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[continued on next page]

14  
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF RIVERSIDE**

17  
18 SHIRLEY FREEMAN and DANIEL  
FREEMAN, on behalf of themselves and all  
19 others similarly situated; and TIFFINE  
HANSBROUGH;  
20  
21 Petitioners/Plaintiffs,  
vs.  
22 RIVERSIDE COUNTY; RIVERSIDE  
23 COUNTY PROBATION DEPARTMENT;  
CHIEF PROBATION OFFICER RONALD L.  
24 MILLER, in his official capacity,  
25  
26 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.<sup>1</sup> 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.  
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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  
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28 <sup>1</sup> 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.

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

4 **VENUE**

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

7 **STATUTORY FRAMEWORK**

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

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

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

21 21. A county could elect, under Section 903.45, to designate a county financial  
22 evaluation officer to evaluate parents’ and guardians’ ability to pay juvenile administrative fees.  
23 Welf. & Inst. Code § 903.45. Similar to Section 903(c), in evaluating a parent or guardian’s ability  
24 to pay, the county financial evaluation officer was required to take into consideration the family’s  
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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           33.     Indeed, aside from the standard terms described above, Riverside County did not  
8 obtain final court orders imposing liability for specific amounts of juvenile administrative fees based  
9 on the parents’ and guardians’ ability to pay.

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

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

21          36.     As a result of Riverside County’s continuing pattern and course of conduct described  
22 above, Petitioners did not know that Riverside County could only collect juvenile administrative  
23 fees pursuant to a court order establishing the amount of their liability. They did not know that such  
24 court orders were not issued regarding their liability. Had Petitioners known a necessary court order  
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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         38.       Though Riverside County contracted with Enhanced Collections to collect juvenile  
10 administrative fees on behalf of the County, Enhanced Collections did not assume Riverside  
11 County's statutory or constitutional obligations, which included determining parents' and  
12 guardians' ability to pay the costs of support claimed by Probation and petitioning for final court  
13 orders imposing liability for specific amounts of juvenile administrative fees, including costs of  
14 support.

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

20         40.       Upon information and belief, Enhanced Collections remitted the juvenile  
21 administrative fees it collected to Riverside County.

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

1 **Shirley and Daniel Freeman**

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

5 46. Daniel Freeman served in the United States Navy until receiving an honorable  
6 discharge and then worked his entire adult life to support his family until he injured his foot in  
7 approximately 1997. After his injury, he became certified to repair appliances to earn additional  
8 income to make ends meet. When he turned 65 in 2000, he started receiving Social Security  
9 retirement income, which has been his main source of income from that time through the present.  
10

11 47. Shirley Freeman worked in a number of jobs to support her family over the course  
12 of her career, including as a cook at the Charles Drew Head Start program in Compton, California.  
13 Starting in approximately 2000, Social Security has been her main source of income. Ms. Freeman  
14 began receiving spousal Social Security until she became eligible to receive her own Social Security  
15 retirement. In 2007, Ms. Freeman was diagnosed with breast cancer, which required chemotherapy  
16 and radiation treatment.  
17

18 48. On or about February 2008, Riverside County initiated collection activities against  
19 the Freemans for reimbursement of juvenile administrative fees, including costs of support, due to  
20 their grandson's court-ordered placement in juvenile institutions. These collection activities  
21 continued for over ten years through August 2019.  
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23 49. However, Riverside County did not evaluate the Freemans' ability to pay, nor did it  
24 obtain a court order imposing liability on the Freemans for juvenile administrative fees before  
25 beginning collection efforts.  
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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.  
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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**

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2           61.     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           62.     In the last few years, Ms. Hansbrough has worked multiple part-time jobs to support  
6 her family. She was also paid through the In-Home Support Services (“IHSS”) Program for her  
7 time caring for her partner, who has a disability. Her family also received assistance from  
8 California’s food stamp program, CalFresh, and California’s public health insurance program,  
9 Medi-Cal.

10           63.     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           64.     However, Riverside County did not evaluate Ms. Hansbrough’s ability to pay, nor  
16 did it obtain a court order imposing liability on Ms. Hansbrough for juvenile administrative fees  
17 before beginning collection.

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

21           66.     As a result, Ms. Hansbrough did not know she had the right to have her ability to pay  
22 assessed before any liability was imposed and before Riverside County began collection activities.  
23 Had Ms. Hansbrough received notice of this right, she would have demanded that her ability to pay  
24 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.  
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20           70. However, Ms. Hansbrough was unaware of Riverside County’s illegal conduct. She  
21 reasonably believed the Respondents’ assertions regarding her alleged liability.  
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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 78. Riverside County’s unlawful assessment and continuous efforts to collect these  
2 juvenile administrative fees—through calls, notices, and other collection activities—constituted a  
3 continuing course of wrongful conduct.

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

8 80. Riverside County did not respond to Petitioners’ claim within 45 days and therefore  
9 denied their claims. Cal. Gov’t Code § 912.4.  
10

11 **CLASS ALLEGATIONS**

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

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

17 81. 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 82. Common Questions of Law and Fact: Common issues of law and fact predominate  
20 this action. The overriding question common to all is whether Riverside County complied with its  
21 statutory obligations under Sections 903 and 903.45, and class members’ constitutional due process  
22 rights prior to beginning collection activities, including:

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

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

27 c. providing parents and guardians with notice of their right to an opportunity to dispute  
28 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.

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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 **SECOND CAUSE OF ACTION**

2 **Ordinary Mandamus (CCP § 1085): Procedural Due Process**

3 **Article 1, Section 7 of the California Constitution**

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

5 92. Petitioners re-allege and incorporate by reference each allegation set forth in  
6 paragraphs 1–91.

7 93. The California Constitution provides that a “person may not be deprived of life,  
8 liberty, or property without due process of law.” Cal. Const., art. I, § 7.

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

11 95. Respondents deprived all Petitioners of their statutory rights, which are liberty or  
12 property interests.

13 96. 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 97. Due process also requires compliance with all procedures prescribed by law.

20 98. Respondents had a ministerial duty to conduct assessment and collection of juvenile  
21 administrative fees from parents and guardians in accordance with the Due Process Clause of Article  
22 1, Section 7, of the California Constitution.

23 99. Respondents violated their ministerial duties by failing to provide parents and  
24 guardians with adequate notice of their rights and the process required by Sections 903 and 903.45;  
25 by failing to provide parents and guardians with an opportunity for a full and fair hearing, including  
26 because of the allegations above, through Respondents’ failure to comply with the statutory  
27 procedures in Sections 903 and 903.45; and by failing to repay any amounts Respondents were not  
28 authorized to collect.

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,

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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 25<sup>th</sup> 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](mailto: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](mailto:JebBrown@rivco.org)  
19 [KMoran@rivco.org](mailto:KMoran@rivco.org)  
20 [MEQuiroz@rivco.org](mailto: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.

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AMANDA SMITH