

Call for a Nationwide Moratorium on Juvenile Fees and Fines

COVID-19 has created an unprecedented public health and economic crisis. Low-wage, hourly, and gig workers are losing income or risking their health working in close proximity to others. More and more families are struggling to pay rent, keep the lights on, feed their children, and get medical care in the midst of widespread fear and uncertainty. Families with youth in the juvenile legal system are among the most vulnerable during this crisis.

Juvenile fees and fines – monetary charges that courts and agencies impose on youth in the juvenile system and their families – are a regressive and racially discriminatory tax on low-income communities and communities of color, the same communities who are more likely to lose income, experience housing and food insecurity, and lack access to medical care during this crisis.

Juvenile fees and fines can quickly add up to thousands of dollars, and state and local governments aggressively pursue collection against families, including by garnishing wages, levying bank accounts, placing liens on property, and intercepting tax refunds. A \$500 bill is a financial emergency for most families – in the midst of the COVID-19 crisis, it's a potential catastrophe.

State and local governments are rushing to ensure people stay housed and financially stable during the crisis. They are halting evictions, utility shut-offs, and foreclosures; encouraging businesses to provide paid sick leave; and urging debt collectors to suspend activities. Some have suspended criminal and traffic fees and fines and diverted people from the legal system.

As many jurisdictions are beginning to realize, charging fees and fines to youth in the juvenile system and their families is counterproductive: it undermines youth rehabilitation, increases youth recidivism, and nets little or no government revenue. In this time of crisis, the focus should be on immediately suspending fines, fees, and negative consequences for nonpayment.

We call on state and local officials to reduce harm to youth and families by suspending the assessment and collection of all juvenile system fees and fines for at least the duration of this public health and economic crisis, including the following general policy recommendations and specific action steps for decision-makers.

I. General Policy Recommendations

States, counties, and juvenile courts should immediately take the following actions:

- Suspend assessment and collection of juvenile fees and fines.
- Suspend all attachments, garnishments, levies, liens, redirects, and tax refund intercepts for unpaid juvenile fees and fines.
- Suspend all interest accrual, financial penalties, and other legal system consequences for nonpayment or late payment of juvenile fees and fines, including enforcement of arrest warrants for failure to pay fees and fines.
- Suspend and withdraw all referrals of unpaid juvenile fee and fine accounts to state taxing and collection authorities and private collection agencies.
- Prohibit private agencies from collecting unpaid juvenile fees and fines.
- Work to make these law and policy changes permanent.

2. Specific Action Steps for Decision-Makers

Governors

Use executive authority to do the following:

- Suspend statutes and regulations authorizing state and local jurisdictions to assess and collect juvenile fees and fines.
- Order state taxing authorities and other relevant state collection agencies to:
 - Stop attachments, garnishments, levies, liens, redirects, and tax refund intercepts for unpaid juvenile fees and fines.
 - Suspend all interest accrual, financial penalties, and other legal system consequences for nonpayment or late payment of juvenile fees and fines.
- Promulgate rules or regulations to prohibit private agencies from collecting unpaid juvenile fees and fines.
- Encourage courts to stop juvenile fee assessment and collection activity and to suspend enforcement of arrest warrants for failure to pay fees and fines.

State Legislatures

Pass legislation to do the following:

- Suspend the authority of courts and state and local agencies to assess or collect juvenile fees and fines, including their ability to issue attachments, garnishments, levies, liens, redirects, and tax refund intercepts and to impose interest accrual, financial penalties, or other legal system consequences for nonpayment or late payment.
- Suspend the authority of private agencies from collecting unpaid juvenile fees and fines.
- Suspend enforcement of arrest warrants for failure to pay fees and fines.

County and Local Governments

Enact ordinances, resolutions, or policies to do the following:

- Suspend the assessment and collection of all juvenile fees and fines.
- Stop referrals of unpaid juvenile fees and fines to private collection agencies.
- Discharge, vacate, or waive all outstanding juvenile fees and fines.
- Notify youth and families of new policies and procedures suspending fees and fines.

Juvenile Probation Departments and Other State and Local Agencies

Instruct relevant staff to do the following:

- Stop the assessment and collection of all juvenile fees and fines and provide all services, including medical care, free of charge.

- Ensure that probation is not extended and services or other requirements of probation are not denied for failure to pay fees and fines.
- Provide video and telephone calls free of charge to youth in custody so that they can communicate with their loved ones.
- Notify youth and families of new policies and procedures suspending fees and fines.

Juvenile Courts

Issue rules or policies directing court personnel (judges, clerks, etc.) to do the following:

- Stop assessing juvenile fees and fines, including for the appointment and provision of counsel.
- Automatically appoint counsel for youth without requiring an assessment of indigence, or direct the local designee to do so.
- Stop collecting juvenile fees and fines and suspend all court-ordered attachments, garnishments, levies, liens, redirects, and tax refund intercepts.
- Stop and recall referrals of unpaid juvenile fees and fines to state taxing and collection authorities for garnishments, levies, liens, redirects, and tax refund intercepts.
- Stop and recall referrals of unpaid juvenile fees and fines to private collection agencies.
- Stop all interest accrual, financial penalties, and other legal system consequences for nonpayment or late payment of juvenile fees and fines.
- Write-off all outstanding juvenile fees and fines and discharge, vacate, or declare as satisfied all liens, fee agreements, and judgments.
- Vacate arrest warrants for failure to pay fees and fines.
- Notify youth and families of new policies and procedures suspending fees and fines.

Juvenile Public Defenders

Intercede on behalf of youth to do the following:

- Petition the court to stop assessment and collection of all juvenile fees and fines.
- Oppose assessment of juvenile fees and costs related to the appointment and provision of counsel.
- Object on the record to the assessment of all mandatory fees and enter information into the record regarding the harms caused by fees and fines.
- Petition the court to vacate arrest warrants for failure to pay fees and fines.

District Attorneys

Cooperate with public defenders and courts to do the following:

- Stop requesting juvenile fees and fines in new cases, and request waiver and discharge of fees and fines in existing cases.

- Decline to prosecute failure-to-pay cases, stop requesting legal sanctions as a result of unpaid juvenile fees and fines, and lift sanctions for failure to pay in existing cases, including arrest warrants.
- Never condition plea arrangements based on payment of juvenile fees and fines.

Law Enforcement

Engage in youth-centered approaches to do the following:

- Avoid new low-level cases and fines by using discretion and tools other than arrest, ticketing, and/or citation of youth.
- Whenever possible, educate youth, send youth back home, or divert youth to another safe place.

Contact Information

Please contact us with questions, suggestions, or requests for technical assistance. Email Devan Shea at dshea@clinical.law.berkeley.edu.

Juvenile
Law Center



Arnold
Ventures

BerkeleyLaw
UNIVERSITY OF CALIFORNIA
Policy Advocacy Clinic

ACLU



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

NJDC
NATIONAL JUVENILE DEFENDER CENTER



National Center for Youth Law



SPLC
Southern Poverty
Law Center

Full list of signatories

Updated as of 4.7.2020

National

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ACLU

African American Juvenile Justice Project

Alliance for Boys and Men of Color

Arnold Ventures

Campaign for Youth Justice

Center for Children's Law and Policy

Center for Disability Rights

Center for Gender & Refugee Studies

Center for Juvenile Justice Reform

Center for Responsible Lending

Child Advocacy Program, Harvard Law School

Child Welfare League of America

Civil Rights & Police Accountability Project of the University of Chicago
Coalition for Juvenile Justice
Criminal Justice Policy Program, Harvard Law School
Drug Policy Alliance
Education Rights Center at Howard University School of Law
Fair and Just Prosecution
Fines and Fees Justice Center
FreedomWorks
Girls for Gender Equity
Health Justice Innovations, LLC
Human Impact Partners (HIP)
Human Rights for Kids
Insight Center for Community Economic Development
Justice Action Network
Juvenile Law Center
Lambda Legal
Lawyers' Committee for Civil Rights Under Law
MomsRising
NAACP
National Association of Criminal Defense Lawyers
National Center for Access to Justice
National Center for Law and Economic Justice
National Center for Youth Law
National Consumer Law Center
National Council of Churches
National Crittenton
National Juvenile Defender Center
National Juvenile Justice Network
Public Justice
R Street Institute
Rights4Girls
Robert F. Kennedy Human Rights
Rutgers University Center on Youth Justice and Human Development
Southern Poverty Law Center
The Sentencing Project
University of California, Berkeley Law School Policy Advocacy Clinic
W. Haywood Burns Institute
Youth First Initiative
Youth Law Center

Regional & Multi-State

Civil Rights Clinic, Washington University Law School (*Midwest Region*)
Family Law Practice Clinic of CUNY School of Law (*Northeast Region*)
Root & Rebound (*California & South Carolina*)
Southern Center for Human Rights (*Southeast Region*)
The Architects of Justice (*Mid-Atlantic Region*)

Alabama

Alabama Appleseed Center for Law and Justice

Arizona

Arizona Justice Alliance

Central Phoenix National Lawyers Guild

California

Adolescent Health Working Group

Advancing Justice - Asian Law Caucus

Bay Area Community Resources

California Attorneys for Criminal Justice

California Coalition for Women Prisoners

Center for Juvenile Law and Policy, Loyola Law School

Children's Rights Clinic

Community Works

Criminal Justice Clinic, UC Irvine School of Law

Drug Policy Alliance-CA

East Bay Community Law Center

Ella Baker Center for Human Rights

Immigrant Family Legal Clinic, UCLA School of Law

Just Cities

Justice Reinvest Coalition of Alameda County

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

Legal Services for Prisoners with Children/All of Us or None

San Jose State University Record Clearance Project

Starting Over, Inc.

The Anti-Recidivism Coalition

The California Public Defender's Association

The Green Life Earth Island Project

UCLA Prison Law and Policy Program

Western Center on Law & Poverty

Young Women's Freedom Center

Youth Justice Coalition

Colorado

Colorado Juvenile Defender Center

Colorado Office of the Alternate Defense Counsel

D.C.

Forum for Youth Investment

Florida

Florida Juvenile Justice Association
Florida Juvenile Resentencing and Review Project

Illinois

Children and Family Justice Center, Northwestern University Pritzker School of Law
Civitas ChildLaw Center at Loyola University Chicago School of Law
Juvenile Justice Initiative of Illinois

Indiana

Children's Policy and Law Initiative of Indiana

Louisiana

Families and Friends of Louisiana's Incarcerated Children (FFLIC)
Louisiana Center for Children's Rights
Tulane Juvenile Law Clinic

Maine

Maine Center for Juvenile Policy & Law

Maryland

Advocates for Children and Youth
B-More Awesome Inc.
Out for Justice Inc.
The Choice Program at UMBC
Youth, Education and Justice Clinic, University of Maryland Carey School of Law

Massachusetts

Pa'lante Restorative Justice Program
Strategies for Youth

Michigan

Juvenile Justice Clinic, University of Michigan Law School
Michigan Center for Youth Justice

Minnesota

Legal Rights Center
Office of Ramsey County Attorney John Choi

Mississippi

Empower Mississippi

Nevada

ACLU of Nevada
Children's Advocacy Alliance

New Jersey

Criminal and Youth Justice Clinic, Rutgers Law School
Seton Hall Law School Center for Social Justice

New Mexico

New Mexico Center on Law and Poverty

New York

Adolescent Representation Clinic Columbia Law School
Feerick Center for Social Justice, Fordham Law School
Lawyers For Children

North Carolina

Center for Science and Justice, Duke University School of Law
Conservatives for Criminal Justice Reform
Youth Justice Clinic University of North Carolina School of Law

Ohio

Justice for Children Project, Moritz College of Law, The Ohio State University

Oregon

Youth, Rights & Justice

South Carolina

SC Appleseed Legal Justice Center

Texas

Criminal Defense Clinic, Texas A&M Law
Texas Appleseed
Center for Children, Law & Policy, University of Houston Law Center

Utah

Libertas Institute
Utah Juvenile Defender Attorneys

Virginia

Legal Aid Justice Center

Washington

TeamChild

Wisconsin

Neighborhood Law Clinic