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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

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

Petitioners/Plaintiffs,

vs.

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

Respondents/Defendants.

Case No. RIC2001772

*Assigned to the Honorable Sunshine S. Sykes,
Dept. 06*

CLASS ACTION

**SECOND VERIFIED SUPPLEMENTAL
AND AMENDED PETITION FOR WRIT
OF MANDATE (Code of Civil Procedure §
1085); COMPLAINT (42 U.S.C. § 1983); and
TAXPAYER COMPLAINT (Code of Civil
Procedure § 526a)**

Complaint filed: June 1, 2020

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1 **INTRODUCTION**

2 1. Petitioners bring this suit to seek reimbursement for families from whom Riverside
3 County illegally collected millions of dollars in juvenile administrative fees. Riverside County
4 engaged in a continuing pattern of calculating, charging, collecting, and pocketing these fees, while
5 disregarding its statutory and constitutional duties to assess liability for fees only on families able
6 to pay them, and to assess liability with adequate notice and opportunity to be heard. Because
7 Riverside County failed to comply with these legal obligations, its continuous collection of these
8 fees violated both state statutes and the California and United States Constitutions.

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

13 3. Riverside County’s continuous efforts to collect these juvenile administrative fees
14 were illegal, because the County did not comply with its mandatory duties under Welfare &
15 Institutions Code Sections 903 and 903.45 in effect at the time the County charged families for these
16 fees.¹ These duties included assessing a family’s ability to pay the fees before imposing them and
17 obtaining a binding court order authorizing the County to collect the fees. The Legislature enacted
18 these duties in part to ensure that liability for juvenile administrative fees was only imposed on
19 people who could afford to pay such fees and to prevent excessive charges for these fees. Welf. &
20 Inst. Code § 903(c). Riverside County’s continuous collection efforts also violated Petitioners’
21 constitutional rights, because the County failed to provide families with due process before
22 beginning collection of these fees.
23

24 4. For more than ten years, Riverside County continuously pursued Daniel and Shirley
25 Freeman for approximately \$8000 in juvenile administrative fees related to their grandson’s
26

27 _____
28 ¹ Unless otherwise specified, all further statutory references are to the California Welfare & Institutions
Code (2017).

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

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

20 6. In December 2019, Petitioners Shirley Freeman, Daniel Freeman, and Tiffine
21 Hansbrough, on behalf of themselves and other families similarly situated, sent a demand letter and
22 filed a government claim with Riverside County; in both the Petitioners demanded that Riverside
23 County stop its continuous and ongoing illegally collection of millions of dollars of juvenile
24 administrative fees and reimburse families for fees already collected. Petitioners then submitted
25 their original lawsuit for filing in March 2020, seeking the same relief. Riverside County satisfied
26 Petitioners' first demand in April 2020 by ending collection of and discharging all juvenile
27 administrative fees it had been continuing to collect from families. Petitioners now submit this
28 Supplemental and Amended Petition to reflect the County's April 2020 action and to clarify that

1 their lawsuit is now limited to their second demand: the return of money previously collected from
2 families where Riverside County did not comply with its statutory obligations under Sections 903
3 and 903.45, or its constitutional due process obligations.

4 **PARTIES**

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

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

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

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

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

18 12. Petitioners seek relief on behalf of themselves and others similarly situated.

19 13. Respondent Riverside County is a political body of the State of California.

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

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

16. Unless otherwise stated, all references to “Riverside County” include Respondent Probation and Respondent Miller, who are, respectively, a department of the County and an employee of the County.

VENUE

17. Venue in this Court is appropriate under Code of Civil Procedure Section 394 as Riverside County is a Respondent.

STATUTORY FRAMEWORK

18. Prior to the enactment of SB 190, Section 903 allowed counties to seek reimbursement from parents and guardians for the “reasonable costs of support” of a youth while the youth was “placed, or detained in, or committed to, any institution or other place pursuant to Section 625 or pursuant to an order of the juvenile court.” Welf. & Inst. Code § 903(a).

19. In creating such liability for parents and guardians for costs of support, the Legislature made clear its “intent . . . to protect the fiscal integrity of the county, to protect persons against whom the county seeks to impose liability from excessive charges, to ensure reasonable uniformity throughout the state in the level of liability being imposed, and to ensure that liability is imposed only on persons with the ability to pay.” Welf. & Inst. Code § 903(c).

20. Accordingly, before liability could be imposed, a county was required to “evaluat[e] a family’s financial ability to pay.” Welf. & Inst. Code § 903(c). In doing so, the county was required to “take into consideration the family’s income, the necessary obligations of the family, and the number of persons dependent upon this income.” *Id.*

21. A county could elect, under Section 903.45, to designate a county financial evaluation officer to evaluate parents' and guardians' ability to pay juvenile administrative fees. Welf. & Inst. Code § 903.45. Similar to Section 903(c), in evaluating a parent or guardian's ability to pay, the county financial evaluation officer was required to take into consideration the family's

1 income, the necessary obligations of the family, and the number of persons dependent upon this
2 income. Welf. & Inst. Code § 903.45(b).

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

12 **STATEMENT OF FACTS**

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

14 23. Riverside County continuously collected millions of dollars from families for
15 juvenile administrative fees despite failing to follow statutorily- and constitutionally-mandated
16 procedures.

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

20 25. Riverside County used County funds to contract with the Enhanced Collections
21 Division of the Superior Court of California, Riverside County ("Enhanced Collections") to
22 continuously collect juvenile administrative fees, including costs of support, on behalf of the
23 County. Upon information and belief, Enhanced Collections remitted all costs of support collected
24 to Riverside County.
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1 26. Riverside County's policies and practices for assessing parents' and guardians'
2 liability for juvenile administrative fees—including costs of support—and collecting such fees did
3 not satisfy the requirements of Sections 903 and 903.45 or the Due Process Clauses of the state and
4 federal constitutions.

5 27. Probation requested orders from the juvenile court with standard terms related to
6 reimbursement for juvenile administrative fees. The juvenile court generally included these terms
7 in its orders. However, those orders did not include any imposition of liability on the parents or
8 guardian, or any findings or assessment regarding parents' or guardians' ability to pay. The standard
9 terms merely stated that the County was authorized to collect these fees pursuant to Section 903 *et*
10 *seq.*, in an amount to be determined, and that parents and guardians were to cooperate with Probation
11 and/or Enhanced Collections. Consequently, by themselves those terms were legally insufficient to
12 obligate parents and guardians to reimburse the County for any juvenile administrative fees.

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

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

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

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

4 32. As a result, Riverside County failed "to ensure that liability [wa]s imposed only on
5 persons with the ability to pay." Welf. & Inst. Code § 903(c); *see also* Welf. & Inst. Code
6 § 903.45(b).

7
8 33. Indeed, aside from the standard terms described above, Riverside County did not
9 obtain final court orders imposing liability for specific amounts of juvenile administrative fees based
10 on the parents' and guardians' ability to pay.

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

17
18 35. As a result of Riverside County's conduct described above, Petitioners did not know
19 they had the right to have their ability to pay assessed before any liability was imposed and Riverside
20 County could begin collection. Had Petitioners known of this right, they would have demanded that
21 their ability to pay be assessed, and Petitioners Shirley and Daniel Freeman would have done so
22 before they paid any money to Riverside County.

23
24 36. As a result of Riverside County's continuing pattern and course of conduct described
25 above, Petitioners did not know that Riverside County could only collect juvenile administrative
26 fees pursuant to a court order establishing the amount of their liability. They did not know that such
27 court orders were not issued regarding their liability. Had Petitioners known a necessary court order
28

1 requiring them to pay juvenile administrative fees did not exist, they would have challenged
2 Riverside County's continuous collection activities.

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

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

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

22
23 40. Upon information and belief, Enhanced Collections remitted the juvenile
24 administrative fees it collected to Riverside County.

25 41. Families entangled in the juvenile court system are a particularly financially
26 vulnerable population that are acutely in need of the statutory limitations and procedural protections
27 afforded to them by Sections 903 and 903.45, and by the California and United States Constitutions.
28

1 The overwhelming number of families involved in Riverside County’s juvenile court system are
2 low-income, as shown by their qualification for appointed counsel. When saddled with fees related
3 to their child’s involvement in the juvenile court system, parents and guardians are forced to choose
4 between paying for necessities, such as rent, food, medicine, and healthcare bills, and paying these
5 fees to the County. *See* Policy Advocacy Clinic, University of California, Berkeley School of Law,
6 Making Families Pay: The Harmful, Unlawful, and Costly Practices of Charging Juvenile
7 Administrative Fees in California (March 2017) p. 9–10.

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

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

21 44. Riverside County extracted millions of dollars from families who, because of
22 Riverside County’s unlawful and continuous course of conduct, believed they legitimately owed
23 these fees to the County. Petitioners seek relief from this injustice that burdened hard-working
24 families for decades.

Shirley and Daniel Freeman

45. Shirley and Daniel Freeman have lived in Riverside County since 1995. They have been married for 46 years. Together they raised five children and eight of their twenty grandchildren. They also have thirteen great-grandchildren.

46. Daniel Freeman served in the United States Navy until receiving an honorable discharge and then worked his entire adult life to support his family until he injured his foot in approximately 1997. After his injury, he became certified to repair appliances to earn additional income to make ends meet. When he turned 65 in 2000, he started receiving Social Security retirement income, which has been his main source of income from that time through the present.

47. Shirley Freeman worked in a number of jobs to support her family over the course of her career, including as a cook at the Charles Drew Head Start program in Compton, California. Starting in approximately 2000, Social Security has been her main source of income. Ms. Freeman began receiving spousal Social Security until she became eligible to receive her own Social Security retirement. In 2007, Ms. Freeman was diagnosed with breast cancer, which required chemotherapy and radiation treatment.

48. On or about February 2008, Riverside County initiated collection activities against the Freemans for reimbursement of juvenile administrative fees, including costs of support, due to their grandson's court-ordered placement in juvenile institutions. These collection activities continued for over ten years through August 2019.

49. However, Riverside County did not evaluate the Freemans' ability to pay, nor did it obtain a court order imposing liability on the Freemans for juvenile administrative fees before beginning collection efforts.

1 50. 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 51. 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 52. 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 53. 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 54. These persistent collection activities consisted of repeated phone calls and letters to
24 Ms. Freeman, which she found threatening, upsetting, and stressful.

25 55. 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
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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 comply with these requirements, their continuous assertions that the Freemans owed this
5 money were false.

6
7 56. 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
13 57. Even after making monthly payments for more than 10 years, as of August 2019, the
14 Freemans still allegedly owed Riverside County more than \$5000.

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

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

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

Tiffine Hansbrough

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

62. In the last few years, Ms. Hansbrough has worked multiple part-time jobs to support her family. She was also paid through the In-Home Support Services (“IHSS”) Program for her time caring for her partner, who has a disability. Her family also received assistance from California’s food stamp program, CalFresh, and California’s public health insurance program, Medi-Cal.

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

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

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

66. As a result, Ms. Hansbrough did not know she had the right to have her ability to pay assessed before any liability was imposed and before Riverside County began collection activities. Had Ms. Hansbrough received notice of this right, she would have demanded that her ability to pay be assessed.

1 67. 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 68. 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.

11 69. 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 comply with these requirements, its continuous assertions that Ms. Hansbrough
18 owed this money were false.
19

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

23 71. 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 72. These juvenile administrative fees were a hardship for Ms. Hansbrough to pay while
2 also affording basic necessities for herself and her family. Despite working—sometimes more than
3 one job at a time—she often faced financial difficulties. She and her partner have dealt with several
4 evictions and threats of evictions, and once had to live out of their vehicle for several months.
5 Despite Riverside County’s unrelenting collection efforts for the past ten years, Ms. Hansbrough
6 was unable to make any payments.
7

8 73. Each time Ms. Hansbrough opened a collection letter asking her to pay over \$5500
9 in juvenile administrative fees, she felt physically and mentally unwell. She broke into tears,
10 because she felt like there were no options or help available.
11

12 74. On December 21, 2019, Ms. Hansbrough demanded that Riverside County stop
13 collection activities and repay any amount they collected. Respondents continued to send Ms.
14 Hansbrough collection letters through February 2020 asking her to pay more than \$5500 in juvenile
15 administrative fees.
16

17 75. In April 2020, after approximately ten years of continuous collection activities,
18 Riverside County ended collection of more than \$5500 of juvenile administrative fees that it claimed
19 Ms. Hansbrough owed.
20

21 **Due to the Passage of SB 190, Riverside County Is Now Precluded from Curing their**
22 **Statutory Violations**
23

24 76. Effective January 1, 2018, the Welfare and Institutions Code was amended by SB 190
25 so that counties can no longer charge parents and guardians for juvenile administrative fees,
26 including costs of support.
27

28 77. Until April 2020, Riverside County continued to seek collection of millions of dollars
in juvenile administrative fees that it claims to have assessed prior to January 1, 2018.

78. Riverside County's unlawful assessment and continuous efforts to collect these juvenile administrative fees—through calls, notices, and other collection activities—constituted a continuing course of wrongful conduct.

79. Although Petitioners dispute whether they were required to file a government claim given the character of their claims, on December 21, 2019, Petitioners filed a government claim on behalf of themselves and others similarly situated with Riverside County to exhaust any administrative remedies they may have had.

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

CLASS ALLEGATIONS

Class Definition: Petitioners Shirley and Daniel Freeman seek to bring this action on their own behalf and on behalf of all others similarly situated. Petitioners Shirley and Daniel Freeman seek to represent the following proposed class:

All parents or guardians who made involuntary and/or voluntary payments for juvenile administrative fees purportedly assessed by Respondents.

81. Numerosity: The class is too numerous for joinder in this action. The class consists of thousands of parents and guardians. The membership is ascertainable from Respondents' records.

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

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

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

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

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

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

5 83. Typicality of the Claims of Class Representatives: Petitioners Shirley and Daniel
6 Freeman's claims are typical of the class in that they experienced most or all of the conduct
7 described immediately above. Specifically, Riverside County failed to comply with statutory and
8 constitutional requirements in their purported assessment and collection of juvenile administrative
9 fees.

10 84. Adequacy of Representation: Because Petitioners Shirley and Daniel Freeman are
11 Riverside County residents against whom Riverside County unlawfully charged and collected
12 juvenile administrative fees without complying with the state or federal constitutions or Sections
13 903 or 903.45, they will fairly and adequately protect the interests of the class defined above. No
14 conflict exists between the claims of Petitioners Shirley and Daniel Freeman and the claims of the
15 class, and Petitioners Shirley and Daniel Freeman have no interests adverse to the class. Petitioners'
16 counsel are experienced legal services and class action attorneys who will adequately represent the
17 class.

18 85. Class Certification: Class certification is superior to other available methods for fair
19 and efficient adjudication of this controversy. The relief sought by individual class members is
20 small compared to the expense and burden of individual prosecution of this litigation. In addition,
21 class certification is superior because it will eliminate the need for unduly duplicative litigation,
22 which might result in inconsistent judgments. Finally, to class counsel's knowledge, there has been
23 no substantial individual litigation concerning the present controversy. Petitioners know of no
24 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 86. Petitioners re-allege and incorporate by reference each allegation set forth in
5 paragraphs 1–85.

6 87. 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
8 determination before beginning collection and obtaining an enforceable court order against
9 Petitioners and others similarly situated for juvenile administrative fees authorized by Section 903.

10 88. 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; to obtain an
12 enforceable court order against Petitioners and others similarly situated for any juvenile
13 administrative fees allowable under Section 903; and to repay any amounts Respondents were not
14 authorized to collect.

15 89. Respondents violated their ministerial duty by failing to comply with the
16 requirements of Sections 903 and 903.45; by failing to conduct ability to pay determinations before
17 beginning collection; by failing to obtain enforceable court orders against Petitioners and others
18 similarly situated for any allowable juvenile administrative fees; and by failing to repay any amounts
19 Respondents were not authorized to collect.

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

22 91. Petitioners seek, on behalf of themselves and others similarly situated, a writ of
23 mandate to compel Respondents to comply with their mandatory statutory duties and refrain from
24 violating statutory prohibitions, including by reimbursing Petitioners Shirley and Daniel Freeman
25 and others similarly situated for any voluntary or involuntary payments unlawfully collected by
26 Respondents, as set forth above.

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1 **THIRD CAUSE OF ACTION**

2 **Violation of the Due Process Clause of the**

3 **Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983**

4 **(All Petitioners Against All Respondents)**

5 100. Petitioners re-allege and incorporate by reference each allegation set forth in
6 paragraphs 1–99.

7 101. The Fourteenth Amendment to the U.S. Constitution guarantees due process of law
8 before any state deprivation of a person’s “life, liberty, or property.” U.S. Const., amend. XIV, § 1.

9 102. Respondents deprived Petitioners Shirley and Daniel Freeman and others similarly
10 situated of their money, which is a property interest.

11 103. Respondents deprived all Petitioners of their statutory rights, which create protected
12 property and liberty interests.

13 104. In the context of government assessment of juvenile administrative fees against
14 parents and guardians, due process requires, at a minimum, adequate notice of their right to an
15 ability-to-pay determination and of their right to dispute any ability-to-pay determination in court
16 before liability was imposed; and a meaningful opportunity to be heard on all matters pertaining to
17 the assessment and collection of such administrative fees, including statutory and constitutional
18 defects.

19 105. Respondents failed to provide the minimum degree of constitutionally required
20 procedural safeguards to Petitioners, who were charged and subjected to collection for juvenile
21 administrative fees despite an inability to pay those debts and a disregard for Petitioners’ statutorily-
22 created property and liberty interests, in violation of the Fourteenth Amendment.

23 106. Respondents’ failure to provide the minimum degree of constitutionally required
24 procedural safeguards to Petitioners through their policies, practices and/or customs amounted to
25 deliberate indifference to the Petitioners’ constitutional rights under the Fourteenth Amendment.

26 107. At all relevant times, Respondents’ acts and omissions were made under color of
27 state law to deprive the Petitioners of their federal right to due process within the meaning of 42
28 U.S.C. § 1983.

1 **FOURTH CAUSE OF ACTION**

2 **Request for Restitution/Refund**

3 **(Petitioners Shirley and Daniel Freeman and Proposed Class Against All Respondents)**

4 **A. Government Code § 910/Money Had and Received**

5 108. Petitioners re-allege and incorporate by reference each allegation set forth in
6 paragraphs 1–107.

7 109. By local ordinance, *supra* ¶ 24, Riverside County authorized its Probation
8 Department to charge parents and guardians a specified rate for costs of support for each day a
9 young person spent in a juvenile institution.

10 110. As described above, Respondents did not follow the mandatory statutory and
11 constitutional procedures before charging and seeking to collect these costs of support from
12 Petitioners and others similarly situated. Respondents therefore were not legally entitled to collect
13 these charges from Petitioners and others similarly situated.

14 111. Respondents—through their agent ECD—collected money that was intended to be
15 used for the benefit of Petitioners and others similarly situated in that the money collected was
16 intended to satisfy alleged balances for costs of support that Respondents claimed Petitioners and
17 others similarly situated were required to pay.

18 112. Because Respondents were not legally entitled to collect these charges, the money
19 received was not used for the benefit of Petitioners and others similarly situated.

20 113. Respondents therefore received money which belongs to Petitioners and others
21 similarly situated, and which in equity and good conscience should be returned.

22 114. Despite Petitioners’ demands for repayment, Respondents have not refunded money
23 that was collected from Petitioners and others similarly situated.

24 115. Because refund of these charges is not governed by the Revenue and Taxation Code
25 or other state statute, Government Code Section 910 is the applicable statute to seek repayment of
26 illegally collected charges.

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1 **B. Government Code Section 815.6**

2 116. Government Code Section 815.6 provides that where “a public entity is under a
3 mandatory duty imposed by an enactment that is designed to protect against the risk of a particular
4 kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure
5 to discharge the duty unless the public entity establishes that it exercised reasonable diligence to
6 discharge the duty.”

7 117. Sections 903 and 903.45 of the Welfare & Institutions Code imposed mandatory
8 duties on Respondents regarding: the factors to consider before imposing juvenile administrative
9 fees; providing notice to parents and guardians regarding their potential liability and procedural
10 rights; and petitioning the court for an order requiring the repayment of costs.

11 118. These mandatory duties were designed by the Legislature “to protect persons against
12 whom the county seeks to impose liability from excessive charges, to ensure reasonable uniformity
13 throughout the state in the level of liability being imposed, and to ensure that liability is imposed
14 only on persons with the ability to pay.” § 903(c).

15 119. Respondents’ failures to comply with these mandatory duties injured Petitioners and
16 others similarly situated, because Petitioners and others similarly situated paid money to
17 Respondents that they were not obligated to pay and in many cases that they could not afford to pay.

18 120. Accordingly, Petitioners seek—on behalf of themselves and others similarly
19 situated—restitution or a refund of money paid to Respondents for costs under Sections 903(c) and
20 903.45 that were charged to parents and guardians despite Respondents’ failures to comply with
21 their mandatory duties.

22 **FIFTH CAUSE OF ACTION**

23 **Code of Civil Procedure § 526a**

24 **(All Petitioners Against All Respondents)**

25 121. Petitioners re-allege and incorporate by reference each allegation set forth in
26 paragraphs 1–120.

27 122. Respondents have expended public funds in the promulgation and implementation
28 of unlawful policies and practices as described above.

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

3 124. Judicial intervention in this dispute, and a declaration by the Court, is necessary to
4 resolve whether the Respondents' assessment, continuous collection, and refusal to pay restitution
5 of juvenile administrative fees was and is 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;

9 b. A declaration that Respondents' purported assessment, continuous collection, and
10 refusal to pay restitution of juvenile administrative fees was and is unlawful and in
11 violation of the California and United States Constitutions, the Welfare and Institutions
12 Code, and common law, as set forth above.

13 c. A writ of mandate to compel Respondents to comply with their mandatory statutory
14 duties and refrain from violating statutory prohibitions, including by reimbursing
15 Petitioners Shirley and Daniel Freeman and others similarly situated for any voluntary or
16 involuntary payments unlawfully collected by Respondents, as set forth above.

17 d. An order granting relief to Class Members from whom Respondents collected
18 juvenile administrative fees in violation of the California and United States Constitutions,
19 the Welfare 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: January 25, 2021

Respectfully submitted,

25 *Rebecca Carr Miller*

26 _____
27 Rebecca Carr Miller
28 Attorney for Plaintiffs SHIRLEY FREEMAN,
DANIEL FREEMAN, and TIFFINE
HANSBROUGH

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Verification

I, Rebecca Carr Miller, am an attorney for the Plaintiffs. I am submitting this verification of the Second Verified Supplemental and Amended Petition for Writ of Mandate and Complaint (“Second Amended Complaint”) pursuant to Code of Civil Procedure 446, because the parties—who reside in Riverside County—are absent from the counties where Plaintiffs attorneys’ offices are located (Oakland and Los Angeles). In addition, the Second Amended Complaint does not contain any changes to the factual allegations (paragraphs 1–85), which were previously verified by the Plaintiffs. The Second Amended Complaint amends paragraphs 108–120, Plaintiffs’ cause of action for restitution. These allegations, which apply the Plaintiffs’ facts to law, are within the knowledge of Plaintiffs’ attorneys.

Accordingly, to the extent that the Second Amended Complaint is 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 Oakland, California this 25th day in January, 2021.



Rebecca Carr Miller

1 PROOF OF SERVICE
2 *Freeman v. Riverside County*
3 Case No. RIC2001772

4 I, the undersigned, say: I am over the age of 18 years and not a party to the within action
5 or proceeding. My business address is 3701 Wilshire Boulevard, Suite 208, Los Angeles,
6 California 90010 and my email address is asmith@wclp.org

7 On January 25, 2021, I served the foregoing document described as:

8 **SECOND VERIFIED SUPPLEMENTAL AND AMENDED PETITION FOR WRIT OF**
9 **MANDATE (Code of Civil Procedure § 1085); COMPLAINT (42 U.S.C. § 1983); and**
10 **TAXPAYER COMPLAINT (Code of Civil Procedure § 526a)**

11 on all interested parties in this action as follows:

12 **Jeb Brown**
13 **Kelly Moran**
14 **Michelle Quiroz**
15 **County Counsel's Office**
16 **3960 Orange Street, Suite 500**
17 **Riverside, CA 9250**
18 JebBrown@rivco.org
19 KMoran@rivco.org
20 MEQuiroz@rivco.org

21 [X] BY E-MAIL TRANSMISSION - I caused such document to be electronically
22 transmitted to the offices of the addressee(s) listed above, using the above e-mail address, prior
23 to 5:00 p.m. on the date specified above.

24 I declare that I am employed in the office of a member of the bar of this court at whose
25 direction the service was made.

26 I declare under penalty of perjury that the foregoing is true and correct. Executed on
27 January 25, 2021, at Los Angeles, California.

28 

AMANDA SMITH