

The Cost of Juvenile Probation

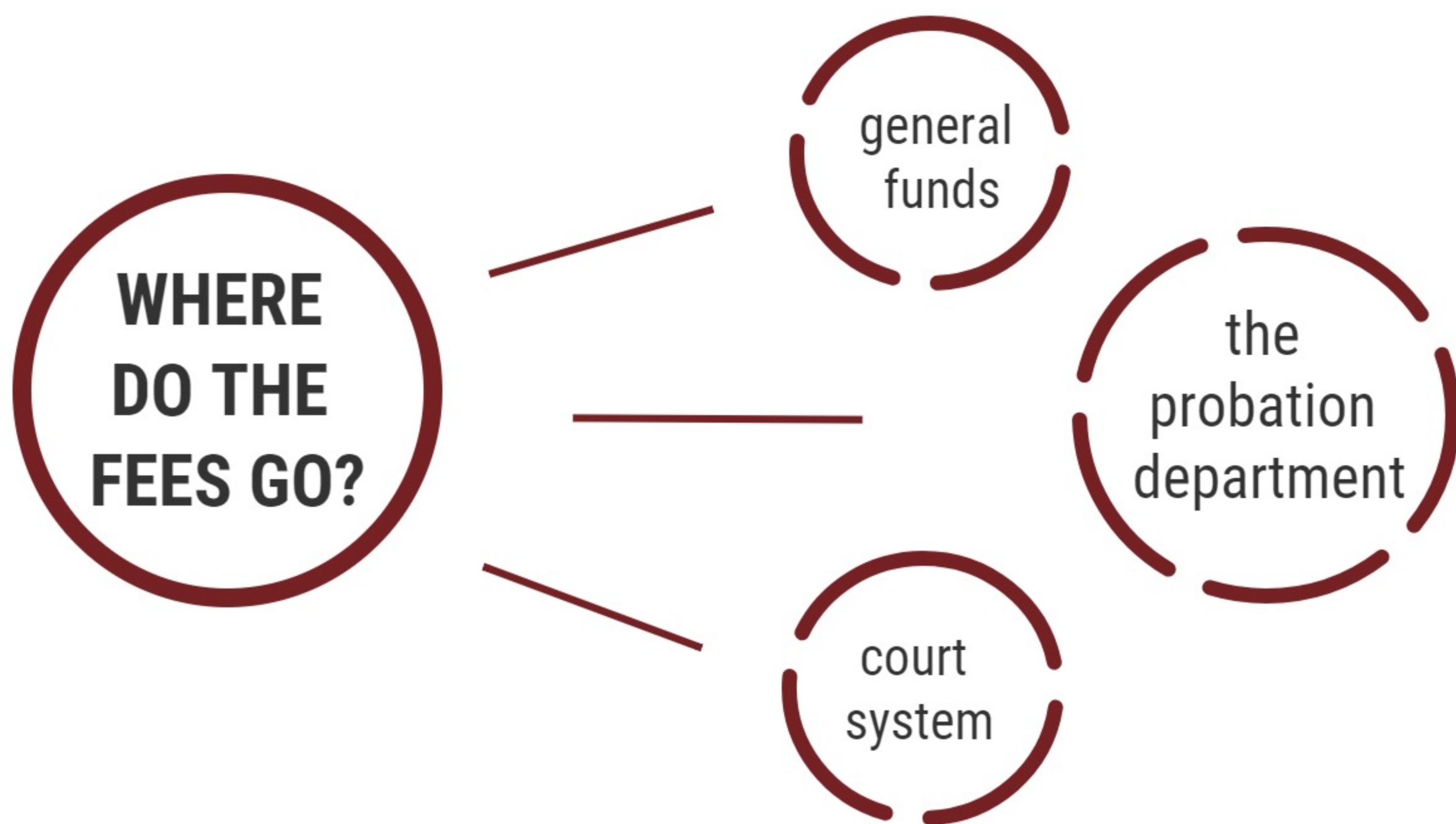
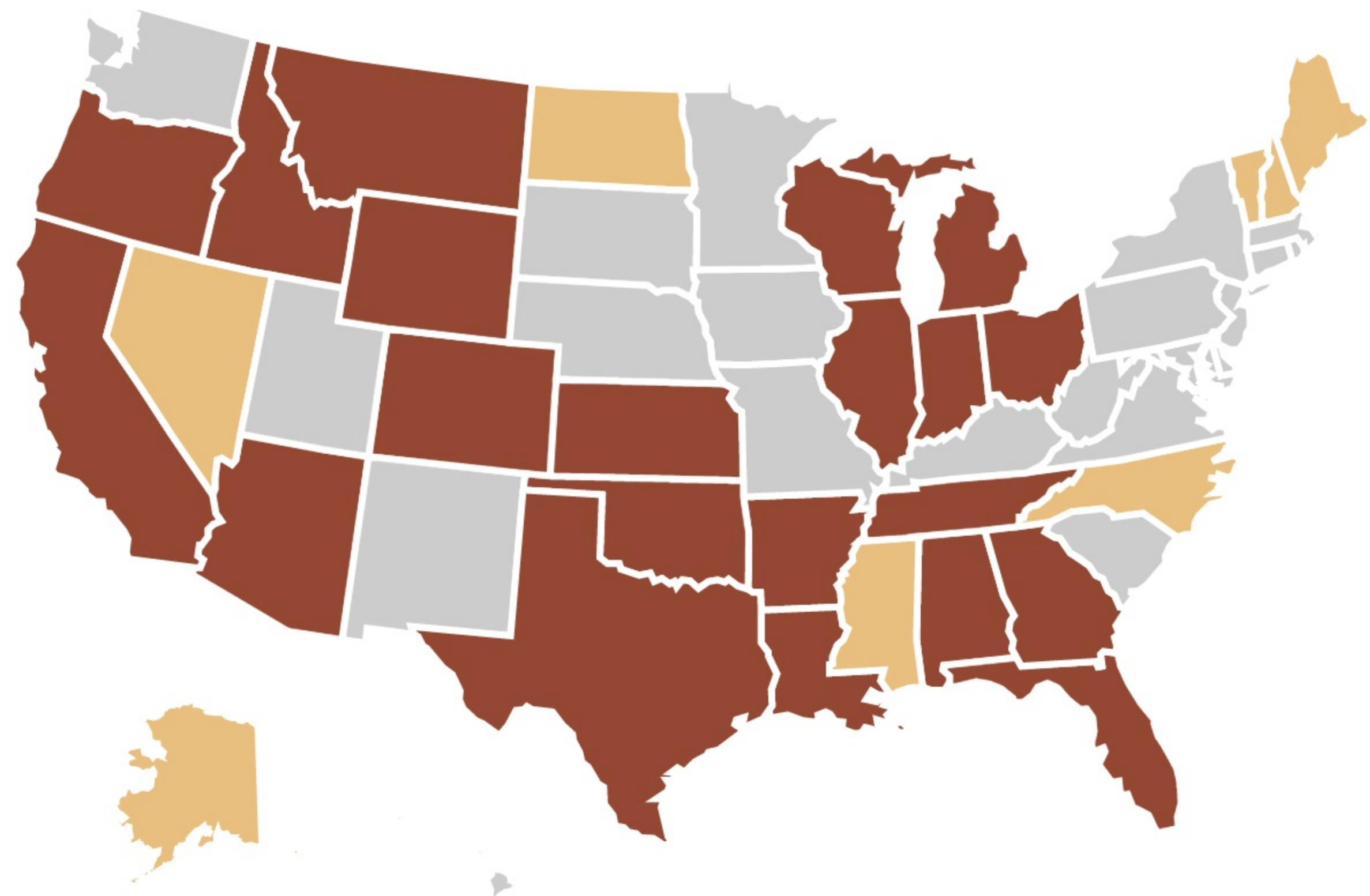
A Critical Look into the Harms of Juvenile Supervision Fees

Probation is the most common disposition a child will receive in a delinquency case. While intended to promote positive behavior, probation often causes **lasting harm**, especially when the probation order focuses on surveillance and compliance rather than opportunities for growth. In some states, juvenile courts require children and their families to pay a "supervision fee," or a fee for probation itself. These fees can trap children and their families in **debt**, prolong **system involvement**, and exacerbate **racial and economic disparities**.

21 States

& Charge a Supervision Fee¹

8 States Charge for Services Arising out of Probation²



Depending on the jurisdiction, supervision fees can be allocated back into the probation department, creating an **adverse incentive** to keep children on probation.³

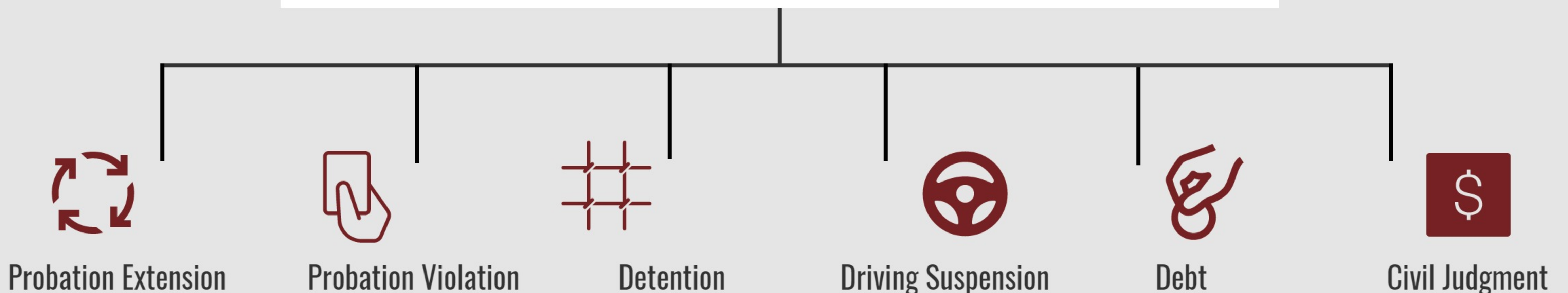
Youth who are charged supervision fees have few protections.

No Guidelines: Without any uniform standards, judges have discretion over whether to waive or reduce fees.⁴

No 'Ability to Pay' Hearings: No state holds a pre-disposition hearing on a family's ability to afford the fees.⁵

No Checks on Bias: Due to the lack of guidelines, children can be subject to implicit and explicit bias.⁶

Failure to Pay Supervision Fees Can Lead to Severe Consequences⁷



Total Cost of Probation: \$10 to over \$2,000⁸

References

1. This fee is generally independent of programming costs that may arise out of probation; it is a fee solely intended to pay for the probation department's supervision over a child, as required by a court order. NAT'L JUVENILE DEFENDER CTR., *THE COST OF PROBATION: A CRITICAL LOOK INTO JUVENILE SUPERVISION FEES* (2016). The National Juvenile Defender Center (NJDC) conducted a fifty-state survey on the practice and enforcement of supervision fees assessed for a child's time on juvenile probation. NJDC interviewed juvenile defenders and juvenile probation officers from fifty states and D.C to uncover the prevalence and impact of supervision fee practices on children in delinquency court. The findings of this survey represent the practices of at least one county in each state. Given the localized nature of juvenile defense systems in some states, the findings of this survey are not statewide, unless otherwise noted. The twenty-two states that have at least one jurisdiction that currently assesses a supervision fee for juvenile probation are: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Michigan, Montana, Ohio, Oklahoma, Oregon, Tennessee, Texas, Wisconsin, and Wyoming.
2. Children and their families may be charged for services or programs that are required on probation, such as counseling, drug testing, and electronic monitoring. The eight states that have at least one jurisdiction that does not assess a supervision fee, but separately charges for services on probation are: Alaska, Maine, Mississippi, Nevada, New Hampshire, North Carolina, North Dakota, and Vermont.
3. Multiple states specify that funds generated from supervision fees are allocated back to probation; see the Brief for further detail.
4. Most states do not have a judicial procedure in place to consider the child or family's ability to pay the fees, and nine states reported that the decision to adjust the supervision fee is made on a case-by-case basis and varies significantly by the judge.
5. Only five states reported that supervision fees are often waived if the child is unable to pay, and only Montana reported conducting hearings to determine a family's ability to pay, which occur after disposition and without a right to counsel.
6. See, e.g., Mark Soler, *Reducing Racial and Ethnic Disparities in the Juvenile Justice System*, in *Trends in State Courts 2014: Juvenile Justice and Elder Issues*, National Center for State Courts (2014) (citing studies demonstrating the pervasive effects of implicit bias on judges and in the juvenile justice system).
7. In almost all of the states that assess a supervision fee, the failure to pay the fee is associated with significant consequences that may lead to lasting harms to youth and families. Thirteen states (Alabama, Arizona, California, Colorado, Idaho, Illinois, Indiana, Kansas, Louisiana, Oklahoma, Tennessee, Wisconsin, and Wyoming) impose a civil judgment for the failure to pay supervision fees, meaning that the outstanding fee is treated as a civil debt, allowing for wage garnishment, tax withholding, and a credit score reduction. Five states (Florida, Illinois, Kansas, Michigan, and Montana) extend the child's probation term if the supervision fee is unpaid, subjecting the child to an even greater accumulation of fees. Five states (Georgia, Idaho, Illinois, Kansas, and Montana) file a violation of probation based on the failure to pay supervision fees, both prolonging the length of probation and leaving a record of the violation. One county in Ohio reported the practice of suspending driving privileges and record sealing until the outstanding fee is paid in full, hindering a child's successful reentry back into the community following system involvement. And, one county in Kansas reported the use of detention to force children to pay their supervision fees. Only three states (Arkansas, Oregon, and Texas) assessing juvenile probation fees reported having no real consequences to either the child or the parent based on the failure to pay supervision fees, meaning that a civil judgment, probation violation, probation extension, or other action is not filed as a direct result of the unpaid fees.
8. This number represents the range of total cost of juvenile probation fees that were reported to NJDC as part of the 50-state survey. Additionally, the average cost of supervision fees reported is \$50 per month, and the reported length of probation runs from 4 months to 5 years.



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The National Juvenile Defender Center (NJDC) is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC provides support to public defenders, appointed counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. To learn more about NJDC, please visit www.njdc.info.