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## Juveniles

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# Juveniles

## Juveniles; cost of support

Welfare and Institutions Code § 903 (amended).  
AB 2235 (Sher); 1991 STAT. Ch. 137

Under existing law, a parent of a minor, the estate of a parent, and the estate of a minor are liable for the cost of support<sup>1</sup> of the minor while detained in, or committed to, any institution or other place pursuant to an order of the juvenile court.<sup>2</sup> Under Chapter 137, a parent of a minor, the estate of a parent, and the estate of a minor are liable for the cost of support of the minor while detained in, or committed to, any institution or other place pursuant to being taken into temporary custody.<sup>3</sup> The liability for the cost of support exists only where the juvenile court determines at the detention hearing that the minor should continue to be detained.<sup>4</sup>

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1. See CAL. WELF. & INST. CODE § 903(c) (amended by Chapter 137) (definition of cost of support). See also *County of San Mateo v. Dell J.*, 46 Cal.3d 1236, 1254, 762 P.2d 1202, 1213, 252 Cal. Rptr 478, 489 (1988) (holding that the state has the burden of demonstrating that the costs the county wishes to impose are reasonable costs of support).

2. CAL. WELF. & INST. CODE § 903(a) (amended by Chapter 137).

3. *Id.* See *id.* § 625 (West 1984) (describing classes of minors which may be taken into temporary custody).

4. CAL. WELF. & INST. CODE § 903(a) (amended by Chapter 137). The court will make the determination by sustaining the petition for the offense for which the minor was detained, or the minor agrees to a program of supervision. *Id.* See *id.* § 654 (West Supp. 1991) (definition of program of supervision). See also *In re Jerald C.*, 36 Cal. 3d 1, 11, 678 P.2d 917, 922, 201 Cal. Rptr. 342, 347 (1984) (holding that a county may recover only cost of support, but is prohibited from recovering expenses for confinement to protect the public from criminal conduct of the minor).

