

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

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OPINION	:	No. 81-120
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of	:	<u>JULY 8, 1981</u>
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The Honorable L. J. Dewalf, County Counsel of the County of Placer, has requested an opinion on the following question:

Apart from any contractual agreement, is the county of a minor's legal residence responsible for the expenses involved when the minor is detained in the juvenile hall of another county for an alleged law violation?

CONCLUSION

The county of a minor's legal residence is not responsible for the expenses incurred for a minor's detention in the juvenile bail of another county until after a transfer order is received and filed in the county of residence in the absence of an agreement to pay for such expenses.

## ANALYSIS

When a minor is taken into custody for an alleged law violation, the subsequent proceedings (i.e., detention, adjudication, disposition) will not necessarily take place in the minor's county of residence. Welfare and Institutions Code section 651<sup>1</sup> authorizes commencement of proceedings in the county of a minor's residence, the county where the minor is found, or the county in which the alleged acts took place. If a minor is detained pending the completion of any or all of these proceedings, the county in whose facilities the minor is detained will necessarily incur some expense in caring for him. The question presented is whether the county which initiates the proceedings and thereby incurs the expense of detention is entitled to reimbursement from the county of the minor's legal residence.

We begin our analysis "with this rule stated in *Hart Bros. Co. v. County of Los Angeles* (1938), 31 Cal. App. 2d Supp. 766, 768 [82 P.2d 221]: '. . . that "one who demands payment of a claim against a county must show some statute authorizing it, or that it arises from some contract, express or implied, which itself finds authority of law. It is not sufficient that the services performed, for which payment is claimed, were beneficial." (*Irwin v. County of Yuba* (1898), 119 Cal. 686, 690 [52 P. 35])."' (Cited in *Fursdon v. County of Los Angeles* (1950) 100 Cal. App. 2d Supp. 845.) Therefore, a minor's county of residence can be charged with the expenses of his detention initiated in and by another county only if the Legislature has provided authorization for such a charge.

The principal statutes on this subject are sections 750 and 751 which read as follows:

"750. Transfer of residence. Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition in the juvenile court of the county where such minor resides, the residence of the person who would be legally entitled to the custody of such minor were it not for the existence of a court order issued pursuant to this chapter is changed to another county, the entire case may be transferred to the juvenile court of the county wherein such person then resides at any time after the court has made a finding of the facts upon which it has exercised its jurisdiction over such minor, and the juvenile court of the county wherein such person then resides shall take jurisdiction of the case upon the receipt and filing with it of such finding of the facts and an order transferring the case.

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<sup>1</sup> All unidentified references are to the Welfare and Institutions Code.

“751. Expenses of transfer. The expense of the transfer and *all expenses in connection with the transfer and for the support and maintenance of such person shall be paid from the county treasury of the court ordering the transfer* until the receipt and filing of the finding and order of transfer in the juvenile court of the transferee county.

“The judge shall inquire into the financial condition of such person and of the parent, parents, guardian, or other person charged with his support and maintenance, and if he finds such person, parent, parents, guardian, or other personable, in whole or in part, to pay the expense of such transfer, he shall make a further order requiring such person, parent, parents, guardian, or other person to repay to the county such part, or all, of such expense of transfer as, in the opinion of the court, is proper. Such repayment shall be made to the probation officer who shall keep suitable accounts of such expenses and repayments and shall deposit all such collections in the county treasury.” (Emphases added.)

The wording of section 751 is not a model of clarity. The county treasury does not belong to the court as the words “county treasury of the court” suggests. The use of the definite article “the” in referring to county treasury indicates that the Legislature had only one county treasury in mind from which the court was authorized to pay the expense. No suggestion appears in the statute that the Legislature had the county treasury of the county of residence of the minor in mind when it authorized payment of all expenses for the ward incurred until filing of the order of transfer from “the county treasury.” We believe the context makes it relatively clear that the Legislature was referring to the county treasury of the county in which the court ordering the transfer is located, making that county responsible for expenses incurred prior to the filing of a transfer order.

It has been suggested that section 900 provides authority for placing financial responsibility for a minor’s detention on the minor’s county of residence. Section 900 states:

“(a) If it is necessary that provision be made for the expense of support and maintenance of a ward or dependent child of the juvenile court or of a minor person concerning whom a petition has been filed in accordance with the provisions of this chapter. the order providing for the care and custody of such ward, dependent child or other minor person shall direct that the whole expense of support and maintenance of such ward, dependent child or other minor person, up to the amount of twenty dollar (\$20) per month be paid from the county treasury and may direct that an amount up to any maximum amount per month established by the board of supervisors of the county be

so paid. The board of supervisors of each county is hereby authorized to establish, either generally or for individual wards or dependent children or according to classes or groups of wards or dependent children, a maximum amount which the court may order the county to pay for such support and maintenance. All orders made pursuant to the provisions of this section shall state the amounts to be so paid from the county treasury, and such amounts shall constitute legal charges against the county.

“(b) This section is applicable to a minor who is the subject of a program of supervision undertaken by the probation department pursuant to Section 330 or 654 and who is temporarily placed out of his home by the probation department, with the approval of the court and the minor’s parent or guardian, for a period not to exceed seven days.”

Section 900 gives the juvenile court the authority to order the county in which a juvenile proceeding takes place to pay for the support and maintenance of a minor in a court-ordered placement. Without legislative authorization a court is unable to mandate payments from public funds. (*Payne v. Superior Court* (1976) 17 Cal. 3d 908; *Fresno v. Superior Court* (1978) 82 Cal. App. 3d 191.)

Although section 900 does not specifically state that “the county” against which the amounts ordered paid by the court are legal charges is the county in which the juvenile court is located, this is a reasonable interpretation. Again, the use of the definite article “the,” this time in referring to county treasury and county, indicates that the Legislature had only one county treasury and county in mind from which the amounts are to be paid and against which the amounts shall constitute legal charges. Again no reference is made to the minor’s county of residence and the context indicates that the Legislature was referring to the county treasury of the county in which the court ordering the placement is located.

If section 900 is read in conjunction with section 903 which follows it within the same article<sup>2</sup> it is clear that “legal charges against the county” means legal charges against the county in which the order is made. “Under general rules of statutory construction [a court] may, in construing a statute, consider other statutes that might bear on the meaning of the statute at issue.” (*People v. Corey* (1978) 21 Cal. 3d 738, 743.)

“The father, mother, spouse, or other person liable for the support of a minor person, the estates of such persons, and the estate of such minor person, shall be liable for the cost of his care, support, and maintenance in

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<sup>2</sup> Welfare and Institutions Code, division 2, part 1, chapter 2, article 25.

any county institution in which he is placed, detained, or committed pursuant to the order of the juvenile court, *or for the cost to the county in which the Juvenile court making the order is located, of his care, support, and maintenance in any other place in which he is placed, detained, or committed pursuant to the order of the juvenile court.* The liability of such persons (in this article called relatives) and estates shall be a joint and several liability.” (Emphasis added.)

If the cost of a minor’s support was a legal charge against his county of residence, it would be inconsistent for section 903 to limit the liability of responsible relatives to reimbursement of the county in which the court making the order is located when a noninstitutional placement is ordered. In addition, such an interpretation would contradict the provision in section 751 that the county in which the proceedings take place is to bear the expense of support and maintenance prior to filing an order of transfer. Where the provisions of a statute are susceptible to two or more reasonable interpretations, the interpretation that will harmonize rather than conflict with other provisions should be adopted. (*People v. Kuhn* (1963) 216 Cal. App. 2d 695, 698.)

In summary, the Legislature has not provided any authorization for a county which initiates detention of a minor to seek reimbursement of detention costs from the county of a minor’s residence. We conclude, therefore, that the county of a minor’s legal residence is not responsible for the expenses incurred for the minor’s detention in the juvenile hall of another county until after a transfer order is received and filed in the county of residence in the absence of an agreement to pay for such expenses.

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