

# Court forbids charging parents for care of kids at juvenile hall

By PAUL BEATTY

Sentinel Staff Writer

12-14-82

A state Supreme Court ruling prohibiting counties from charging parents the costs of keeping their children in juvenile halls will hit Santa Cruz County's probation system hard.

"It's \$50,000 in revenue that's important to us. It's entirely possible we'll have to lose some people and we're very concerned," Chief Probation Officer James Solomon said.

Across the state, the 4-3 court decision will cost local governments millions of dollars.

Parents in this county are charged \$30 a day for their incarcerated children who are placed in the probation center off Graham Hill Road. It's a 40-bed facility with an average population of 32.

Last year parents paid \$59,541 and this fiscal year it's expected at around \$50,000 of the department's \$792,000 budget.

Solomon said, "County counsel is waiting to receive the decision to review it, but if what I have read is correct, it will

have a significant impact. We're hard-pressed and dependent on that revenue to survive."

According to the Associated Press, the high court last week on a 4-3 decision agreed that a state law holding parents financially responsible for children in custody is unconstitutional.

The justices said the law singles out parents to bear the expense of protecting society as a whole. The high court's decision overturned several earlier ones that upheld the law.

The ruling stemmed from a case involving a Whittier man, Hiram Gutierrez, and Santa Clara County officials who demanded he pay about \$2,000 for the incarceration of his teen-age son, Jerald.

The father challenged the county but lost on a 3-0 decision out of the 1st District Court of Appeals. He appealed to the Supreme Court, which heard arguments on the case last May. It was one of the last cases by Justice Frank Richardson, who retired Sunday.

SEE BACK PAGE

## Juvenile hall decision

FROM PAGE 1

Richardson voted with the majority — Chief Justice Rose Bird and Justices Allen Broussard and Stanley Mosk — who said parents could no longer be charged "to protect the public from criminal conduct by minors."

The ruling may permit the legislature to enact a law allowing counties to charge for food, clothing and shelter, but it expressly forbids them from recovering costs of confinement, according to AP.

Justices Otto Kaus, Cruz Reynoso and Frank Newman dissented.