection practices that harm families.

Thank You!



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