

ELIMINATING DEBTOR'S PRISON FOR KIDS

OVERVIEW

Almost 800,000 youth appear in juvenile court each year. Across the country, youth and families face costs, fees, and fines that undermine public safety and contribute to racial disparities in the legal system. In Kansas, youth or their families may be required to pay for seven different kinds of costs: costs of confinement, cost of counsel, court costs, evaluation costs, expungement fees, probation fees, and fines.

FINES AND FEES ARE HARMFUL

FINES AND FEES UNDERMINE PUBLIC SAFETY.

Research shows juvenile justice fees increase recidivism. One study found that the higher the financial obligation, the more likely a youth was to reoffend.[1] This is not surprising given that some youth are not old enough to work, and those who are old enough may have unique difficulty finding employment.

FINES AND FEES EXACERBATE RACIAL AND ECONOMIC DISPARITIES.

Black and Brown youth are disproportionately arrested, detained, and placed in out-of-home facilities despite similar offending rates among youth of all races for most common juvenile offenses. A criminology study found that Black and Brown youth in Allegheny County, Pennsylvania were more likely to owe costs or fees after case closing, even controlling for a host of other demographics and case characteristics.[2] This outstanding debt pushes young people deeper into the system solely because they can't pay.

Collecting fines and fees is very costly for local governments, leading some to call it a "high pain, low gain" source of revenue. For example, prior to the repeal of most juvenile fees in California, UC-Berkeley Law's Policy Advocacy Clinic discovered Santa Clara County spent \$450,000 to collect less than \$400,000 from families of youth.[3] The state of Oregon likewise lost money collecting juvenile fines and fees--spending \$866,000 to collect \$864,000 from children and their families.[4] And Philadelphia stopped collecting certain juvenile justice fees after a report revealed the city had been paying a private contractor over \$320,000 a year to identify and pursue outstanding debt.[5]

THE CONSEQUENCES ARE EXTREME

When young people or their families cannot afford to pay costs, fines, and fees, they face serious consequences.

Defenders in Kansas have reported that their youth clients were put in placement or kept in placement longer for nonpayment, had their cases kept open longer only for payment, and missed school or work for payment-related court dates. Defenders across the country report that fees cause hardship and stress on familial relationships and can lead to ruined credit, limiting young people's opportunities for years to come.

Young people cannot afford to pay these fees.

Teens and children have to go to school and have limited employment opportunities because of their age. Imposing fees on parents puts emotional and financial strain on families and undermines the rehabilitative goals of the juvenile justice system.

[1] Alex R. Piquero & Wesley G. Jennings, Research Note, Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders, 15 Youth Violence & Juv. Just. 325 (2016). [2] Id.

ALTERNATIVES THAT WORK

STATES AROUND THE COUNTRY ARE ALREADY MAKING THEIR JUVENILE SYSTEMS MORE FAIR.

STATE REFORMS

CALIFORNIA

SB 190 eliminated almost all juvenile court fees. Since then, more than 30 counties have wiped out existing juvenile justice system debt. (2018).

MARYLAND

HB 36 eliminated all juvenile fines and fees and made all previously imposed juvenile fees and fines unenforceable and uncollectible. (2020).

NEVADA

AB 439 eliminated most fines and fees in the juvenile justice system. (2019, with unanimous support).

NEW HAMPSHIRE

HB 1162 eliminated costs of services and child support imposed on parents or guardians of youth in the system. (2020).

NEW JERSEY

SB 48 eliminated juvenile fines and financial penalties. The legislation was implemented prior to its original effective date to account for the economic harms of the COVID-19 pandemic. (2019-2020).

NEW MEXICO

HB 183 eliminated many fines and fees in the juvenile system, including cost of confinement imposed on parents. (2021).

VIRGINIA

HB 1912 repealed a law requiring parents to pay child support to the state when their child is in juvenile justice custody (2021).

WASHINGTON

The Year Act eliminated numerous juvenile diversion fees, court costs, appellate costs, adjudication fees, and certain fines. (2015).

[3] Berkeley Law Policy Advocacy Clinic, Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administrative Fees in California 22 (2017). [4] Research on file with Berkeley Law Policy Advocacy Clinic. [5] Sela Cowger et al., Double Punishment: Philadelphia's Practice of Charging Parents for their Child's Incarceration Costs 16-17 (2017).