

AMENDED IN SENATE JUNE 15, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

AMENDED IN ASSEMBLY MARCH 11, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 131

Introduced by Assembly Member Evans

January 20, 2009

An act to amend Section 68085.1 of the Government Code, and to amend Sections ~~317, 903.1, and 903.45~~ of *903.1 and 903.45 of, and to add Section 903.47 to*, the Welfare and Institutions Code, relating to juvenile court costs.

LEGISLATIVE COUNSEL'S DIGEST

AB 131, as amended, Evans. Juvenile proceedings: costs.

Existing law provides for the appointment of counsel to represent a parent or guardian of a child, or the child, in juvenile court proceedings if the parent or guardian is unable to afford counsel. Existing law also provides that the father, mother, spouse, or other person liable for the support of the minor shall be liable to the county for those costs, except as specified, and, more generally, for specified other costs, including the reasonable costs of support of the minor while the minor is placed, detained in, or committed to, any institution pursuant to an order of the juvenile court or pursuant to the authority of a peace officer to take a minor into temporary custody.

Existing law authorizes the board of supervisors to designate a county financial evaluation officer to make financial evaluations of liability for reimbursement of the costs described above, as specified, and

authorizes that officer to petition the court for an order requiring the person who is determined to be financially responsible to pay the costs.

This bill would expand the provisions described above to specifically provide that the persons who are liable for the support of the minor shall also be liable for the cost to the county or the court for the cost of legal services rendered to the minor, except under specified circumstances. ~~The bill would additionally authorize the court to designate a financial evaluation officer who would have the same authority described above.~~

The bill would require the Judicial Council to establish a cost recovery program, including a specified statewide standard for determining the ability to pay, to collect reimbursements for *the costs of* counsel appointed by the court to represent parents or minors, as specified. *The bill would also authorize the court, with the consent of the county and pursuant to the terms and conditions agreed upon by the court and the county to designate a financial evaluation officer to make financial evaluations of liability for reimbursement pursuant to the provision governing liability for the cost to the county or the court of legal services rendered to the minor.* The bill would also make related and technical changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68085.1 of the Government Code is
2 amended to read:
3 68085.1. (a) This section applies to all fees and fines that are
4 collected on or after January 1, 2006, under all of the following:
5 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
6 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
7 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
8 Section 411.21 of, and Chapter 5.5 (commencing with Section
9 116.110) of Title 1 of Part 1 of, the Code of Civil Procedure.
10 (2) Section 3112 of the Family Code.
11 (3) Section 31622 of the Food and Agricultural Code.
12 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
13 ~~68086.1, Article 6 (commencing with Section 68630) of Chapter~~
14 ~~2 68086.1, paragraph (3) of subdivision (a) of Section 68638,~~

1 Sections 68926.1 and 69953.5, and Chapter 5.8 (commencing with
2 Section 70600) *of this code*.

3 (5) Section 103470 of the Health and Safety Code.

4 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1
5 of the Penal Code.

6 (7) Sections 1835, 1851.5, 7660, and 13201 of the Probate Code.

7 (8) Sections 14607.6 and 16373 of the Vehicle Code.

8 (9) Section 71386 of this code, Sections 304, 7851.5, and 9002
9 of the Family Code, Section 1513.1 of the Probate Code, and
10 Section 903.1 of the Welfare and Institutions Code, if the
11 reimbursement is for expenses incurred by the court.

12 (10) Section 3153 of the Family Code, if the amount is paid to
13 the court for the cost of counsel appointed by the court to represent
14 a child.

15 (b) On and after January 1, 2006, each superior court shall
16 deposit all fees and fines listed in subdivision (a), as soon as
17 practicable after collection and on a regular basis, into a bank
18 account established for this purpose by the Administrative Office
19 of the Courts. Upon direction of the Administrative Office of the
20 Courts, the county shall deposit civil assessments under Section
21 1214.1 of the Penal Code and any other money it collects under
22 the sections listed in subdivision (a) as soon as practicable after
23 collection and on a regular basis into the bank account established
24 for this purpose and specified by the Administrative Office of the
25 Courts. The deposits shall be made as required by rules adopted
26 by, and financial policies and procedures authorized by, the Judicial
27 Council under subdivision (a) of Section 77206. Within 15 days
28 after the end of the month in which the fees and fines are collected,
29 each court, and each county that collects any fines or fees under
30 subdivision (a), shall provide the Administrative Office of the
31 Courts with a report of the fees by category as specified by the
32 Administrative Office of the Courts. The Administrative Office
33 of the Courts and any court may agree upon a time period greater
34 than 15 days, but in no case more than 30 days after the end of the
35 month in which the fees and fines are collected. The fees and fines
36 listed in subdivision (a) shall be distributed as provided in this
37 section.

38 (c) (1) Within 45 calendar days after the end of the month in
39 which the fees and fines listed in subdivision (a) are collected, the

1 Administrative Office of the Courts shall make the following
2 distributions:

3 (A) To the small claims advisory services, as described in
4 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

5 (B) To dispute resolution programs, as described in subdivision
6 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

7 (C) To the county law library funds, as described in Sections
8 116.230 and 116.760 of the Code of Civil Procedure, subdivision
9 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
10 Section 70621 of this code, and Section 14607.6 of the Vehicle
11 Code.

12 (D) To the courthouse construction funds in the Counties of
13 Riverside, San Bernardino, and San Francisco, as described in
14 Sections 70622, 70624, and 70625.

15 (2) If any distribution under this subdivision is delinquent, the
16 Administrative Office of the Courts shall add a penalty to the
17 distribution as specified in subdivision (i).

18 (d) Within 45 calendar days after the end of the month in which
19 the fees and fines listed in subdivision (a) are collected, the
20 amounts remaining after the distributions in subdivision (c) shall
21 be transmitted to the State Treasury for deposit in the Trial Court
22 Trust Fund and other funds as required by law. This remittance
23 shall be accompanied by a remittance advice identifying the
24 collection month and the appropriate account in the Trial Court
25 Trust Fund or other fund to which it is to be deposited. Upon the
26 receipt of any delinquent payment required under this subdivision,
27 the Controller shall calculate a penalty as provided under
28 subdivision (i).

29 (e) From the money transmitted to the State Treasury under
30 subdivision (d), the Controller shall make deposits as follows:

31 (1) Into the State Court Facilities Construction Fund, the Judges'
32 Retirement Fund, and the Equal Access Fund, as described in
33 subdivision (c) of Section 68085.3 and subdivision (c) of Section
34 68085.4.

35 (2) Into the Health Statistics Special Fund, as described in
36 subdivision (b) of Section 70670 of this code and Section 103730
37 of the Health and Safety Code.

38 (3) Into the Family Law Trust Fund, as described in Section
39 70674.

1 (4) Into the Immediate and Critical Needs Account of the State
2 Court Facilities Construction Fund, established in Section 70371.5,
3 as described in Sections 68085.3, 68085.4, and 70657.5, and
4 subdivision (e) of Section 70617.

5 (5) The remainder of the money shall be deposited into the Trial
6 Court Trust Fund.

7 (f) The amounts collected by each superior court under Section
8 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
9 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
10 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
11 ~~Section 6103.5, Article 6 (commencing with Section 68630) of~~
12 ~~Chapter 2 Section 6103.5, paragraph (3) of subdivision (a) of~~
13 ~~Section 68638, and Sections 68926.1, 69953.5, 70627, 70631,~~
14 ~~70640, 70661, 70678, and 71386 of this code, and Sections 1513.1,~~
15 ~~1835, and 1851.5 of the Probate Code shall be added to the monthly~~
16 ~~apportionment for that court under subdivision (a) of Section~~
17 ~~68085.~~

18 (g) If any of the fees provided in subdivision (a) are partially
19 waived by court order or otherwise reduced, and the fee is to be
20 divided between the Trial Court Trust Fund and any other fund or
21 account, the amount of the reduction shall be deducted from the
22 amount to be distributed to each fund in the same proportion as
23 the amount of each distribution bears to the total amount of the
24 fee. If the fee is paid by installment payments, the amount
25 distributed to each fund or account from each installment shall
26 bear the same proportion to the installment payment as the full
27 distribution to that fund or account does to the full fee. If a court
28 collects a fee that was incurred before January 1, 2006, under a
29 provision that was the predecessor to one of the paragraphs
30 contained in subdivision (a), the fee may be deposited as if it were
31 collected under the paragraph of subdivision (a) that corresponds
32 to the predecessor of that paragraph and distributed in prorated
33 amounts to each fund or account to which the fee in subdivision
34 (a) must be distributed.

35 (h) Except as provided in Sections 470.5 and 6322.1 of the
36 Business and Professions Code, and Sections 70622, 70624, and
37 70625 of this code, no agency may take action to change the
38 amounts allocated to any of the funds described in subdivision (c),
39 (d), or (e).

(i) The amount of the penalty on any delinquent payment under subdivision (c) or (d) shall be calculated by multiplying the amount of the delinquent payment at a daily rate equivalent to 1 ½ percent per month for the number of days the payment is delinquent. The penalty shall be paid from the Trial Court Trust Fund. Penalties on delinquent payments under subdivision (d) shall be calculated only on the amounts to be distributed to the Trial Court Trust Fund and the State Court Facilities Construction Fund, and each penalty shall be distributed proportionately to the funds to which the delinquent payment was to be distributed.

(j) If a delinquent payment under subdivision (c) or (d) results from a delinquency by a superior court under subdivision (b), the court shall reimburse the Trial Court Trust Fund for the amount of the penalty. Notwithstanding Section 77009, any penalty on a delinquent payment that a court is required to reimburse pursuant to this section shall be paid from the court operations fund for that court. The penalty shall be paid by the court to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated. If the penalty is not paid within the specified time, the Administrative Office of the Courts may reduce the amount of a subsequent monthly allocation to the court by the amount of the penalty on the delinquent payment.

(k) If a delinquent payment under subdivision (c) or (d) results from a delinquency by a county in transmitting fees and fines listed in subdivision (a) to the bank account established for this purpose, as described in subdivision (b), the county shall reimburse the Trial Court Trust Fund for the amount of the penalty. The penalty shall be paid by the county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

~~SEC. 2. Section 317 of the Welfare and Institutions Code is amended to read:~~

~~317. (a) (1) When it appears to the court that a parent or guardian of the child desires counsel but is presently financially unable to afford and cannot for that reason employ counsel, the court may appoint counsel as provided in this section.~~

~~(2) When it appears to the court that a parent or Indian custodian in an Indian child custody proceeding desires counsel but is presently unable to afford and cannot for that reason employ counsel, the provisions of subsection (b) of Section 1912 of the~~

1 Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.) and Section
2 23.13 of Title 25 of the Code of Federal Regulations are applicable.

3 (b) ~~When it appears to the court that a parent or guardian of the~~
4 ~~child is presently financially unable to afford and cannot for that~~
5 ~~reason employ counsel, and the child has been placed in~~
6 ~~out-of-home care, or the petitioning agency is recommending that~~
7 ~~the child be placed in out-of-home care, the court shall appoint~~
8 ~~counsel for the parent or guardian, unless the court finds that the~~
9 ~~parent or guardian has made a knowing and intelligent waiver of~~
10 ~~counsel as provided in this section.~~

11 (c) ~~If a child is not represented by counsel, the court shall~~
12 ~~appoint counsel for the child unless the court finds that the child~~
13 ~~would not benefit from the appointment of counsel. The court shall~~
14 ~~state on the record its reasons for that finding. A primary~~
15 ~~responsibility of any counsel appointed to represent a child~~
16 ~~pursuant to this section shall be to advocate for the protection,~~
17 ~~safety, and physical and emotional well-being of the child. Counsel~~
18 ~~for the child may be a district attorney, public defender, or other~~
19 ~~member of the bar, provided that the counsel does not represent~~
20 ~~another party or county agency whose interests conflict with the~~
21 ~~child's interests. The fact that the district attorney represents the~~
22 ~~child in a proceeding pursuant to Section 300 as well as conducts~~
23 ~~a criminal investigation or files a criminal complaint or information~~
24 ~~arising from the same or reasonably related set of facts as the~~
25 ~~proceeding pursuant to Section 300 is not in and of itself a conflict~~
26 ~~of interest. The court may fix the compensation for the services~~
27 ~~of appointed counsel. The appointed counsel shall have a caseload~~
28 ~~and training that ensures adequate representation of the child. The~~
29 ~~Judicial Council shall promulgate rules of court that establish~~
30 ~~caseload standards, training requirements, and guidelines for~~
31 ~~appointed counsel for children and shall adopt rules as required~~
32 ~~by Section 326.5 no later than July 1, 2001.~~

33 (d) ~~The counsel appointed by the court shall represent the parent,~~
34 ~~guardian, or child at the detention hearing and at all subsequent~~
35 ~~proceedings before the juvenile court. Counsel shall continue to~~
36 ~~represent the parent, guardian, or child unless relieved by the court~~
37 ~~upon the substitution of other counsel or for cause. The~~
38 ~~representation shall include representing the parent, guardian, or~~
39 ~~the child in termination proceedings and in those proceedings~~
40 ~~relating to the institution or setting aside of a legal guardianship.~~

~~(e) The counsel for the child shall be charged in general with the representation of the child's interests. To that end, the counsel shall make or cause to have made any further investigations that he or she deems in good faith to be reasonably necessary to ascertain the facts, including the interviewing of witnesses, and he or she shall examine and cross-examine witnesses in both the adjudicatory and dispositional hearings. He or she may also introduce and examine his or her own witnesses, make recommendations to the court concerning the child's welfare, and participate further in the proceedings to the degree necessary to adequately represent the child. In any case in which the child is four years of age or older, counsel shall interview the child to determine the child's wishes and to assess the child's well-being, and shall advise the court of the child's wishes. Counsel for the child shall not advocate for the return of the child if, to the best of his or her knowledge, that return conflicts with the protection and safety of the child. In addition, counsel shall investigate the interests of the child beyond the scope of the juvenile proceeding and report to the court other interests of the child that may need to be protected by the institution of other administrative or judicial proceedings. The attorney representing a child in a dependency proceeding is not required to assume the responsibilities of a social worker and is not expected to provide nonlegal services to the child. The court shall take whatever appropriate action is necessary to fully protect the interests of the child.~~

~~(f) Either the child or the counsel for the child, with the informed consent of the child if the child is found by the court to be of sufficient age and maturity to so consent, which shall be presumed, subject to rebuttal by clear and convincing evidence, if the child is over 12 years of age, may invoke the psychotherapist-client privilege, physician-patient privilege, and clergyman-penitent privilege; and if the child invokes the privilege, counsel may not waive it, but if counsel invokes the privilege, the child may waive it. Counsel shall be holder of these privileges if the child is found by the court not to be of sufficient age and maturity to so consent. For the sole purpose of fulfilling his or her obligation to provide legal representation of the child, counsel for a child shall have access to all records with regard to the child maintained by a health care facility, as defined in Section 1545 of the Penal Code, health care providers, as defined in Section 6146 of the Business and~~

1 ~~Professions Code, a physician and surgeon or other health~~
2 ~~practitioner, as defined in former Section 11165.8 of the Penal~~
3 ~~Code, as that section read on January 1, 2000, or a child care~~
4 ~~custodian, as defined in former Section 11165.7 of the Penal Code,~~
5 ~~as that section read on January 1, 2000. Notwithstanding any other~~
6 ~~law, counsel shall be given access to all records relevant to the~~
7 ~~case which are maintained by state or local public agencies. All~~
8 ~~information requested from a child protective agency regarding a~~
9 ~~child who is in protective custody, or from a child's guardian ad~~
10 ~~litem, shall be provided to the child's counsel within 30 days of~~
11 ~~the request.~~

12 ~~(g) In a county of the third class, if counsel is to be provided to~~
13 ~~a child at county expense other than by counsel for the agency,~~
14 ~~the court shall first utilize the services of the public defender prior~~
15 ~~to appointing private counsel, to provide legal counsel. Nothing~~
16 ~~in this subdivision shall be construed to require the appointment~~
17 ~~of the public defender in any case in which the public defender~~
18 ~~has a conflict of interest. In the interest of justice, a court may~~
19 ~~depart from that portion of the procedure requiring appointment~~
20 ~~of the public defender after making a finding of good cause and~~
21 ~~stating the reasons therefor on the record.~~

22 ~~(h) In a county of the third class, if counsel is to be appointed~~
23 ~~for a parent or guardian at county expense, the court shall first~~
24 ~~utilize the services of the alternate public defender, prior to~~
25 ~~appointing private counsel, to provide legal counsel. Nothing in~~
26 ~~this subdivision shall be construed to require the appointment of~~
27 ~~the alternate public defender in any case in which the public~~
28 ~~defender has a conflict of interest. In the interest of justice, a court~~
29 ~~may depart from that portion of the procedure requiring~~
30 ~~appointment of the alternate public defender after making a finding~~
31 ~~of good cause and stating the reasons therefor on the record.~~

32 ~~(i) The Judicial Council shall establish a cost recovery program~~
33 ~~to collect reimbursements for counsel appointed by the court~~
34 ~~pursuant to this section to represent parents or minors as authorized~~
35 ~~by Section 903.1. As part of the cost recovery program, the Judicial~~
36 ~~Council shall develop a statewide standard for determining the~~
37 ~~ability to pay reimbursements for counsel, which shall at a~~
38 ~~minimum include the family's income, their necessary obligations,~~
39 ~~the number of individuals dependent on this income, and the~~
40 ~~cost-effectiveness of the collection. All funds recovered by this~~

1 ~~program shall be utilized to reduce caseloads, for attorneys~~
2 ~~appointed by the court, to the caseload standard approved by the~~
3 ~~Judicial Council. Priority shall be given to those courts with the~~
4 ~~highest attorney caseloads that also demonstrate the ability to~~
5 ~~immediately improve outcomes for parents and children as a result~~
6 ~~of lower attorney caseloads.~~

7 ~~SEC. 3.~~

8 *SEC. 2.* Section 903.1 of the Welfare and Institutions Code is
9 amended to read:

10 903.1. (a) The father, mother, spouse, or other person liable
11 for the support of a minor, the estate of that person, and the estate
12 of the minor, shall be liable for the cost to the county or the court,
13 whichever entity incurred the expenses, of legal services rendered
14 to the minor by an attorney pursuant to an order of the juvenile
15 court. The father, mother, spouse, or other person liable for the
16 support of a minor and the estate of that person shall also be liable
17 for any cost to the county or the court of legal services rendered
18 directly to the father, mother, or spouse, of the minor or any other
19 person liable for the support of the minor, in a dependency
20 proceeding by an attorney appointed pursuant to an order of the
21 juvenile court. The liability of those persons (in this article called
22 relatives) and estates shall be a joint and several liability.

23 (b) Notwithstanding subdivision (a), the father, mother, spouse,
24 or other person liable for the support of the minor, the estate of
25 that person, or the estate of the minor, shall not be liable for the
26 costs of any of the legal services provided to any person described
27 in this section if a petition to declare the minor a dependent child
28 of the court pursuant to Section 300 is dismissed at or before the
29 jurisdictional hearing.

30 ~~SEC. 4.~~

31 *SEC. 3.* Section 903.45 of the Welfare and Institutions Code
32 is amended to read:

33 903.45. (a) The board of supervisors ~~or the court~~ may designate
34 a *county* financial evaluation officer pursuant to Section 27750 of
35 the Government Code to make financial evaluations of liability
36 for reimbursement pursuant to Sections 207.2, 903, 903.1, 903.2,
37 903.25, 903.3, and 903.5, and other reimbursable costs allowed
38 by law, as set forth in this section.

39 (b) In any county where a board of supervisors ~~or the court~~ has
40 designated a *county* financial evaluation officer, the juvenile court

1 shall, at the close of the disposition hearing, order any person liable
2 for the cost of support, pursuant to Section 903, the cost of legal
3 services as provided for in Section 903.1, probation costs as
4 provided for in Section 903.2, or any other reimbursable costs
5 allowed under this code, to appear before the *county* financial
6 evaluation officer for a financial evaluation of his or her ability to
7 pay those costs; and if the responsible person is not present at the
8 disposition hearing, the court shall cite him or her to appear for
9 such a financial evaluation. In the case of a parent, guardian, or
10 other person assessed for the costs of transport, food, shelter, or
11 care of a minor under Section 207.2 or 903.25, the juvenile court
12 shall, upon request of the county probation department, order the
13 appearance of the parent, guardian, or other person before the
14 *county* financial evaluation officer for a financial evaluation of his
15 or her ability to pay the costs assessed.

16 If the *county* financial evaluation officer determines that a person
17 so responsible has the ability to pay all or part of the costs, the
18 *county* financial evaluation officer shall petition the court for an
19 order requiring the person to pay that sum to the county or court,
20 *depending on which entity incurred the expense*. If the parent or
21 guardian is liable for costs for legal services pursuant to Section
22 903.1, the parent or guardian has been reunified with the child
23 pursuant to a court order, and the ~~court or financial~~ *county financial*
24 *evaluation* officer determines that repayment of the costs would
25 harm the ability of the parent or guardian to support the child, then
26 ~~the financial~~ *county financial evaluation* officer shall not petition
27 the court for an order of repayment, and the court shall not make
28 that order. In addition, if the parent or guardian is currently
29 receiving reunification services, and the court finds that repayment
30 by the parent or guardian will pose a barrier to reunification with
31 the child because it will limit the ability of the parent or guardian
32 to comply with the requirements of the reunification plan or
33 compromise the parent's or guardian's current or future ability to
34 meet the financial needs of the child, the court shall not order
35 repayment by the parent or guardian. In evaluating a person's
36 ability to pay under this section, the *county* financial evaluation
37 officer and the court shall take into consideration the family's
38 income, the necessary obligations of the family, and the number
39 of persons dependent upon this income. Any person appearing for
40 a financial evaluation shall have the right to dispute the financial

1 evaluation officer's determination, in which case he or she shall
2 be entitled to a hearing before the juvenile court. The *county*
3 financial evaluation officer at the time of the financial evaluation
4 shall advise such a person of his or her right to a hearing and of
5 his or her rights pursuant to subdivision (c).

6 At the hearing, any person so responsible for costs shall be
7 entitled to have, but shall not be limited to, the opportunity to be
8 heard in person, to present witnesses and other documentary
9 evidence, to confront and cross-examine adverse witnesses, to
10 disclosure of the evidence against him or her, and to receive a
11 written statement of the findings of the court. The person shall
12 have the right to be represented by counsel, and, when the person
13 is unable to afford counsel, the right to appointed counsel. If the
14 court determines that the person has the ability to pay all or part
15 of the costs, including the costs of any counsel appointed to
16 represent the person at the hearing, the court shall set the amount
17 to be reimbursed and order him or her to pay that sum to the county
18 *or court, depending on which entity incurred the expense*, in a
19 manner in which the court believes reasonable and compatible
20 with the person's financial ability.

21 If the person or persons, after having been ordered to appear
22 before the *county* financial evaluation officer, have been given
23 proper notice and fail to appear as ordered, the *county* financial
24 evaluation officer shall recommend to the court that he, she, or
25 they be ordered to pay the full amount of the costs. Proper notice
26 to him, her, or them shall contain all of the following:

27 (1) That he, she, or they have a right to a statement of the costs
28 as soon as it is available.

29 (2) His, her, or their procedural rights under Section 27755 of
30 the Government Code.

31 (3) The time limit within which his, her, or their appearance is
32 required.

33 (4) A warning that if he, she, or they fail to appear before the
34 *county* financial evaluation officer, the officer will recommend
35 that the court order him, her, or them to pay the costs in full.

36 If the *county* financial evaluation officer determines that the
37 person or persons have the ability to pay all or a portion of these
38 costs, with or without terms, and he, she, or they concur in this
39 determination and agree to the terms of payments, the *county*
40 financial evaluation officer, upon his or her written evaluation and

1 the person's or persons' written agreement, shall petition the court
2 for an order requiring him, her, or them to pay that sum to the
3 county or the court in a manner which is reasonable and compatible
4 with his, her, or their financial ability. This order may be granted
5 without further notice to the person or persons, provided a copy
6 of the order is served on him, her, or them by mail.

7 However, if the *county* financial evaluation officer cannot reach
8 an agreement with the person or persons with respect to either the
9 liability for the costs, the amount of the costs, his, her, or their
10 ability to pay the same, or the terms of payment, the matter shall
11 be deemed in dispute and referred by the *county* financial
12 evaluation officer back to the court for a hearing.

13 (c) At any time prior to the satisfaction of a judgment entered
14 pursuant to this section, a person against whom the judgment was
15 entered may petition the rendering court to modify or vacate the
16 judgment on the basis of a change in circumstances relating to his
17 or her ability to pay the judgment.

18 (d) Execution may be issued on the order in the same manner
19 as on a judgment in a civil action, including any balance remaining
20 unpaid at the termination of the court's jurisdiction over the minor.

21 *SEC. 4. Section 903.47 is added to the Welfare and Institutions*
22 *Code, to read:*

23 *903.47. (a) The Judicial Council shall establish a program to*
24 *collect reimbursements from the person liable for the costs of*
25 *counsel appointed to represent parents or minors pursuant to*
26 *Section 903.1.*

27 *(1) As part of the program, the Judicial Council shall:*

28 *(A) Adopt a statewide standard for determining the ability to*
29 *pay reimbursements for counsel, which shall at a minimum include*
30 *the family's income, their necessary obligations, the number of*
31 *individuals dependent on this income, and the cost effectiveness*
32 *of the program.*

33 *(B) Adopt policies and procedures allowing a court to recover*
34 *from the money collected the costs associated with collecting*
35 *delinquent reimbursements. The policies and procedures shall at*
36 *a minimum limit the amount of money a court may recover to a*
37 *reasonable proportion of the delinquent reimbursements collected*
38 *and provide the terms and conditions under which a court may*
39 *use a third-party to collect delinquent reimbursements.*

1 (2) *The money collected shall be deposited as required by*
2 *Section 68085.1 of the Government Code. Except as otherwise*
3 *authorized by law the money collected under this program shall*
4 *be utilized to reduce caseloads, for attorneys appointed by the*
5 *court, to the caseload standard approved by the Judicial Council.*
6 *Priority shall be given to those courts with the highest attorney*
7 *caseloads that also demonstrate the ability to immediately improve*
8 *outcomes for parents and children as a result of lower attorney*
9 *caseloads.*

10 (b) *With the consent of the county and pursuant to the terms*
11 *and conditions agreed upon by the court and county, the court*
12 *may designate a financial evaluation officer to make financial*
13 *evaluations of liability for reimbursement pursuant to Section*
14 *903.1. In processing reimbursement of payments pursuant to*
15 *Section 903.1, the court and financial evaluation officer shall*
16 *follow the procedures set forth for county financial evaluation*
17 *officers in subdivisions (b), (c), and (d) of Section 903.45.*