



County of Lassen
Recovery And Reimbursement

H-1

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Board Date: September 11, 2018

TO: Board of Supervisors

FROM: Nancy Cardenas, Treasurer/Tax Collector

File: 

SUBJECT: Resolution to Approve sliding Fee Scale for Financial Evaluations and Collecting Moneys Owed to the County

RECOMMENDATION:

Approve Resolution authorizing Financial Evaluation Officers to utilize sliding fee scale based on Federal Poverty guidelines where applicable by law for collections (Attachment A.)

SUMMARY

Office of Recovery and Reimbursement (OR&R) duties and responsibilities described in Resolution No. 01-081 (Attachment B) authorize the Treasurer/Tax Collector or his/her designee to perform the functions of County Financial Evaluation Officer. Resolution 01-080 (Attachment C) establishes ability to pay requirements for recovering legal assistance costs. Probation costs subject to the ability to pay detailed in Ordinance No. 2018-01 (Attachment D). Department collection practices are to advise clients they have the right to a financial evaluation hearing. If a client's annual income are, at or below 125% of the federal poverty level they are determined to have no ability to pay and all fees waived. Only county services are subject to Ability to Pay Financial Evaluations (Attachment E). Penal Code 987.8 and Government Code 27755 detail the defendant's rights during a hearing in addition to defining the Ability to Pay (Attachment F and G).

OBJECTIVE

The objective of a sliding fee scale is to ensure all clients treated equally in the financial evaluation process as well as taking into consideration a broader range of incomes when evaluating a person's ability to pay. The sliding fee scale (Attachment H) should aid with OR&R's intention to keep the majority of collections current, as clients who did not qualify for a waiver would now qualify at a reduced rate. The sliding fee scale has the support of Superior Court of Lassen County, and the Probation Department.

FISCAL IMPACT

Departments should see an increase of revenue. Clients who qualify for a reduction may be willing to pay in full or pay installments instead of allowing their accounts to default resulting in aggressive collections.

ACTION

Approve and authorize the resolution of the Board of Supervisors authorizing Financial Evaluation Officer to utilize sliding fee scale based on Federal Poverty guidelines where applicable by law for collections.

NC:kjd

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN
DESIGNATING THE TREASURER/TAX COLLECTOR AS THE COUNTY FINANCIAL
EVALUATION OFFICER AND SETTING THE STANDARD IN MAKING FINANCIAL
EVALUATIONS AND COLLECTING MONEYS OWED THE COUNTY**

WHEREAS, California Government Code Sections 27750 through 27758 establishes the authority of the Board of Supervisors to designate a county officer as the County Financial Evaluation Officer, to make financial evaluations of defendants and other persons liable for reimbursable costs under the law; and

WHEREAS, the Board of Supervisors, by Resolution No. 01-080, established provisions for recovering legal fees for legal services provided to criminal defendants pursuant to California Penal Code Section 987.8 and California Government Code Section 27712; and

WHEREAS, Resolution No. 01-081 designated the duties, responsibilities and powers of the Recovery and Reimbursement Division under the supervision of the Lassen County Treasurer/Tax Collector, and the affected department and employees are providing those services; and

WHEREAS, in order to comply with code sections of California law relating to the collection of debts owed to the County, Resolution No. 01-081 provides for the Treasurer/Tax Collector or his/her designee to have the scope of authority to perform the functions of a Deputy Probation Officer, Deputy Court Clerk, and County Financial Evaluation Officer; and

WHEREAS, California Government Code Section 27750 provides for the Board to establish a standard by which the County Financial Evaluation Officer can determine the financial ability of a defendant or other person who have incurred, or will incur, attorney's fees or other court-related or court-ordered costs (collectively "fees and costs"), which fees or costs by law must be waived or the services provided free of charge if the party is indigent.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of Supervisors of the County of Lassen, hereby affirms that Resolution No. 01-081 continues to be in full force and effect; and orders as follows:
 - a. The Lassen County Treasurer/Tax Collector or his/her designee is hereby affirmed and authorized to be Lassen County's designated County Financial Evaluation Officer in compliance with California Government Code Sections 27750 through 27758.
 - b. The standard for the County Evaluation Officer to use for determining the ability of a defendant or other person to pay all or a portion of fees and costs shall be based upon comparing the defendant's or person's annual household income to the Federal Poverty levels in the Federal Poverty Guidelines, as updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of paragraph (2) of Section 9902 of Title 42 of the United States Code ("Federal Poverty Guidelines").
 - i. Participation in this financial evaluation program by the county for determining eligibility for waived or reduced fees and costs requires a defendant or other person to provide financial documentation to the County Financial Evaluation

Officer, and in a type and format required by the county. Providing financial evaluation documentation to the county is completely voluntary on the part of the defendant or other person, unless the person is ordered by the court to provide the information to the county. If, however, the person does not agree or fails to provide such documentation, participation in determining eligibility for waived or reduced fees and costs will not be available to the defendant or other person.

- ii. 100% of Federal Poverty Level: Any defendant or other person having a family income of 100% or less of the federal poverty level (i.e. indigent) may have all or a portion of fees and costs waived or providing services free of charge, in accordance with state law and at the direction of the court.
 - iii. 125% of Federal Poverty Level: Any defendant or other person whose family income is more than 100% and equal to or less than 125% of the federal poverty level may be eligible to have a portion not to exceed 80% of fees and cost waived and should be ordered to pay at least 20% of the full fee and costs, in accordance with state law and at the direction of the court.
 - iv. 150% of Federal Poverty Level: Any defendant or other person whose family income is more than 125% and equal to or less than 150% of the federal poverty level may be eligible to have a portion not to exceed 60% of fees and cost waived and should be ordered to pay at least 40% of the full fee and costs, in accordance with state law and at the direction of the court.
 - v. 175% of Federal Poverty Level: Any defendant or other person whose family income is more than 150% and equal to or less than 175% of the federal poverty level may be eligible to have a portion not to exceed 40% of fees and cost waived and should be ordered to pay at least 60% of the full fee and costs, in accordance with state law and at the direction of the court.
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- vi. 200% of Federal Poverty Level: Any defendant or other person whose family income is more than 175% and equal to or less than 200% of the federal poverty level may be eligible to have a portion not to exceed 20% of fees and cost waived and should be ordered to pay at least 80% of the full fee and costs, in accordance with state law and at the direction of the court.
 - vii. Over 200% of Federal Poverty Level: Any defendant or other person whose family income is more than 200% of the federal poverty level may not be eligible for reduced fees and costs, in accordance with state law and at the direction of the court.
 - viii. The County Financial Evaluation Officer shall prepare and may periodically update as necessary a financial evaluation sliding scale based upon the standard set herein, above, and based upon the Federal Poverty Guidelines. An example of the financial evaluation sliding scale is attached hereto as Exhibit A.

The foregoing Resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the _____ day of _____, 20____ by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

CHRIS GALLAGHER, Chairman
Lassen County Board of Supervisors

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 20____
_____.

Deputy Clerk of the County of Lassen
Board of Supervisors

EXHIBIT A

Example of Financial Evaluation Sliding Scale

Annual Income Limits						
Persons in Household/Family Size	Federal Poverty Levels					
	0%-100%	125%	150%	175%	200%	<200%
1	\$xxx	\$xxx	\$xxx	\$xxx	\$xxx	\$xxx
2	\$xxx	\$xxx	\$xxx	\$xxx	\$xxx	\$xxx
3	\$xxx	\$xxx	\$xxx	\$xxx	\$xxx	\$xxx
4	\$xxx	\$xxx	\$xxx	\$xxx	\$xxx	\$xxx
Ability to Pay (Percentage)	0% (Indigent)	20%	40%	60%	80%	100%

Resolution of the Board of Supervisors of the County of Lassen, setting forth in detail the duties, responsibilities and powers of the Recovery and Reimbursement personnel.

WHEREAS, the Board of Supervisors by resolution #93-119 created an agency of County Government to be responsible for the Collection of certain revenues owing the County, and

WHEREAS, said Resolution contains detail in the duties, responsibilities and powers of the Collections Division Personnel, which due to changes in hierarchy, must now be modified.

NOW THEREFORE, be it resolved and ordered that as follows:

1. The Collections Division will be referred to as Recovery and Reimbursement (R&R).
2. Purpose of R&R Policies
 - a. These policies are adopted for the purpose of establishing an administrative framework for the operation of the R&R Division under the supervision of the Lassen County Treasurer/Tax Collector, and to outline operational standards to guide R&R.
3. Purpose of the R&R Division:
 - a. The R&R Division, under the direction of the Lassen County Treasurer/Tax Collector, has been established to function, as a centralized collection area designed to provide departments within the County with professional collection of debts owed the County. The division shall conduct its activities in accordance with current federal, state and local regulations governing such activities.
4. Account Assignment or Referral
 - a. Each County department generating billable revenue accounts shall attempt to secure full or partial payment on each account through prompt and persistent collection efforts. Such attempts will include notification that failure to respond will result in referral of the matter to the R&R Division. If the debtor fails to pay within sixty (60) days of billing, the obligation is in default and the department that generated the account shall, with the approval of the Treasurer/Tax Collector, immediately assign or refer the account to the R&R Division. This time frame may be amended by the Treasurer/Tax Collector at anytime. The R&R Division will do all of the billing and accepting of monies for the Lassen County Probation Department, Public Defender's Office, and Juvenile Hall. Additionally, R&R will be responsible for collecting booking fees ordered by the courts. The Treasurer/Tax Collector may decline to accept accounts that are not documented sufficient to allow for collection. Departments

should attempt to obtain physical address, mailing address, social security numbers, and in the case of minors information on parents or any responsible guardian. County departments assigning accounts to the Recovery and Reimbursement Division shall adhere to established procedures for the referral of accounts. These procedures are to be established by the Treasurer/Tax Collector. This applies to all County departments except those collecting family support and secured property taxes.

- b. The assignment or transfer of an account from a County department to R&R shall constitute an official "Transfer of Accountability" relieving the referring department of further responsibility involving the collection of the account.
- c. After an account is assigned the referring department shall make no further collection effort nor make any financial agreement with the debtor. Additionally, to avoid compromising a debtor's payment schedule, a County department that refers an account to R&R shall not receive or deposit funds on debtors account. The referring department shall direct the debtor to R&R concerning all matters relating to inquiring or paying the account.

5. Collection Responsibilities

- a. It is the responsibility of the Treasurer/Tax Collector to collect as much of the assigned accounts as available resources and legal authority permit. The decision as to the enforcement of any obligation through legal action shall be determined on the merits of each case.
 - i. In the event a debtor indicates he does not have the ability to pay the debt in full he/she must submit a completed financial statement together with a request for a payment plan. Upon review of said financial statement a payment plan may be established. Generally, payment plans should run no more than one year from date of inception and/or the length of probation.
 - ii. Partial payments are acceptable with the approval of the Treasurer/Tax Collector. However, a partial payment without the establishment of a payment plan does not stop collection activities.

6. Accountability

- a. The R&R is responsible for establishing, maintaining, collecting, and accounting for the proceeds of all debts and accounts as are assigned to it for collection. However, if any department assigns accounts with insufficient documentation as to make collection attempts impossible the account may be returned to the assigning department for the missing documentation. This process should be documented and tickled for follow-up.
- b. R&R establishes records for all accounts in a manner that conforms with generally accepted accounting and fiscal practices.
- c. Annually, or as often as practical, the Treasurer/Tax Collector will submit a "Discharge of Accountability" request to the Board of Supervisors for its approval on those accounts which have been determined to be un-

collectible. This Discharge shall not relieve any debtor of his/her legal liability to pay nor shall it extinguish the debt.

i. Discharge of Accountability may be based on the following reasons:

1. Unable to Locate debtor.
2. Deceased debtor
3. Debtor has no ability to pay and/or assets.
4. Legally un-collectible due to bankruptcy or other matter.
5. Cost of collection exceeds anticipated recovery.

7. Account Adjustment:

- a. The Treasurer/Tax Collector is authorized to adjust and settle accounts according to the financial condition of the debtor, his estate, or responsible relative in circumstances where the compromise is in the best interest of the County. The number and value of accounts adjusted, reason for adjustment and supporting documentation must be submitted to the Board of Supervisors for final approval in a manner similar to discharge of accountability.

8. Legal Support:

- b. Except as otherwise authorized by the Board of Supervisors, County Counsel shall furnish R&R all legal support for civil matters.

9. Titles

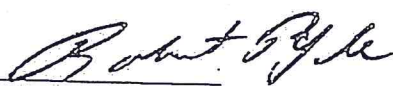
- c. In order to comply with code sections relating to the collection of debts owed County Departments, the Treasurer/Tax Collector or his/her designee shall also be authorized to perform the functions of the listed following (relating to the collection of debts):

- i. Deputy Probation Officer
- ii. Deputy Court Clerk
- iii. County Financial Evaluation Officer

10. Resolution 93-119 is hereby repealed.

The forgoing resolution as adopted by the Board of Supervisors, County of Lassen, State of California, at a regular meeting held on the 25 day of September 2001 by the following vote:

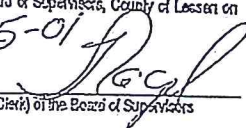
AYES: Supervisors Pyle, Chapman, Keefer, Dahle
NOES: None
ABSENT: Supervisor McCain


Lassen County Board of Supervisors

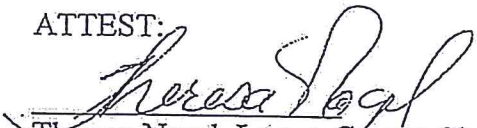
In accordance with Section 25160 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Lassen on

9-25-01

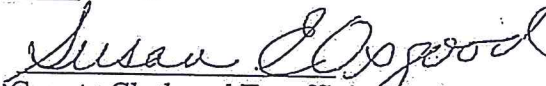
By


Clerk (Deputy Clerk) of the Board of Supervisors

ATTEST:


Theresa Nagel, Lassen County Clerk

I, Theresa Nagel, Lassen County Clerk, and ex-officio Clerk of the Board of Supervisors, do hereby certify that the forgoing resolution was adopted by the Lassen County Board of Supervisors on the 25th day of September, 2001.


County Clerk and Ex-officio Clerk of the
Board of Supervisors

Resolution of the Board of Supervisors of the County of Lassen, establishing provisions for recovering legal assistance costs provided to a criminal defendant pursuant to California Penal Code 987.8 and California Government Code 27712.

WHEREAS, in any case in which a defendant is provided legal assistance, either through the public defender or private counsel appointed by the court, the court may, after notice and hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost thereof, and

WHEREAS, The court may, in its discretion, order the defendant to appear before a county officer designated by the court to make an inquiry into the ability of the defendant to pay all or a portion of the legal assistance provided, and

WHEREAS, California Penal Code Section 987.8(c) and 987.81 require action by the Board of Supervisors to enable the Court to proceed under those sections;

NOW THEREFORE, be it resolved and ordered that the provisions of California Penal Code Section 987.8 Subdivision (c), and Cal. Penal Code Section 987.81 shall be operative in the County of Lassen.


The forgoing resolution as adopted by the Board of Supervisors, County of Lassen, State of California, at a regular meeting held on the 25 day of SEPT 2001 by the following vote:

AYES: Supervisors Pyle, Chapman, Keefer, Dahle
 NOES: None
 ABSENT: Supervisor McCain



Lassen County Board of Supervisors

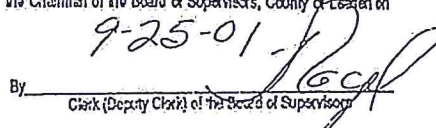
ATTEST:


 Theresa Nagel, Lassen County Clerk

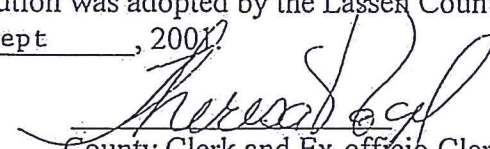
In accordance with Section 25103 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Lassen on

9-25-01

By


 Clerk (Deputy Clerk) of the Board of Supervisors

I, Theresa Nagel, Lassen County Clerk, and ex-officio Clerk of the Board of Supervisors, do hereby certify that the forgoing resolution was adopted by the Lassen County Board of Supervisors on the 25th day of Sept, 2001.


 County Clerk and Ex-officio Clerk of the Board of Supervisors

AN ORDINANCE AMENDING TITLE 3 OF THE LASSEN COUNTY
CODE PERTAINING TO PROBATION FEES

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN ORDAINS as follows:

Section One:

The Board of Supervisors finds and determines that Probation Department fees, rates and charges must be adjusted to reflect actual expenses incurred by the Probation Department in the administration of various responsibilities and services as well as comport with changes in California Government Code section 27757 which eliminated the assessment of certain fines and fees to juvenile offenders. The amendments made by this ordinance are to address this change.

Section Two:

Section 3.18.110 of the Lassen County Code is amended to read, in its entirety, as follows:

3.18.110 Assessment of probation fees

- (a) The provisions of California Penal Code Section 1203.1b, as amended from time to time, are hereby adopted and shall be operative in the County of Lassen. California Penal Code Section 1203.1b provides that an individual convicted of an offense and granted probation may be ordered by the court to pay reasonable cost of probation and or conducting the presentence investigation and preparing the presentence report, based upon the individual's ability to pay. The Probation Department is hereby given the authority to implement and carry out the provisions of said section.
- (b) The following fees, rates and charges pursuant to this section have been determined to be "reasonable costs of probation supervision" and, when ordered, shall be paid to the Lassen County Treasurer/Tax Collector, Lassen County Office of Recovery and Reimbursement Division. An individual offender over the age of 21 (unless otherwise expressly stated) may be assessed the following:
- (1) A fee of \$10.00 per test for the cost of administering and conducting court-ordered drug and substance abuse tests, in accordance with Penal Code Section 1203.1ab and Welfare and Institutions Code Section 729.9
 - (2) A fee of \$6.00 per month or the actual third party vendor cost for automated phone reminder check in to be paid by the offender directly to the vendor, in accordance with Penal Code Section 1203.1b(a)
 - (3) A fee of \$25.00 plus any third-party charges, per report, for the cost of background investigations conducted, in accordance with Penal Code Section 11105(e)
 - (4) A fee of \$223.00 per month for the cost of active probation supervision, in accordance with Penal Code Section 1203.1b

- (5) A fee of \$600.00 per report for the cost of conducting and preparing a pre-sentence investigation, in accordance with Penal Code Section 1203.1b
- (6) A fee of \$600.00 per report for the cost of supplemental investigation and report, in accordance with Penal Code Section 1203.1b
- (7) A fee of \$150.00 per report for Post-Termination Petition for Relief, in accordance with Penal Code Section 1203.4(d)
- (8) A fee of \$150.00 per report for the cost of preparing and conducting an Interstate Transfer Application, in accordance with Penal Code Section 1203.1b
- (9) A fee of \$240.00 per report for the cost of processing interjurisdictional transfer request and application, in accordance with Penal Code Section 1203.9(c) and 1203.1b
- (10) A fee of \$300.00 per report for Deferred Entry of Judgement services (misdemeanor offenses), in accordance with Penal Code Section 1001.15(c)
- (11) A fee of \$300.00 per report for Deferred Entry of Judgement services (drug offenses), in accordance with Penal Code Section 1001.16(a)
- (12) A fee of \$500.00 per report for Deferred Entry of Judgement services (felony offenses), in accordance with Penal Code Section 1001.15(a)
- (13) A fee of \$250.00, per approval or approval renewal, for Domestic Violence Batterer's Program Certification and Re-Certification services, in accordance with Penal Code Section 1203.097(c)(5)(B)
- (14) An activation fee of \$25 and a \$10.00 per day fee or the actual third party vendor cost for Global Positioning System Monitoring, in accordance with Penal Code Section 1210.15(a)
- ~~(15) A fee of \$50.00 monthly or \$600.00 annually for Juvenile Probation Supervision, in accordance with Welfare and Institutions Code Section 903.2(a).~~
- ~~(16) A fee of \$50.00 monthly or \$600.00 annually for Juvenile Diversion Probation Supervision, in accordance with Welfare and Institutions Code Section 903.2(a)~~
- ~~(17) A fee of \$50.00 monthly or \$600.00 annually for Juvenile Misdemeanor Diversion Probation Supervision, in accordance with Welfare and Institutions Code Section 903.2(a)~~
- (18) A fee of \$600.00 per report for Juvenile Disposition Investigation and Report services, in accordance with Government Code Section 54985(a)

- (19) A fee of \$15.00 per failure to appear (FTA) or failure to pay (FTP), in accordance with Vehicle Code Section 40508.5
- (20) A fee of \$10.00 per automation assessment, in accordance with Vehicle Code Section 40508.6
- ~~(21) A fee of \$20.00 per day for Juvenile Home Supervision, in accordance with Welfare and Institutions Code 903.2(a)~~
- ~~(22) A fee of \$100.00 per day for Post Notice Custody, in accordance with Welfare and Institutions Code 903.25~~
- ~~(23) A fee of \$30.00 per day for Juvenile Detention Facility Support, in accordance with Welfare and Institutions Code 903~~
- ~~(24) A fee of \$50.00 per day for Juvenile Court Work Program supervision, in accordance with Welfare and Institutions Code 903.2(a)~~
- (c) The following fees, rates and charges pursuant to this section have been determined to be "reasonable costs of the Freedom From Parental Control Investigation" and, when ordered, shall be paid to the Lassen County Treasurer/Tax Collector, Lassen County Office of Recovery and Reimbursement Division:
 - (1) A fee of \$900.00 per report for Freedom From Parental Custody and Control, in accordance with Family Code Section 7851.5

Section 3:

This ordinance shall take effect and be in force thirty (30) days after its final adoption. This ordinance shall be published in accordance with the requirements of Government Code section 25124.

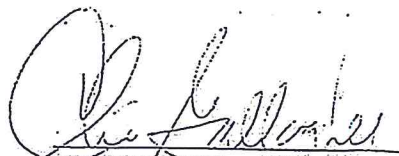
The foregoing ordinance was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 13th day of February, 2018, by the following vote:

AYES: Supervisors Gallagher, Teeter, Hemphill, Albaugh and Hammond.

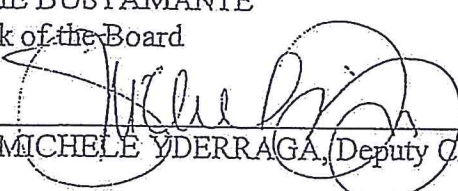
NOES: None.

ABSTAIN: None.

ABSENT: None.


CHRIS GALLAGHER,
Chairman
Board of Supervisors

ATTEST
JULIE BUSTAMANTE
Clerk of the Board

BY 
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the 13th day of February, 2018.


Deputy Clerk of the County of Lassen
Board of Supervisors

Service	Based on Client's Ability to Pay	Fee Authority	Description/Exception
COLLECTION AND OTHER SERVICES- PROBATION			
Drug Test Fee (Basic Screen + Add-ons)	YES	PC 1203.1ab W&I 729.9	Where drug testing is a condition of probation, probationer shall pay a reasonable fee, which shall not exceed the actual cost of the testing; <i>Fee charged must consider client's ability to pay and is contingent upon Court Order.</i>
Caseload Pro Automated Phone Reminder/Check In	YES	PC 1203.1b(a)	Where automated reminders and check ins are a condition of probation, probationer shall pay a reasonable fee, which shall not exceed the actual cost; <i>Fee charged must consider client's ability to pay and is contingent upon Court Order.</i>
ADULT SERVICES- PROBATION			
Probation Supervision Fee (Annual)	YES	PC 1203.1b + County Ordinance	Offender to pay a reasonable cost of any probation supervision or conditional sentence, not to exceed the amount determined to be the actual average cost; <i>Fee charged must be consider client's ability to pay and is contingent upon Court Order.</i>
Pre-sentence Investigation and Report Fee	YES	PC 1203.1b + County Ordinance	Offender to pay a reasonable cost of conducting a pre-sentence investigation and completing Court report, not to exceed the amount determined to be the actual average cost; <i>Fee charged must be consider client's ability to pay and is contingent upon Court Order.</i>
Supplemental Investigation and Report Fee	YES	PC 1203.1b + County Ordinance	Offender to pay a reasonable cost of conducting a pre-plea investigation and completing Court report, not to exceed the amount determined to be the actual average cost; <i>Fee charged must be consider client's ability to pay and is contingent upon Court Order.</i>
Post-Termination Petition for Relief Fee	YES	PC 1203.4(d)	Petition for change of plea or setting aside verdict, offender may be required to reimburse the county for actual costs of services rendered, whether or not petition is granted and/or records are sealed or expunged, \$150 maximum; <i>Fee charged must consider clients ability to pay and is contingent upon Court Order.</i>
Interstate Compact	YES	PC 1203.1b + County Ordinance	Offender to pay a reasonable cost of conducting an Interswtate Transfer Application not to exceed the amount determined to be the actual average cost; <i>Fee charged must be consider client's ability to pay and is contingent upon Court Order.</i>
InterJurisdictional Transfer 1203.9PC	YES	PC 1203.9 (c) and 1203.1(b)	Offender to cover the actual costs of processing the transfer request and application to be paid to the sending County. <i>Fee charged must consider client's ability to pay and is contingent upon Court Order.</i>
Deferred Entry of Judgment Fee (misdemeanor offenses)	YES	PC 1001.15(c)	Offender accused of or reduced to a misdemeanor may be charged an admin fee as part of an enrollment fee in a diversion program, to cover the actual costs of processing the request and application for diversion plus the actual cost of supervising the divee, \$300 maximum; <i>Fee charged must consider the client's ability to pay and is contingent upon Court Order.</i>

County Fees Subject To Ability To Pay Financial Evaluations

Deferred Entry of Judgment Fee (drug offenses)	YES	PC 1001.16(a)	Offender accused of a misdemeanor drug offense may be charged an admin fee as part of an enrollment fee in a diversion program, to cover the actual costs of processing the request and application for diversion plus the actual cost of supervising the diveee, \$300 maximum; <i>Fee charged must consider the client's ability to pay and is contingent upon Court Order.</i>
Deferred Entry of Judgment Fee (felony offenses)	YES	PC 1001.15(a)	Offender accused of a felony may be charged an admin fee as part of an enrollment fee in a diversion program, to cover the actual costs of processing the request and application for diversion plus the actual cost of supervising the diverttee, \$500 maximum; <i>Fee charged must consider client's ability to pay and is contingent upon Court Order.</i>
Global Positioning System Monitoring Fee	YES	PC 1210.15(a)	Offenders on probation may be charged for supervision that utilizes continuous electronic monitoring devices; <i>Fee charged must consider client's ability to pay and client must have first satisfied all other outstanding base fines, local/state penalties, restitution fines and orders and is contingent upon Court Order.</i>
JUVENILE SERVICES- PROBATION			
Freedom From Parental Control	YES	FC 7851.5	Petitioner shall be liable for all reasonable costs incurred in connection with the termination of parental rights, including but not limited to costs incurred for the investigation required, costs shall not exceed \$900.00. <i>Fee charged must consider clients ability to pay and is contingent upon Court Order.</i>
Disposition Investigation and Report Fee	YES	GC 54985(a)	The Board of Supervisors may impose a fee in an amount necessary to recover any product or service; Service provided as required by Juvenile CA Rules of Court Sect 5.785 is similar to Adult Pre-Sentence Investigation and Report Fee authorized by Penal Code. <i>Fee must consider clients ability to pay and is contingent upon Court Order.</i>
LEGAL ASSISTANCE			
All Court appointed Legal Assistance to include but not limited to Public Defender, Conflict Attorney, Investigations, and Expert Witnesses	YES	PC 987.8	<i>A defendant is entitled to legal assistance and if unable to pay a hearing to determine if the defendant has the ability to pay shall be held.</i>



State of California

PENAL CODE

Section 987.8

987.8. (a) If the court finds that a defendant is entitled to counsel but is unable to employ counsel, the court may hold a hearing or, in its discretion, order the defendant to appear before a county officer designated by the court, to determine whether the defendant owns or has an interest in real property or other assets subject to attachment and not otherwise exempt by law. The court may impose a lien on any real property owned by the defendant, or in which the defendant has an interest to the extent permitted by law. The lien shall contain a legal description of the property, shall be recorded with the county recorder in the county or counties in which the property is located, and shall have priority over subsequently recorded liens or encumbrances. The county shall have the right to enforce its lien for the payment of providing legal assistance to an indigent defendant in the same manner as other lienholders by way of attachment, except that a county shall not enforce its lien on a defendant's principal place of residence pursuant to a writ of execution. No lien shall be effective as against a bona fide purchaser without notice of the lien.

(b) If a defendant is provided legal assistance, either through the public defender or private counsel appointed by the court, upon conclusion of the criminal proceedings in the trial court or upon the withdrawal of the public defender or appointed private counsel, the court may, after notice and a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost thereof. The court may, in its discretion, hold one such additional hearing within six months of the conclusion of the criminal proceedings. The court may, in its discretion, order the defendant to appear before a county officer designated by the court to make an inquiry into the ability of the defendant to pay all or a portion of the legal assistance provided.

(c) (1) If the defendant hires counsel replacing a publicly provided attorney; in which the public defender or appointed counsel was required by the court to proceed with the case after a determination by the public defender that the defendant is not indigent; or, in which the defendant, at the conclusion of the case, appears to have sufficient assets to repay, without undue hardship, all or a portion of the cost of the legal assistance provided to him or her, by monthly installments or otherwise; the court shall make a determination of the defendant's ability to pay as provided in subdivision (b), and may, in its discretion, make other orders as provided in that subdivision.

(2) This subdivision applies to a county only upon the adoption of a resolution by the board of supervisors to that effect.

(d) If the defendant, after having been ordered to appear before a county officer, has been given proper notice and fails to appear before a county officer within 20

working days, the county officer shall recommend to the court that the full cost of the legal assistance be ordered to be paid by the defendant. The notice to the defendant shall contain all of the following:

(1) A statement of the cost of the legal assistance provided to the defendant as determined by the court.

(2) The defendant's procedural rights under this section.

(3) The time limit within which the defendant's response is required.

(4) A warning that if the defendant fails to appear before the designated officer, the officer will recommend that the court order the defendant to pay the full cost of the legal assistance provided to him or her.

(e) (1) At a hearing, the defendant shall be entitled to, but shall not be limited to, all of the following rights:

(A) The right to be heard in person.

(B) The right to present witnesses and other documentary evidence.

(C) The right to confront and cross-examine adverse witnesses.

(D) The right to have the evidence against him or her disclosed to him or her.

(E) The right to a written statement of the findings of the court.

(2) If the court determines that the defendant has the present ability to pay all or a part of the cost, the court shall set the amount to be reimbursed and order the defendant to pay the sum to the county in the manner in which the court believes reasonable and compatible with the defendant's financial ability. Failure of a defendant who is not in custody to appear after due notice is a sufficient basis for an order directing the defendant to pay the full cost of the legal assistance determined by the court. The order to pay all or a part of the costs may be enforced in the manner provided for enforcement of money judgments generally but may not be enforced by contempt.

(3) An order entered under this subdivision is subject to relief under Section 473 of the Code of Civil Procedure.

(f) Prior to the furnishing of counsel or legal assistance by the court, the court shall give notice to the defendant that the court may, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of counsel. The court shall also give notice that, if the court determines that the defendant has the present ability, the court shall order him or her to pay all or a part of the cost. The notice shall inform the defendant that the order shall have the same force and effect as a judgment in a civil action and shall be subject to enforcement against the property of the defendant in the same manner as any other money judgment.

(g) As used in this section:

(1) "Legal assistance" means legal counsel and supportive services including, but not limited to, medical and psychiatric examinations, investigative services, expert testimony, or any other form of services provided to assist the defendant in the preparation and presentation of his or her case.

(2) "Ability to pay" means the overall capability of the defendant to reimburse the costs, or a portion of the costs, of the legal assistance provided to him or her, and shall include, but not be limited to, all of the following:

(A) The defendant's present financial position.

(B) The defendant's reasonably discernible future financial position. In no event shall the court consider a period of more than six months from the date of the hearing for purposes of determining the defendant's reasonably discernible future financial position. Unless the court finds unusual circumstances, a defendant sentenced to state prison, or to county jail for a period longer than 364 days, including, but not limited to, a sentence imposed pursuant to subdivision (h) of Section 1170, shall be determined not to have a reasonably discernible future financial ability to reimburse the costs of his or her defense.

(C) The likelihood that the defendant shall be able to obtain employment within a six-month period from the date of the hearing.

(D) Any other factor or factors that may bear upon the defendant's financial capability to reimburse the county for the costs of the legal assistance provided to the defendant.

(h) At any time during the pendency of the judgment rendered according to the terms of this section, a defendant against whom a judgment has been rendered may petition the rendering court to modify or vacate its previous judgment on the grounds of a change in circumstances with regard to the defendant's ability to pay the judgment. The court shall advise the defendant of this right at the time it renders the judgment.

(i) This section shall apply to all proceedings, including contempt proceedings, in which the party is represented by a public defender or appointed counsel and is convicted of a felony or a misdemeanor.

(Amended by Stats. 2017, Ch. 62, Sec. 1. (SB 355) Effective January 1, 2018.)



State of California

GOVERNMENT CODE

Section 27755

27755. (a) At any hearing required by law to determine a person's ability to pay court-related costs, such person shall have the right to be heard in person and to be represented by counsel, to present witnesses and other evidence, to confront and cross-examine adverse witnesses, to have the evidence against him or her disclosed to him or her, and to have a written statement of the findings of the court. A defendant represented by counsel appointed by the court in the criminal proceedings shall be entitled to such representation at any hearing held pursuant to this section. If the court determines that such person has the ability to pay all or a part of the costs, the court may set the amount to be reimbursed and order him or her to pay that sum to the county in the manner in which the court believes reasonable and compatible with his or her financial ability.

Failure of any such person who is not in custody to appear after proper notice for his or her financial evaluation before a county financial evaluation officer, or for this hearing, is a sufficient basis for an order directing the person to pay the full cost of his or her court-related costs as determined by the court. Proper notice to the person shall contain all of the following:

- (1) That he or she has a right to a statement of such cost as soon as it is available.
- (2) The person's procedural rights under this section.
- (3) The time limit within which the person's appearance is required.
- (4) A warning that if the person fails to appear before the county financial evaluation officer, the county financial evaluation officer will recommend that the court order the person to pay such cost in full.

The order to pay all or a part of such costs may be enforced in the manner provided for enforcement of money judgments generally, including any balance remaining unpaid at the end of the person's probationary period, but may not be enforced by contempt unless otherwise provided for by law.

Any order entered under this subdivision is subject to relief under the provisions of Section 473 of the Code of Civil Procedure.

(b) As used in this section:

(1) "Legal assistance" means legal counsel and supportive services including, but not limited to, medical and psychiatric examinations, investigative services, expert testimony and any other form of services provided to assist the person in the preparation and presentation of the person's case.

(2) "Ability to pay" means the overall capability of the person to reimburse the costs, or a portion of the costs involved and shall include, but not be limited to, all of the following:

(A) The person's present financial position.

(B) The person's reasonably discernible future financial position. In no event shall the court consider a period of more than six months from the date of the hearing or evaluation, whichever is applicable, for purposes of determining the person's reasonably discernible future financial position. Unless the court finds unusual circumstances, a defendant sentenced to state prison shall be determined not to have a reasonably discernible future financial ability to reimburse the costs involved, and need not be referred to the county financial evaluation officer for a financial evaluation.

(C) The likelihood that the person shall be able to obtain employment within a six-month period from the date of the hearing or evaluation, whichever is applicable.

(D) Any other factor or factors which may bear upon the person's financial capability to reimburse the county for the costs involved.

(c) If the court determines that the person has the ability to pay all or a part of the cost, the court shall set the amount to be reimbursed and order the person to pay the sum to the county in a manner in which the court believes reasonable and compatible with the person's financial ability. Failure of a person who is not in custody to appear at the evaluation or the hearing after due notice is sufficient grounds for an order directing the person to pay the amount of such costs as determined by the court. The order to pay all or a part of the costs may be enforced in the manner provided for enforcement of money judgments generally, but may not be enforced by contempt.

An order entered pursuant to this subdivision is subject to relief under Section 473 of the Code of Civil Procedure.

(d) At any time during the pendency of the judgment rendered according to the terms of this section, a person against whom a judgment has been rendered may petition the rendering court to modify or vacate said judgment on the grounds of a change in circumstances with regard to the person's ability to pay the judgment. The court shall advise the person of this right at the time it renders the judgment.

(Added by Stats. 1985, Ch. 1485, Sec. 2.)

Attachment H

Office of Recovery and Reimbursement's Proposed Fee Schedule For 2018

2018 Percentage Poverty Tool- Annual Income Limits						
Household/Family Size	Federal Poverty Levels					
	0%-100%	125%	150%	175%	200%	≤ 201%
1	\$0 - \$12,140	\$12,141 - \$15,175	\$15,176 - \$18,210	\$18,211 - \$21,245	\$21,246 - \$24,280	≤ \$24,281
2	\$0 - \$16,460	\$16,461 - \$20,575	\$20,576 - \$24,690	\$24,691 - \$28,805	\$28,806 - \$32,920	≤ \$32,921
3	\$0 - \$20,780	\$20,781 - \$25,975	\$25,976 - \$31,170	\$31,171 - \$36,365	\$36,366 - \$41,560	≤ \$41,561
4	\$0 - \$25,100	\$25,101 - \$31,375	\$30,376 - \$37,650	\$37,651 - \$43,925	\$43,926 - \$50,200	≤ \$50,201
5	\$0 - \$29,420	\$29,421 - \$36,775	\$36,776 - \$44,130	\$44,131 - \$51,485	\$51,486 - \$58,840	≤ \$58,841
6	\$0 - 33,740	\$33,741 - \$42,175	\$42,176 - \$50,610	\$50,611 - \$59,045	\$59,046 - \$67,480	≤ \$67,481
7	\$0 - \$38,060	\$38,061 - \$47,575	\$47,576 - \$57,090	\$57,091 - \$66,605	\$66,606 - \$76,120	≤ \$76,121
8	\$0 - \$42,380	\$42,380 - \$52,975	\$52,976 - \$63,570	\$63,571 - \$74,165	\$74,166 - \$84,760	≤ \$84,761
Ability to pay percentage	0%-Pay Nominal fee of \$10.00 or Waive	20%	40%	60%	80%	100%

**Poverty Guidelines published in late January at <https://aspe.hhs.gov/poverty-guidelines>