

REC'D MAY 27 2020

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 01 2020

V. Alvarado

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15
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF RIVERSIDE
18

19 SHIRLEY FREEMAN; DANIEL FREEMAN;
and TIFFINE HANSBROUGH; on behalf of
20 themselves and all others similarly situated,

21 Petitioners/Plaintiffs,

22 vs.

23 RIVERSIDE COUNTY; RIVERSIDE
COUNTY PROBATION DEPARTMENT;
24 CHIEF PROBATION OFFICER RONALD L.
MILLER, in his official capacity,

25 Respondents/Defendants.
26

Case No. **RIC 2001772**

CLASS ACTION

VERIFIED PETITION FOR WRIT OF
MANDATE (Code of Civil Procedure § 1085)
AND TAXPAYER COMPLAINT (Code of
Civil Procedure § 526a)

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JUN 24 2020

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1 **INTRODUCTION**

2 1. Petitioners Shirley Freeman, Daniel Freeman, and Tiffine Hansbrough, bring this suit
3 on behalf of themselves and other families similarly situated to stop Riverside County from
4 continuing to illegally collect millions of dollars of juvenile administrative fees and to reimburse
5 families for fees already collected. Riverside County calculated, charged, and pocketed millions of
6 dollars of juvenile administrative fees from families, while disregarding its statutory and
7 constitutional duties to only assess liability for fees on families able to pay them and to do so with
8 adequate notice and opportunity to be heard. Because Riverside County failed to comply with its
9 legal obligations at the time, its ongoing collection efforts violate both state statutes and the
10 California Constitution.

11 2. Until Senate Bill 190 (2017) (“SB 190”) eliminated counties’ statutory authority to
12 do so, Riverside County charged fees to families for administrative costs associated with their
13 children’s involvement in the juvenile court system. These fees included daily “costs of support”
14 for each day a youth spent in a juvenile institution.

15 3. Riverside County’s ongoing efforts to collect these juvenile administrative fees are
16 and have been illegal, because the County did not comply with its mandatory duties under Welfare
17 & Institutions Code Sections 903 and 903.45 in effect at the time the County charged families for
18 these fees.¹ These duties included assessing a family’s ability to pay the fees before imposing them
19 and obtaining a binding court order authorizing the County to collect the fees. The Legislature
20 enacted these duties in part to ensure that liability for juvenile administrative fees was only imposed
21 on people who could afford to pay such fees and to prevent excessive charges for these fees. Welf.
22 & Inst. Code § 903(c). Riverside County’s ongoing collection efforts also violate the California
23 Constitution because the County failed to provide families with due process before beginning
24 collection of these fees.
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28 ¹ Unless otherwise specified, all further statutory references are to the California Welfare & Institutions Code (2017).

1 4. Because of the change in law effected by SB 190, Riverside County is now precluded
2 from retroactively obtaining lawful court orders to comply with now obsolete statutory authority.

3 5. For more than ten years, Riverside County pursued Mr. and Ms. Freeman for
4 approximately \$8000 in juvenile administrative fees related to their grandson's involvement in the
5 juvenile court system. During this time, the Freemans were both older than 65 and retired, and their
6 primary source of income was Social Security retirement. They were also raising three of their
7 grandsons whose mother had passed away. Riverside County did not evaluate the Freemans' ability
8 to pay thousands of dollars in juvenile administrative fees, did not provide the Freemans with notice
9 of their right to contest the County's assessment and collection of these fees, and did not obtain an
10 enforceable court order against the Freemans. Instead, for over ten years, the County continuously
11 misled the Freemans into making monthly payments that totaled over \$3000, which was a hardship
12 given the Freemans' fixed income and financial circumstances.

13 6. Since 2010, Riverside County has also pursued Ms. Hansbrough for approximately
14 \$5500 in juvenile administrative fees related to her son's involvement in the juvenile court system.
15 When collection began, Ms. Hansbrough was raising two sons and a nephew on her own. Her main
16 source of income was through California's In-Home Support Services Program for time spent caring
17 for one of her sons and her nephew who have disabilities. Riverside County did not evaluate Ms.
18 Hansbrough's ability to pay thousands of dollars in juvenile administrative fees, did not provide Ms.
19 Hansbrough with notice of her right to contest the County's assessment and collection of these fees,
20 and did not obtain an enforceable court order against Ms. Hansbrough. Because of her financial
21 circumstances, Ms. Hansbrough has not been able to pay these fees despite Riverside County's
22 continuous collection activity for more than a decade, including numerous collection letters,
23 frequent collection calls, and threats of tax refund intercepts.

24 7. Mr. and Ms. Freeman, and Ms. Hansbrough ("Petitioners"), seek an order requiring
25 Respondents Riverside County, Riverside County Probation Department, and Chief Probation
26 Officer Ronald L. Miller (together, "Riverside County" or "Respondents"), to immediately cease all
27 activities to collect juvenile administrative fees where the County did not comply with Sections 903
28 or 903.45, or the California Constitution. Petitioners also seek the return of any money previously

1 collected from families where Riverside County did not comply with its statutory obligations under
2 Sections 903 and 903.45, or its constitutional due process obligations.

3 **PARTIES**

4 8. Petitioner Shirley Freeman is a resident of Riverside County, California. Within the
5 past year, Ms. Freeman has paid a tax within and to Riverside County.

6 9. Petitioner Daniel Freeman is a resident of Riverside County, California. Within the
7 past year, Mr. Freeman has paid a tax within and to Riverside County.

8 10. Petitioner Tiffine Hansbrough is a resident of Riverside County, California. Within
9 the past year, Ms. Hansbrough has paid a tax within and to Riverside County.

10 11. Petitioners are beneficially interested in Riverside County's lawful compliance with
11 its statutory requirements, including under Sections 903 and 903.45, for charging parents and
12 guardians juvenile administrative fees and collecting such fees.

13 12. Riverside County's obligation to comply with the statutory requirements of Sections
14 903 and 903.45, and with state constitutional protections, apply to Petitioners as they apply to all
15 parents and guardians whose children were involved in the juvenile court system in Riverside
16 County.

17 13. Petitioners seek relief on behalf of themselves and others similarly situated.

18 14. Respondent Riverside County is a political body of the State of California.

19 15. Respondent Riverside County Probation Department ("Probation") is a department
20 within Riverside County and is responsible for the County's juvenile probation services, both those
21 provided within institutions and within the community.

22 16. Respondent Ronald L. Miller is the Chief Probation Officer for Riverside County.
23 Petitioners sue him in his official capacity only. In his official role, he is responsible for Probation's
24 administration and compliance with laws and policies governing Riverside County's juvenile
25 probation services, both those provided within institutions and within the community.

26 17. Unless otherwise stated, all references to "Riverside County" include Respondent
27 Probation and Respondent Miller, who are, respectively, a department of the County and an
28 employee of the County.

1 a court order imposing liability was issued. *Id.* And, at the financial evaluation, the county financial
2 evaluation officer was required to advise parents and guardians of their right to a hearing before the
3 juvenile court to dispute the officer's determination as to liability for the juvenile administrative
4 fees or the parent's or guardian's ability to pay the fees. Welf. & Inst. Code § 903.45(b). If the
5 county financial evaluation officer determined that a parent or guardian had the ability to pay all or
6 part of the juvenile administrative fees assessed, the county financial evaluation officer then had to
7 petition the court for an order requiring the parent or guardian to pay. *Id.*

9 STATEMENT OF FACTS

10 **Riverside County Denied Families Mandatory Statutory and Constitutional Safeguards**

11 24. Riverside County has collected millions of dollars from families for juvenile
12 administrative fees, and continues to do so today, despite failing to follow statutorily- and
13 constitutionally-mandated procedures.

14 25. Riverside County authorized Probation to recover costs of support and established a
15 fee schedule for the daily "costs of support" that Probation could charge parents and guardians under
16 Section 903 for each day their children spent in a juvenile institution or placement.

17 26. Riverside County used County funds to contract with the Enhanced Collections
18 Division of the Superior Court of California, Riverside County ("Enhanced Collections") to collect
19 juvenile administrative fees, including costs of support, on behalf of the County. Upon information
20 and belief, Enhanced Collections remitted all costs of support collected to Riverside County.

21 27. Riverside County's policies and practices for assessing parents' and guardians'
22 liability for juvenile administrative fees, including costs of support, and collecting such fees, did not
23 satisfy the requirements of Sections 903 and 903.45 or the California Constitution's Due Process
24 Clause.
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1 28. Probation requested orders from the juvenile court with standard terms related to
2 reimbursement for juvenile administrative fees. The juvenile court generally included these terms
3 in its orders. However, those orders did not include any imposition of liability on the parents or
4 guardian, or any findings or assessment regarding parents' or guardians' ability to pay. The standard
5 terms merely stated that the County was authorized to collect these fees pursuant to Section 903 *et*
6 *seq.*, in an amount to be determined, and that parents and guardians were to cooperate with Probation
7 and/or Enhanced Collections. Consequently, by themselves those terms were legally insufficient to
8 obligate parents and guardians to reimburse the County for any juvenile administrative fees.

10 29. Upon information and belief, Riverside County did not hold a hearing or otherwise
11 make any determination regarding parents' or guardians' ability to pay costs of support as required
12 by Sections 903 and 903.45.

14 30. Upon information and belief, Riverside County did not maintain any policies or
15 guidelines relating to the evaluation of parents' and guardians' ability to pay or to obtaining a final
16 court order imposing liability for juvenile administrative fees, including any policies or guidelines
17 relating to consideration of a family's income, the necessary obligations of the family, and the
18 number of persons dependent upon this income.

19 31. Riverside County failed to provide parents and guardians with adequate notice of
20 their potential liability for juvenile administrative fees, including notice of the Respondents'
21 determination of a parent's or guardian's ability to pay any alleged juvenile administrative fees
22 before collection began.

24 32. Riverside County also failed to provide parents and guardians with adequate notice
25 of their opportunity to dispute the Respondents' allegations of liability for juvenile administrative
26 fees and of a parent's or guardian's ability to pay such fees, including a full and fair hearing.

1 33. As a result, Riverside County failed “to ensure that liability [wa]s imposed only on
2 persons with the ability to pay.” Welf. & Inst. Code § 903(c); *see also* Welf. & Inst. Code §
3 903.45(b).

4 34. Indeed, aside from the standard terms described above, Riverside County did not
5 obtain final court orders imposing liability for specific amounts of juvenile administrative fees based
6 on the parents’ and guardians’ ability to pay.
7

8 35. Upon information and belief, Riverside County knew of its obligations to evaluate
9 whether parents and guardians had the ability to pay juvenile administrative fees; provide adequate
10 notice to parents and guardians regarding their potential liability for such fees; provide parents and
11 guardians with the opportunity to dispute the County’s determinations of liability and ability to pay,
12 and with adequate notice of such opportunity; and obtain court orders imposing liability upon
13 parents or guardians before it was permitted to collect any money from them.
14

15 36. As a result of Riverside County’s conduct described above, Petitioners did not know
16 they had the right to have their ability to pay assessed before any liability was imposed and Riverside
17 County could begin collection. Had Petitioners known of this right, they would have demanded that
18 their ability to pay be assessed before they paid any money.

19 37. As a result of Riverside County’s conduct described above, Petitioners did not know
20 that Riverside County could only collect juvenile administrative fees pursuant to a court order
21 establishing the amount of their liability. They did not know that such court orders were not issued
22 regarding their liability. Had Petitioners known a necessary court order requiring them to pay
23 juvenile administrative fees did not exist, they would have challenged Riverside County’s collection
24 activities.
25

26 38. Instead of complying with the mandatory statutory and constitutional procedures set
27 forth above, upon information and belief, Probation tracked the number of days youth spent in
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1 detention and calculated the costs of support for such detention stays pursuant to the fee schedule
2 established by Riverside County. Probation maintained these costs of support totals in its Juvenile
3 Adult Management System ("JAMS") computer system and transmitted them to Enhanced
4 Collections through JAMS.

5
6 39. Though Riverside County contracted with Enhanced Collections to collect juvenile
7 administrative fees on behalf of the County, Enhanced Collections did not assume Riverside
8 County's statutory or constitutional obligations, which included determining parents' and
9 guardians' ability to pay the costs of support claimed by Probation and petitioning for final court
10 orders imposing liability for specific amounts of juvenile administrative fees, including costs of
11 support.

12
13 40. Enhanced Collections used limited, inquiry-only access to JAMS to determine the
14 total juvenile administrative fees Probation claimed should be collected from parents and guardians.
15 Enhanced Collections could only view the total amount claimed by Probation and had no ability to
16 reduce or otherwise change that amount. Enhanced Collections only had, and has, authority to
17 consider parents' and guardians' financial circumstances in order to establish a payment plan for
18 collection.

19
20 41. Upon information and belief, Enhanced Collections remitted and continues to remit
21 collected juvenile administrative fees to Riverside County.

22
23 42. Families entangled in the juvenile court system are a particularly financially
24 vulnerable population that are acutely in need of the statutory limitations and procedural protections
25 afforded to them by Sections 903 and 903.45, and the California Constitution. The overwhelming
26 number of families involved in Riverside County's juvenile court system are low-income, as shown
27 by their qualification for appointed counsel. When saddled with fees related to their child's
28 involvement in the juvenile court system, parents and guardians are forced to choose between paying

1 for necessities, such as rent, food, medicine, and healthcare bills, and paying the County for juvenile
2 administrative fees. *See* Policy Advocacy Clinic, University of California, Berkeley School of Law,
3 Making Families Pay: The Harmful, Unlawful, and Costly Practices of Charging Juvenile
4 Administrative Fees in California (March 2017) p. 9–10.

5
6 43. Moreover, “because youth of color are disproportionately arrested, detained, and
7 punished in the juvenile court system, fees are especially burdensome for families of color.” *Id.* at
8 9. In Riverside County, Black youth are 7.4 times more likely than their White peers to be detained
9 in juvenile detention, while Latino youth are 1.4 times more likely than their White peers to be
10 detained. *Id.* at 36. Consequently, the burden of daily costs of support in particular is
11 disproportionately born by the parents and guardians of youth of color.

12
13 44. As a result of Riverside County’s unlawful assessment and collection activities
14 described above, it collected an average of \$35,000 per month in cost of support fees from Riverside
15 families. Based on this estimate, the County would have collected more than \$4 million from
16 Riverside families in a ten-year period.

17
18 45. As of March 2018, Riverside County was continuing to seek collection of
19 approximately \$15 million in outstanding juvenile administrative fees incurred since 2006 from
20 about 14,000 accounts. Riverside County has continued collection efforts on many of these accounts
21 through the present day.

22
23 46. As a result of this continuing course of collection, Riverside County has extracted
24 millions of dollars from families who, because of Riverside County’s unlawful conduct, believed
25 they legitimately owed these fees to the County. Riverside County continues to accept voluntary
26 and involuntary payments from families who the County has so misled. Petitioners seek relief from
27 this injustice that has burdened hard-working families for decades.
28

1 52. Riverside County did not give the Freemans notice of their right to an ability-to-pay
2 determination or of their right to dispute any ability-to-pay determination in court before any
3 liability was imposed.

4 53. As a result, the Freemans did not know they had the right to have their ability to pay
5 assessed before any liability was imposed and before Riverside County began collection efforts.
6 Had the Freemans received notice of this right, they would have demanded that their ability to pay
7 be assessed before they paid any money.
8

9 54. The Freemans did not know that Riverside County could only collect juvenile
10 administrative fees from them pursuant to a court order establishing the amount of their liability.
11 They did not know that such a court order was never issued. Had the Freemans known that a
12 necessary court order requiring them to pay juvenile administrative fees did not exist, the Freemans
13 would not have made payments over the more than ten years in which Riverside County pursued
14 collection.
15

16 55. Despite failing to provide the Freemans these protections, Riverside County, through
17 Probation and Enhanced Collections, represented to the Freemans that they owed Riverside County
18 more than \$8000 for juvenile administrative fees. Riverside County began more than ten years of
19 continuous, aggressive, and frequent collection activities in 2008 when the Freemans were both over
20 65 and their main source of income was Social Security. During this period of collection, the
21 Freemans were also supporting three of their grandchildren whose mother had passed away.
22

23 56. These persistent collections activities consisted of repeated phone calls and letters to
24 Ms. Freeman, which she found threatening, upsetting, and stressful.

25 57. Riverside County, however, was not legally authorized to engage in this collection
26 activity to seek reimbursement for juvenile administrative fees. Upon information and belief,
27 Riverside County knew it was required to conduct an ability-to-pay determination, provide the
28

1 Freemans notice of their right to an ability-to-pay determination and of their right to dispute any
2 ability-to-pay determination in court, and obtain a valid court order before engaging in a continuing
3 course of collection activity seeking reimbursement from the Freemans. Because the Respondents
4 failed to ensure these requirements were met, their assertions that the Freemans owed this money
5 were false.

6
7 58. However, the Freemans were unaware of Riverside County's illegal conduct. They
8 reasonably believed the Respondents' assertions and paid approximately \$3000 for juvenile
9 administrative fees between 2008 and 2019, despite the hardship these payments imposed on them
10 due to their limited income, struggle to afford basic necessities on a fixed income, and the needs of
11 their dependents.

12 59. Even after making monthly payments for more than 10 years, as of August 2019, the
13 Freemans still allegedly owed Riverside County more than \$5000.

14 60. In August 2019, the Freemans, represented by appointed counsel from the Riverside
15 County Public Defender's Office, had a hearing in juvenile court. Similar to 2008 when the
16 collection activities began, at the time of this hearing, the Freemans' main source of income was
17 Social Security retirement.

18 61. For the first time, a court assessed the Freemans' ability to pay and found they were
19 unable to pay any remaining fees. The juvenile court's August 29, 2019 order stated that "Daniel
20 and Shirley Freeman, are hereby relieved from their financial obligation to pay..." Even as they
21 received this order from the juvenile court, the Freemans reasonably remained unaware of the
22 County's unlawful conduct.

23 62. On December 21, 2019, the Freemans demanded repayment of the approximately
24 \$3000 in juvenile administrative fees they paid to Riverside County, but the Respondents have yet
25 to reimburse the Freemans for the ill-gotten funds.
26
27
28

1 **Tiffine Hansbrough**

2 63. Tiffine Hansbrough has lived in Riverside County for most of her life. On her own,
3 she raised two sons and her nephew, all of whom are now adults. Ms. Hansbrough also has a two-
4 year-old daughter.

5 64. Currently, Ms. Hansbrough works multiple part-time jobs to support her family and
6 is also paid through the In-Home Support Services ("IHSS") Program for her time caring for her
7 partner, who has a disability. Her family also receives assistance from California's food stamp
8 program, CalFresh, and California's public health insurance program, Medi-Cal.
9

10 65. On or about August 2010, Riverside County initiated collection activities against Ms.
11 Hansbrough for reimbursement for juvenile administrative fees, including costs of support due to
12 her son's court-ordered placement in juvenile institutions. For nearly a decade, the County has
13 persisted in its pattern of unlawful collection efforts, and continues to demand payment from Ms.
14 Hansbrough today.
15

16 66. However, Riverside County did not evaluate Ms. Hansbrough's ability to pay, nor
17 did it obtain a court order imposing liability on Ms. Hansbrough for juvenile administrative fees
18 before beginning collection.

19 67. Riverside County did not give Ms. Hansbrough notice of her right to an ability-to-
20 pay determination or of her right to dispute any ability-to-pay determination in court before any
21 liability was imposed.
22

23 68. As a result, Ms. Hansbrough did not know she had the right to have her ability to pay
24 assessed before any liability was imposed and before Riverside County began collection activities.
25 Had Ms. Hansbrough received notice of this right, she would have demanded that her ability to pay
26 be assessed.
27
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1 69. Ms. Hansbrough did not know that Riverside County could only collect juvenile
2 administrative fees pursuant to a court order establishing the amount of her liability. She did not
3 know such a court order was not issued. Had Ms. Hansbrough known a necessary court order
4 requiring her to pay juvenile administrative fees did not exist, Ms. Hansbrough would have
5 challenged Riverside County's collection activities.
6

7 70. Despite failing to provide these protections, Riverside County, through Probation
8 and Enhanced Collections, represented to Ms. Hansbrough that she owed Riverside County over
9 \$5500 in juvenile administrative fees and began almost ten years of continuous, aggressive, and
10 frequent collection efforts that continue to the present.

11 71. Riverside County, however, was not legally authorized to engage in this collection
12 activity to seek reimbursement for juvenile administrative fees. Upon information and belief,
13 Riverside County knew it was required to conduct an ability-to-pay determination, provide Ms.
14 Hansbrough notice of her right to an ability-to-pay determination and of her right to dispute any
15 ability-to-pay determination in court, and obtain a valid court order before engaging in a continuing
16 course of collection activity seeking reimbursement from Ms. Hansbrough. Because Riverside
17 County failed to ensure these requirements were met, its assertions that Ms. Hansbrough owed this
18 money were false.
19

20 72. However, Ms. Hansbrough was unaware of Riverside County's illegal conduct. She
21 reasonably believed the Respondents' assertions regarding her alleged liability.
22

23 73. Riverside County began its collection activities in 2010 despite the fact that Ms.
24 Hansbrough's main source of income at the time was what she received through the IHSS Program
25 for caring for one of her sons and her nephew, both of whom were receiving Supplemental Security
26 Income ("SSI") due to their disabilities.
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1 74. These juvenile administrative fees were and are a hardship for Ms. Hansbrough to
2 pay while also affording basic necessities for herself and her family. Despite working—sometimes
3 more than one job at a time—she has faced financial difficulties. She and her partner have dealt
4 with several evictions and threats of evictions, and once had to live out of their vehicle for several
5 months. Despite Riverside County’s unrelenting collection efforts for the past ten years, Ms.
6 Hansbrough has been unable to make any payments.

7
8 75. Each time Ms. Hansbrough opens a collection letter asking her to pay over \$5500 in
9 juvenile administrative fees, she feels physically and mentally unwell. She has broken into tears,
10 because she feels like there are no options or help available.

11 76. On December 21, 2019, Ms. Hansbrough demanded that Riverside County stop
12 collection activities and repay any amount they collected. Respondents have not stopped collection
13 activities, nor repaid any amount collected.

14
15 **Due to the Passage of SB 190, Riverside County Is Now Precluded from Curing their**
16 **Statutory Violations**

17 77. Effective January 1, 2018, the Welfare and Institutions Code was amended by SB
18 190 so that counties can no longer charge parents and guardians for juvenile administrative fees,
19 including costs of support.

20 78. Riverside County continues to seek collection of millions of dollars in juvenile
21 administrative fees that it claims to have assessed prior to January 1, 2018.

22 79. Riverside County’s unlawful assessment and present ongoing efforts to collect these
23 juvenile administrative fees—through calls, notices, and other collection activities—constitute a
24 continuing course of wrongful conduct.

25
26 80. Although Petitioners dispute whether they were required to file a government claim
27 given the character of their claims, on December 21, 2019, Petitioners filed a government claim on
28

1 behalf of themselves and others similarly situated with Riverside County to exhaust any
2 administrative remedies they may have had.

3 81. Riverside County did not respond to Petitioners' claim within 45 days and therefore
4 denied their claims. Cal. Gov't Code § 912.4.

5
6 **CLASS ALLEGATIONS**

7 82. Class Definition: Petitioners seek to bring this action on their own behalf and on
8 behalf of all others similarly situated. The proposed class consists of all parents and guardians
9 against whom the Respondents assessed juvenile administrative fees. Petitioner Tiffine Hansbrough
10 seeks to represent the following subclass:

11 Subclass One: All parents or guardians who have accounts for juvenile
12 administrative fees assessed by Respondents upon which Respondents are still
13 seeking to collect.

14 Petitioners Shirley and Daniel Freeman seek to represent the following subclass:

15 Subclass Two: All parents or guardians who made involuntary and/or voluntary
16 payments for juvenile administrative fees assessed by Respondents.

17 83. Numerosity: The class is too numerous for joinder in this action. The class consists
18 of thousands of parents and guardians. The membership is ascertainable from Respondents' records.
19 According to a response to a Public Record Act request, as of March 2018, Riverside County had
20 more than 14,800 outstanding collection accounts.

21 84. Common Questions of Law and Fact: Common issues of law and fact predominate
22 this action. The overriding question common to all is whether Riverside County complied with its
23 statutory obligations under Sections 903 and 903.45, and class members' corresponding
24 constitutional due process rights prior to beginning collection activities, including:

25 a. determining parents' and guardians' ability to pay juvenile administrative fees,
26 including costs of support;

27 b. providing parents and guardians with notice of their alleged liability for juvenile
28 administrative fees and the Respondents' determination of the parent's or guardian's ability to pay;

1 c. providing parents and guardians with notice of their right to an opportunity to dispute
2 the Respondents' conclusion regarding their ability to pay or liability for fees; and

3 d. obtaining a court order requiring parents and guardians to pay a specific amount of
4 juvenile administrative fees, or otherwise obtaining an enforceable court order.

5 These common questions predominate over any questions of law or fact that pertain only to
6 individual petitioners.

7 85. Typicality of the Claims of Class Representatives: Petitioners' claims are typical of
8 the class in that they experienced most or all of the conduct described immediately above.
9 Specifically, Riverside County failed to comply with the statutory and constitutional requirements
10 outlined above in their purported assessment and ongoing collection of juvenile administrative fees
11 against Petitioners.

12 86. Adequacy of Representation: Because Petitioners are Riverside County residents
13 against whom Riverside County unlawfully assessed, collected, and continues to collect juvenile
14 administrative fees without complying with the California Constitution or Sections 903 or 903.45,
15 they will fairly and adequately protect the interests of the class defined above. No conflict exists
16 between the claims of the Petitioners and the claims of the class, and Petitioners have no interests
17 adverse to the class. Petitioners' counsel are experienced legal services and class action attorneys
18 who will adequately represent the class.

19 87. Class certification: Class certification is superior to other available methods for fair
20 and efficient adjudication of this controversy. The relief sought by individual class members is
21 small compared to the expense and burden of individual prosecution of this litigation. In addition,
22 class certification is superior because it will eliminate the need for unduly duplicative litigation,
23 which might result in inconsistent judgments. Finally, to class counsel's knowledge, there has been
24 no substantial individual litigation concerning the present controversy. Petitioners know of no
25 difficulties in the management of this litigation that would preclude its maintenance as a class action.

1 **FIRST CAUSE OF ACTION**

2 **Ordinary Mandamus (CCP § 1085), Welf. & Inst. Code Sections 903 and 903.45**

3 **(All Petitioners Against All Respondents)**

4 88. Petitioners re-allege and incorporate by reference each allegation set forth in
5 paragraphs 1–87.

6 89. Prior to their amendment in 2017, Sections 903 and 903.45 of the California Welfare
7 & Institutions Code set forth the statutory requirements of conducting an ability to pay determination
8 before beginning collection and obtaining an enforceable court order against Petitioners and others
9 similarly situated for juvenile administrative fees authorized by Section 903.

10 90. Respondents had a ministerial duty to follow the statutory procedures in Sections 903
11 and 903.45, to conduct an ability to pay determination before beginning collection and to obtain an
12 enforceable court order against Petitioners and others similarly situated for any juvenile
13 administrative fees allowable under Section 903.

14 91. Respondents violated their ministerial duty by failing to comply with the
15 requirements of Sections 903 and 903.45, by failing to conduct ability to pay determinations before
16 beginning collection and by failing to obtain enforceable court orders against Petitioners and others
17 similarly situated for any allowable juvenile administrative fees.

18 92. Because of the 2017 amendments to Sections 903 and 903.45, Respondents may not
19 now conduct ability to pay determinations or obtain enforceable court orders against Petitioners and
20 others similarly situated for juvenile administrative fees authorized by Section 903.

21 93. Petitioners and others similarly situated have no plain, speedy or adequate remedy,
22 other than the relief sought here.

23 94. Petitioners seek, on behalf of themselves and others similarly situated, a writ of
24 mandate to compel Respondents to comply with their mandatory statutory duties and refrain from
25 violating statutory prohibitions, including by immediately ceasing all collection of juvenile
26 administrative fees unlawfully assessed under Section 903 against Petitioners and others similarly
27 situated, and by reimbursing Petitioners and others similarly situated for any voluntary or
28 involuntary payments unlawfully collected by Respondents, as set forth above.

1 **THIRD CAUSE OF ACTION**

2 **Request for Restitution**

3 **(Subclass Two Against All Respondents)**

4 102. Petitioners re-allege and incorporate by reference each allegation set forth in
5 paragraphs 1–101.

6 103. Upon information and belief, Respondents knew that they were required to follow
7 statutory and constitutional procedures before seeking reimbursement from Petitioners for juvenile
8 administrative fees.

9 104. Upon information and belief, despite such knowledge, Respondents did not follow
10 such mandatory statutory and constitutional procedures before seeking reimbursement from
11 Petitioners.

12 105. Respondents knowingly accepted payments, including through their agent Enhanced
13 Collections, from Petitioners that were obtained through Respondents' false assertions that the
14 Petitioners owed such money to Respondents.

15 106. Despite Petitioners' demands for repayment of these funds fraudulently obtained by
16 Respondents, Respondents have not repaid Petitioners, nor others similarly situated.

17 **FOURTH CAUSE OF ACTION**

18 **Code of Civil Procedure § 526a**

19 **(All Petitioners Against All Respondents)**

20 107. Petitioners re-allege and incorporate by reference each allegation set forth in
21 paragraphs 1–106.

22 108. Respondents have expended public funds in the promulgation and implementation
23 of unlawful policies and practices as described above.

24 109. Petitioners, who within one year before the commencement of this suit have paid a
25 tax within and to Riverside County, have been substantially affected by these illegal expenditures.

26 110. Petitioners are informed and believe, and thereon allege, that Respondents dispute
27 Petitioners' contentions and intend to continue to make illegal expenditures on the unconstitutional
28

1 and unlawful practices described above, causing great and irreparable injury to Petitioners, unless
2 and until enjoined by order of this Court.

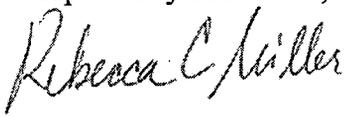
3 111. Judicial intervention in this dispute, and a declaration by the Court, is necessary to
4 resolve whether the Respondents' assessment and collection of juvenile administrative fees against
5 parents and guardians was, and continue to be, unlawful and unconstitutional.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Petitioners pray that the Court grant them the following relief:

- 8 a. Certification of this action as a class action on behalf of the proposed class and
9 subclasses;
- 10 b. A declaration that Respondents' purported assessment of juvenile administrative
11 fees against Class Members was unlawful and in violation of the California Constitution,
12 the Welfare and Institutions Code, and common law, as set forth above.
- 13 c. An injunction prohibiting Respondents from conducting any activities to seek
14 collection of juvenile administrative fees from Class Members in violation of the
15 California Constitution, the Welfare and Institutions Code, and common law, as set forth
16 above.
- 17 d. An order granting retroactive relief to Class Members from whom Respondents have
18 collected juvenile administrative fees in violation of the California Constitution, the Welfare
19 and Institutions Code, and common law, as set forth above.
- 20 e. An award to Petitioners' of their costs and reasonable attorney's fees, payable to their
21 counsel; and
- 22 f. For such other relief as the Court deems just and proper.

23
24 Dated: March 27, 2020

Respectfully submitted,
By: 

Rebecca Carr Miller for WESTERN
CENTER ON LAW & POVERTY
Attorney for Petitioners/Plaintiffs

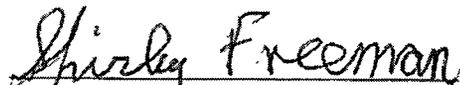
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Verification

I, Shirley Freeman, am one of the petitioner-plaintiffs. I have read this Verified Petition for Writ of Mandate and Complaint. To the extent that the Petition and Complaint are based upon facts that are known to me, I verify that they are true, and otherwise, I am informed and believe that all the facts herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my information and belief.

Executed in Perris, California this 20th day in March, 2020.

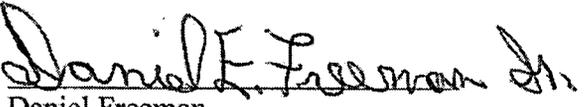

Shirley Freeman

1 **Verification**

2 I, Daniel Freeman, am one of the petitioner-plaintiffs. I have read this Verified Petition for
3 Writ of Mandate and Complaint. To the extent that the Petition and Complaint are based upon
4 facts that are known to me, I verify that they are true, and otherwise, I am informed and believe
5 that all the facts herein are true.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct to the best of my information and belief.

8 Executed in Perris, California this 20th day in March, 2020.

9 
10 Daniel Freeman

