



County of Fresno

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Legislation Text

File #: 16-1104, **Version:** 1

DATE: September 13, 2016

TO: Board of Supervisors

SUBMITTED BY: Michael L. Elliott, Interim Chief Probation Officer

SUBJECT: Juvenile Drug Testing Fee

RECOMMENDED ACTION(S):

Approve and authorize the Probation Department to charge parents/legal guardians of juvenile probationers for drug testing in accordance with the Master Schedule of Fees and the sliding scale included in Attachment A of Agenda Item.

There is no increase to Net County Cost associated with the recommended action. The recommended action will require the parents/legal guardians of juvenile probationers to pay a fee, based on a sliding scale, each time a drug test is administered to their youth through the Probation Department. The effective date will be 30 days from the date your Board approves the action to allow the Department time to establish processes and procedures to accept payments for juvenile drug tests.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, your Board may choose to: continue not charging parents/legal guardians for drug testing fees; require that parents/legal guardians pay the full drug testing fee, currently \$12.00 each test; or, use an alternative sliding scale than the one included in the recommended action as provided in Attachment A.

FISCAL IMPACT:

There is no increase to Net County Cost associated with the recommended action. Revenues received in drug testing fees will partially offset the cost to administer the drug test and related toxicology services. It is estimated that approximately \$12,000 will be collected in revenue annually from juvenile drug testing.

DISCUSSION:

On June 21, 2016 your Board requested the Probation Department look into options to charge juvenile drug testing fees in order to hold parents/legal guardians more accountable for the actions of the juvenile probationers. Your Board also requested staff determine if Electronic Benefit Transfer (EBT) Project benefits could be used to pay for drug testing fees. Additionally, your Board directed staff to examine utilizing a sliding scale for juvenile drug testing fees, and a default County policy that an individual is charged a fee unless they can demonstrate they cannot pay.

The Probation Department utilizes drug tests as a means to determine the compliance of probationers regarding certain probation terms and conditions ordered by the Court. Historically the parents/legal guardians of juvenile probationers have not been required to pay drug testing fees. The recommended action will require parents/legal guardians of juvenile probationers to begin paying for drug testing, starting 30 days from the approval of this item, partially or in full as determined by the use of the sliding scale in Attachment A.

The 30 day period will allow the Department time to establish procedures, notify staff, provide any necessary training, provide adequate notice to the public, and set up the ability to accept payments at the administering location for juvenile drug tests.

Parents/legal guardians of juvenile probationers or juveniles detained at the Juvenile Justice Campus currently pay fees, based on a sliding scale, for electronic monitoring and juvenile hall support costs. The sliding scale is based on the juvenile's household income and is updated annually based on the poverty guidelines issued in the Federal Register by the Department of Health and Human Services and is the same sliding scale included in the recommended action shown in Attachment A. Electronic monitoring and juvenile support fees are currently collected by the Auditor-Controller/Treasurer-Tax Collector (ACTTC). Drug testing fees will be collected by Probation staff.

According to the Department of Social Services, there are two EBT Project benefits: CalFresh and CalWORKS cash aid. CalFresh benefits are restricted to the purchase of most food, grocery and seed products. The CalWORKS cash aid benefits; however, can be used to purchase services and goods that can be legally obtained with currency. Based on this, recipients of EBT CalWORKS cash aid benefits can use their cash aid to pay for the drug testing fee.

Your Board also requested the Department look into a County-wide policy in which an individual is charged a fee unless they can demonstrate they cannot pay. Probation currently does not have such a policy in place at this time, and is not aware of a County-wide policy to this affect.

REFERENCE MATERIAL:

BAI # 40, June 21, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

CAO ANALYST:

Samantha Buck