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12 Attorneys for Petitioners/Plaintiffs

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

16  
17 SHIRLEY FREEMAN; DANIEL FREEMAN;  
and TIFFINE HANSBROUGH; on behalf of  
18 themselves and all others similarly situated,

19 Petitioners/Plaintiffs,  
20 vs.

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

23 Respondents/Defendants.  
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Case No. RIC2001772

*Assigned to the Honorable Craig G. Riemer*

**DECLARATION OF LINDSEY E. SMITH  
(JUVENILE LAW CENTER) IN SUPPORT  
OF PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND ATTORNEYS' FEES**

Date: May 18, 2023  
Time: 8:30 a.m.  
Dept: 01

Complaint filed: June 1, 2020



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4. Since joining Juvenile Law Center in 2020, I have worked almost exclusively on legislation and litigation related to financial obligations imposed on youth and families in the juvenile and other legal systems. In that capacity, I have drafted legislation, worked closely with impacted communities and developmental science experts, testified before state legislatures, developed and taught continuing legal education (CLE) courses, submitted briefs, provided technical assistance to other attorneys, and served as lead author of a recent report on juvenile court restitution, which included extensive research on the harmful impact of financial obligations on youth and families. I and my colleagues have provided expert guidance on this topic for the Department of Justice, the Council of State Governments, the National Center for State Courts, and the American Bar Association, among other entities.

5. Collecting costs of support and/or detention fees harms children and families.<sup>1</sup> Research shows that imposing financial obligations on youth in the juvenile legal system destabilizes families.<sup>2</sup> While a child is detained, the family must still pay rent, bills, and other costs to maintain stable housing for when that child returns home. Ordering the family to pay detention fees makes it hard for them to meet these obligations. Other children in the home may suffer as well, forgoing school uniforms, extracurricular activities, even food so that parents may pay fees for the detained child.

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<sup>1</sup> Jessica Feerman et al., Juv. L. Ctr., *Debtors' Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System* 6-8 (2016), <http://debtorsprison.jlc.org/documents/jlc-debtors-prison.pdf>.

<sup>2</sup> Vanessa Patino Lydia et al., Dolores Barr Weaver Pol'y Ctr., *Assessing the Impact of Court Costs and Fees on Juveniles and Families* 4 (2017), <https://www.seethegirl.org/wp-content/uploads/2019/05/Assessing-Impact-Court-Costs.pdf>; Leslie Paik & Chiara Packard, *Impact of Juvenile Justice Fines and Fees on Family Life: Case Study in Dane County, WI* 13-14 (2019), <http://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>.

- 1 6. The emotional toll this takes on families has been well-documented. Families ordered to  
2 pay costs and fees have higher stress levels, more conflict with the detained child, and  
3 lower trust in the legal system.<sup>3</sup>
- 4 7. Collecting detention fees also amplifies existing racial and income inequity in the juvenile  
5 legal system. Studies consistently show that Black, Brown, and Indigenous youth face  
6 harsher treatment than white youth at every point in the justice system, translating into  
7 higher fees for them and their families.<sup>4</sup> The racial wealth gap further heightens the  
8 disparity, making the same fees more likely to be unaffordable for non-white families.<sup>5</sup>
- 9 8. In Riverside County as of 2018, Black youth were placed in institutions at a rate 8.6 times  
10 that of their white peers, and Indigenous youth were placed at a rate 4.7 times that of white  
11 youth. Latino/a/e youth were 50% more likely to be placed in an institution, while Asian  
12 American and Pacific Islander (AAPI) youth were 130% more likely.<sup>6</sup> In addition, a 2012  
13 study revealed that 60% of U.S. families with a child in the juvenile justice system have a  
14 household income of less than \$20,000, based on data from juvenile courts that track this  
15 figure.<sup>7</sup>
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20 <sup>3</sup> Anwen Parrott, *Paying Unpayable Debts: Juvenile Restitution and its Shortcomings in Hennepin County, Minnesota*, 39 Minn. J. L. & Ineq. 387, 388 (2021), [https://lawandinequality.org/wp-content/uploads/2021/05/Paying-Unpayable-Debts\\_-Juvenile-Restitution-and-Its-Shortcomings.pdf](https://lawandinequality.org/wp-content/uploads/2021/05/Paying-Unpayable-Debts_-Juvenile-Restitution-and-Its-Shortcomings.pdf); Paik & Packard, *supra* note 2, at 10-13.

21 <sup>4</sup> Alex R. Piquero, *Disproportionate Minority Contact*, 18 Future Child. 59, 62-63 (2008); Carl E. Pope, Rick Lovell & Heidi M. Hsia, U.S. Dep't of Just., Off. of Juv. Just. & Delinq. Prevention, *Disproportionate Minority Confinement: A Review of the Research Literature From 1989 Through 2001* 5 (2002), [https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/dmc89\\_01.pdf](https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/dmc89_01.pdf) (25 of 34 studies comparing race and juvenile justice outcomes across the nation reported “race effects” leading to poorer outcomes for youth of color).

22 <sup>5</sup> Cedric Herring & Loren Henderson, *Wealth Inequality in Black and White: Cultural and Structural Sources of the Racial Wealth Gap*, 8 Race & Soc. Problems 4, 6-7, 15-16 (2016); see generally Meizhu Lui et al., *The Color of Wealth: The Story Behind the U.S. Racial Wealth Divide* (2006).

23 <sup>6</sup> *State of Disparities: California*, W. Haywood Burns Institute (2019), <https://californiadata.burnsinstitute.org/explore/counts#y=2018&o=1-60&e=a,b,l,n,w&g=f,m&c=33&d=1,7,15,17&a=5-24&m=dg>.

24 <sup>7</sup> Tamar R. Birckhead, *Delinquent by Reason of Poverty*, 38 Wash. U.J.L. & Pol'y 53, 58-59 (2012).

1 9. As a result, it is extremely likely that the alleged unlawful collections at issue in this case  
2 had a disproportionately harmful impact on Black, Latino/a/e, AAPI, Indigenous, and very  
3 low-income youth, making reimbursements even more important.

4 10. Finally, collecting support fees is hardly sound fiscal policy because it is expensive to  
5 collect these fees and only minimal returns are obtained from families largely living in  
6 poverty.<sup>8</sup>

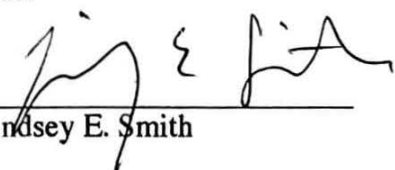
7  
8 11. At the same time, when a county profits from detention fees, it gives the appearance that  
9 that county has a motive to detain more children in order to collect more funds from  
10 families. This concern is especially salient on these factual allegations, where Plaintiffs  
11 allege that the County collected fees from indigent families and where unconstitutional  
12 procedures are alleged to have been used.

13 12. This Settlement Agreement is the first of which I am aware that would reimburse Class  
14 Members for illegally collected fees in the juvenile system.

15 13. Reimbursing families for the concrete financial harms they suffered sends the message that  
16 state actors cannot pocket the proceeds of harmful and illegal debt-collection activities.

17 The reimbursements requested in this case are an extremely important step forward for this  
18 area of law and will more effectively deter unlawful state debt collection in the future than  
19 prior settlements limited to injunctive and/or declaratory relief.  
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21 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
22 true and correct. Executed on April 18, 2023, in Houston, Texas.

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Lindsey E. Smith

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27 <sup>8</sup> See, e.g., Alex Kaplan et al., U.C. Berkeley Sch. of L. Pol’y Advoc. Clinic, *High Pain, No Gain: How Juvenile*  
28 *Administrative Fees Harm Low-Income Families in Alameda County, California* 12-14 (2016),  
[https://lawcat.berkeley.edu/record/1127714/files/High\\_Pain\\_No\\_Gain.pdf](https://lawcat.berkeley.edu/record/1127714/files/High_Pain_No_Gain.pdf).