

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION OF THE BOARD OF SUPERVISORS AUTHORIZING
SAN MATEO COUNTY OFFICE OF REVENUE SERVICES TO WRITE-OFF
ACCOUNTS RECEIVABLE BALANCES FOR OUTSTANDING JUVENILE FEES
ASSESSED PRIOR TO JANUARY 1, 2018, AND TO END ALL COLLECTION
ACTIVITY RELATED TO SUCH JUVENILE FEES IN CONNECTION WITH
IMPLEMENTING THE REQUIREMENTS OF SENATE BILL 190**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the California State Legislature passed Senate Bill 190 (“SB 190”), which amends various sections of the California Government Code, Penal Code, and Welfare and Institutions Code to limit the authority of local agencies to assess and collect specified juvenile costs and fees against persons subject to the juvenile delinquency system and their families, effective January 1, 2018. For purposes of SB 190, “juvenile fees” refers to fees charged to parents, guardians, and youth for detention, legal representation, electronic monitoring, probation or home supervision, and drug testing while the youth is under the jurisdiction of a juvenile court; and

WHEREAS, SB 190 neither requires local agencies to cancel existing amounts owed nor refund amounts collected prior to its January 1, 2018, effective date and, indeed, does not address juvenile fees assessed prior to their January 1,

2018 repeal, however, the Legislature and the Governor made clear their intention to end costly juvenile fee practices; and

WHEREAS, as of January 1, 2018, San Mateo County Office of Revenue Services (“Revenue Services”), the County entity which collects and processes detention and legal representation fees on behalf of the San Mateo County Probation Department, ceased active collection activities for juvenile costs and fees, including fees owed prior to SB 190’s effective date of January 1, 2018; and

WHEREAS, prior to the effective date of SB 190, California Welfare and Institution Code § 903 previously allowed a county to recover the actual costs for detention (care, support and maintenance) of minor persons placed or detained in or committed to juvenile hall and juvenile rehabilitation facilities, by order of the Juvenile Court, up to a limit of thirty dollars (\$30) per day (“Juvenile Detention Fee”) and the County did assess a Juvenile Detention Fee of \$30 per day; and

WHEREAS, prior to the effective date of SB 190, the County was permitted to collect and did collect, when approved by the Juvenile Court, a partial reimbursement for juvenile legal services provided through the County-funded Private Defender Program (“Legal Representation Fee”) of \$220 to \$319 on a sliding scale, based on one’s ability to pay; and

WHEREAS, the juvenile fees assessed in San Mateo County prior to January 1, 2018, whose collection is now prohibited under SB 190, were limited to the above-referenced Juvenile Detention Fee, and court-assessed Legal Representation Fee (together “Assessed Juvenile Fees”); and

WHEREAS, because the Assessed Juvenile Fees may no longer be collected following the SB 190's effective date of January 1, 2018, the County's Probation Department has directed Revenue Services to cease active collection activities for all Assessed Juvenile Fees, including fees assessed prior to SB 190's effective date.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Board of Supervisors authorizes the Office of Revenue Services to implement the requirements of SB 190 by:

- releasing and/or discharging all fee agreements and stipulations entered into between Revenue Services and juveniles or their families related to Assessed Juvenile Fees; and
- filing an acknowledgement of satisfaction with the court of all judgments related to Assessed Juvenile Fees. Cal. Code of Civil Procedure §§ 680.240, 724.010, et seq.

BE IT FURTHER RESOLVED that the Office of Revenue Services shall cease all active collection activity on outstanding Assessed Juvenile Fees, and shall refund all passive collections received after January 1, 2018 as quickly as possible but no later than within 30 days of receipt including, if applicable, collection activity by third party debt collectors; and

BE IT FURTHER RESOLVED that the Office of Revenue Services shall update applicable online payment platforms and relevant county webpages to inform visitors that Assessed Juvenile Fee cannot be assessed or collected on or after

January 1, 2018, and that Assessed Juvenile Fee payments will not be accepted by the County because the fees are no longer owed or owing; and

BE IT FURTHER RESOLVED that the Office of Revenue Services shall return to sender any payments received on or after January 1, 2018 for outstanding Assessed Juvenile Fees, and shall mail a notice to sender that informs them that Assessed Juvenile Fees are no longer owed to the County, that all juvenile fee accounts have been discharged, that all fee agreements and stipulations have been released, and that Assessed Juvenile Fee payments will not be accepted by the County; and

BE IT FURTHER RESOLVED that the Office of Revenue Services is authorized to write-off accounts receivable balances, estimated to be \$12.6 million, for any and all juvenile detention and legal representative fees assessed prior to SB 190's effective date of January 1, 2018.

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