

DATE: June 20, 2011
TO: Dependency Judicial Officers
FROM: Presiding Judge Cynthia A. Bashant

Cc: Juvenile Court Operations Manager and Supervisors
Dependency Legal Group of San Diego
Office of County Counsel, Juvenile Dependency Division
HHSA Child Welfare Services
Office of Revenue and Recovery

RE: "GOOD CAUSE" FINDINGS AND ORDERS

At the Dependency Policy Group meeting on May 5, 2011, the Court agreed to develop a procedure by which a parent may request a "good cause" finding – specifically, a finding of good cause to suspend the collection of reimbursable costs while the parent is receiving reunification services. The Office of Revenue and Recovery has agreed to suspend efforts to collect repayment of reimbursable costs from a parent upon notification that the Court has made the finding set forth in WIC § 903.45(b).

Accordingly, the following procedure is effective immediately.

1. When the Court orders reunification services for a parent (at disposition or any subsequent hearing), the parent's attorney may request that the Court find that repayment of reimbursable costs would pose a barrier to reunification with the child(ren).
2. If the Court finds that one of the criteria in WIC § 903.45(b)¹ is met and grants the parent's request, the clerk will enter the following REJIS Codes:

¹ "... [I]f the parent or guardian is currently receiving reunification services, and the court finds that repayment by the parent or guardian will pose a barrier to reunification with the child because it will limit the ability of the parent or guardian to comply with the requirements of the reunification plan or compromise the parent's or guardian's current or future ability to meet the financial needs of the child, or in any case in which the court finds that the repayment would be unjust under the circumstances of the case, the court shall not order repayment by the parent or guardian. In evaluating a person's ability to pay under this section, the county financial evaluation officer and the court shall take into consideration the family's income, the necessary obligations of the family, and the number of persons dependent upon this income." (WIC § 903.45(b).)

The Court finds that *[name of parent or guardian]* is receiving reunification services and that repayment by *[him/her]* of reimbursable costs, as set forth in Welfare and Institutions Code section 903.45, will pose a barrier to reunification with *[name(s) of child(ren)]* because it will limit the ability of *[name of parent or guardian]* to comply with the requirements of the reunification plan, or will compromise the current or future ability of *[name of parent or guardian]* to meet the financial needs of *[name(s) of child(ren)]*, or would be unjust under the circumstances of the case.

The Court orders the Office of Revenue and Recovery to suspend collection of any reimbursable costs until further notice from the Court.

3. The Court will send a copy of the minute order to Revenue & Recovery.
4. Upon receipt of the minute order, Revenue & Recovery will suspend the collection of repayments due.
5. When the Court terminates reunification services to the parent or terminates its jurisdiction over the child, the Court will issue the following orders, which the clerk will enter as REJIS Codes:

[Name of parent or guardian] is no longer receiving reunification services. Therefore, the Court hereby vacates its previous order that Revenue and Recovery suspend collection of any reimbursable costs.

The Court orders *[name of parent or guardian]* to appear at the financial evaluation that will be scheduled by the Office of Revenue and Recovery to determine their ability to pay reimbursable costs under Welfare and Institutions Code section 903.45.

6. The Court will send a copy of the minute order to Revenue & Recovery, which will resume collection efforts.