

RESOLUTION ADDRESSING FINES, FEES, AND COSTS IN JUVENILE COURTS

WHEREAS, NCJFCJ recognizes that each child under court jurisdiction is unique, valued and entitled to individualized attention; and

WHEREAS, juvenile and family court judges are responsible for ensuring the safety and well-being of children under court jurisdiction while holding them accountable in developmentally appropriate ways; and

WHEREAS, several hundred thousand delinquency cases are handled by juvenile and family courts annually; and

WHEREAS, juvenile and family court judges routinely impose financial obligations on youth and their families for court-related activities including appointment of counsel fees, bail, diversion and treatment program fees, community supervision and placement fees, court costs, and restitution, frequently without consideration for each individual youth's ability to pay; and

WHEREAS, the court's financial gains as a result of the collection of fines, fees, and costs are often diminished when accounting for the administrative costs associated with collection efforts; and

WHEREAS, the failure to pay can result in serious and long-term consequences for youth and families including further penetration into the juvenile justice system, increased recidivism, difficulty engaging in education and employment opportunities, civil judgements resulting in wage garnishments, exacerbation of existing racial and ethnic disparities and increased financial burdens for impoverished families, all for reasons unrelated to public safety and counterproductive to the rehabilitative aims of the juvenile court; and

WHEREAS, impoverished youth and families may face harsher consequences than their affluent peers because of their inability to pay; and

WHEREAS, numerous professional organizations including the American Bar Association, National Juvenile Defender Center, the Juvenile Law Center, and Conference of Chief Justices/Conference of State Court Administrators have recognized the negative consequences of imposing fines and fees without regard for one's ability to pay and issued guidance on the imposition of juvenile justice related fines, fees, and costs; and

WHEREAS, a growing number of state and local jurisdictions have reduced or eliminated various fines, fees, or costs in consideration of the impact of these financial burdens on youth and families; and

WHEREAS, juvenile and family court judges are uniquely positioned to reduce or eliminate the hardships associated with fines, fees, and costs; and

NOW, THEREFORE, BE IT RESOLVED:

The NCJFCJ recognizes the critical role of the judge and judicial leadership as it applies to the imposition of juvenile court fines, fees, and costs.

The NCJFCJ encourages courts to work towards reducing and eliminating fines, fees, and costs by considering a youth and their family's ability to pay prior to imposing such financial obligations.

The NCJFCJ believes that the core functions necessary for our nation's juvenile courts to meet their rehabilitative goals should be fully funded by governmental revenue and not by revenue generated by fines, fees, and costs. Revenue generated from fines, fees, and costs should never be used for salaries or benefits of official judicial branch employees or operations nor should the revenue be used to evaluate the performance of such employees.

The NCJFCJ encourages courts to presume youth indigent when making decisions regarding the imposition of fines, fees, and costs if the youth was previously determined indigent for the purpose of securing attorney representation.

The NCJFCJ recommends that no court should detain or order youth to out-of-home placement or extend community supervision solely because of lack of payment of fines, fees, or costs.

The NCJFCJ recognizes that court fines, fees, and costs may have a disproportionate impact on poor communities and racial or ethnic minorities and supports the adoption of court policies and practices that promote fairness and equal treatment for all youth and their families.

The NCJFCJ recommends juvenile and family courts collect detailed data on the imposition and collection of fines, fees, and costs, study their effects on youth, families, and courts and demonstrate transparency by making data publicly available.

The NCJFCJ supports the imposition of reasonable restitution after considering a youth's ability to pay and encourages courts to provide opportunities for youth to repay restitution through meaningful community service.

The NCJFCJ supports the use of payment plans in those cases in which fines, costs, or fees are levied.

The NCJFCJ supports continued education for judges and court staff related to constitutional, legal and procedural principles of imposing fines, fees, and costs on youth and their families.

References

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