

**Combined Testimony of the Kansas Debt Free Justice for Youth Coalition: The American Civil Liberties Union of Kansas, Destination Innovation, The Gault Center, Institute for Justice, Justice Action Network, Juvenile Law Center, Kansas Action for Children, Kansas Appleseed, and Progeny**

**Joint Committee on Corrections and Juvenile Justice Oversight**

**November 30, 2022**

We, the above organizations working together under the banner of Debt Free Justice for Youth,<sup>1</sup> thank the Committee for its leadership in taking on this urgent issue and strongly recommend ending the practice of imposing justice fees and fines on Kansas youth and families.

A growing movement recognizes that justice based on income is not justice at all. Juvenile fees and fines disproportionately punish low-income youth and communities of color, who face worse outcomes and harsher consequences just because they cannot afford to pay. The research is clear: **Fees and fines are bad for young people and their families; bad for public safety; bad for equality; and bad fiscal policy.**

First, **fees and fines harm youth and families.** Kansas is a national outlier because it imposes fees and fines at almost every single point in the juvenile court process. Its laws authorize more kinds of juvenile fees and fines than almost any other state: confinement fees, counsel fees, court fees, evaluation fees, expungement fees, fines, probation fees, and restitution. Only Michigan and Arkansas also impose eight different categories.

Specifically, Kansas statutes authorize juvenile courts to impose at least 25 different fees and fines. Some common examples include:

- Diversion fee of \$50 to \$100
- \$34 docket fee and \$22 surcharge per case
- \$400 laboratory fee per court-ordered drug screening
- \$150-\$200 fee per night of detention
- Attorney fees if the child is appointed a public defender

This debt increases children's stress at a time when they should be focusing on

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<sup>1</sup> For more information and resources, please see <https://www.debtfreejusticeks.org/>.

positive engagement in school and community activities—and often when they legally and practically cannot work. Fees and fines also increase family tension, and parents report being forced to choose between buying basic necessities like groceries or school uniforms and paying the court.<sup>2</sup>

But it's not just about debt. Fees and fines can also entangle children more deeply in the juvenile justice system, extending court involvement. A child or parent can be arrested and even imprisoned for not paying, with lasting negative effects: Studies show that a single childhood arrest reduces a child's likelihood of graduating from high school and enrolling in college, and is correlated with lower adult wages.<sup>3</sup>

In addition, civil collections of fees and fines damage children's credit history and blocking them from key milestones like jobs, student loans, and housing. Because civil judgments are also public records, a child from a well-off family who can pay gets a clean slate, while a child from a poor family is stuck with a record of juvenile justice involvement for no reason other than poverty.

Second, **fees and fines increase recidivism**, working against the rehabilitative goals of the juvenile justice system. A 2016 criminology study of more than 1000 cases found that youth who owed fines and fees had higher recidivism rates than those who did not, even when controlling for age, race, gender, and type of offense—and the more they owed, the larger the increase.<sup>4</sup> A 2018 study found that court fines and fees actually drive people to commit further offenses to gain money and pay off this debt.<sup>5</sup>

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<sup>2</sup> LESLIE PAIK, IMPACT OF JUVENILE JUSTICE FINES AND FEES ON FAMILY LIFE: CASE STUDY IN DANE COUNTY, WI (2019), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>; Debtors' Prison for Kids Report.

<sup>3</sup> K.S.A. 38-2361(a)(1), (11); 38-2368; 38-2315(b). David S. Kirk and Robert J. Sampson, "Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood," 86 SOCIOLOGY OF ED. 36 (2013); James P. Smith, "The Long-Term Economic Impact of Criminalization in American Childhoods," 65 CRIME & DELINQUENCY 422 (Mar. 2019).

<sup>4</sup> 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).

<sup>5</sup> ALABAMA APPLESEED, UNDER PRESSURE: HOW FINES AND FEES HURT PEOPLE, UNDERMINE PUBLIC SAFETY, AND DRIVE ALABAMA'S RACIAL WEALTH DIVIDE (2018), <https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

Third, **fees and fines drive inequity**. Children whose parents have more resources can quickly pay off fees and fines to end their juvenile cases, while children from low-income households face longer court cases and other harms well into adulthood.

Fees and fines also worsen racial inequity. Because youth of color are more likely than their white peers to enter the justice system, to stay on probation, and to be placed out of the home, families of color tend to pay more into the system than white families.<sup>6</sup> In Kansas in 2017, for example, Black youth were detained at a rate 6 times that of their white peers, despite similar rates of conduct that typically leads to juvenile justice involvement.<sup>7</sup> Eliminating fees and fines can help create a more equitable system.

Fourth, **fees and fines don't make financial sense**. Collecting juvenile fees and fines is high-pain for children and families, and low-gain for states. In Kansas, based on data provided by the Office of Judicial Administration, revenue from juvenile fees and fines was only \$539,228.45 in 2020, a figure that has decreased nearly 50% since 2016.<sup>8</sup>

Studies from around the country confirm that youth and families simply don't have money to pay, and collections are costly and slow. Oregon spent \$866,000 in 2019 to collect only \$864,000 in youth custody fees. Similarly, Louisiana collected only 6% of all juvenile justice fees ordered in 2018, and Florida collects only 9% of all justice debt, including that imposed on adults.<sup>9</sup>

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<sup>6</sup> LIZ GEORGE ET AL., MINORS FACING MAJOR DEBT: THE IMMENSE BURDEN OF COURT FEES ON MACOMB COUNTY YOUTH AND FAMILIES (2021), [https://35f5626c-61e6-48d6-83b9-5da8713cbd74.filesusr.com/ugd/03cb01\\_64e35871392043c9b2358e5f488275ba.pdf](https://35f5626c-61e6-48d6-83b9-5da8713cbd74.filesusr.com/ugd/03cb01_64e35871392043c9b2358e5f488275ba.pdf).

<sup>7</sup> JOSH ROVNER, SENTENCING PROJECT, RACIAL DISPARITIES IN YOUTH INCARCERATION PERSIST (Feb. 2021), <https://www.sentencingproject.org/wp-content/uploads/2021/02/Racial-Disparities-in-Youth-Incarceration-Persist.pdf>.

<sup>8</sup> For more detail, please see "Fiscal Impact of Eliminating Juvenile Fines and Fees in Kansas," provided as part of the resource packet for this hearing.

<sup>9</sup> Data on file with the Debt Free Justice campaign; see also JEFFREY SELBIN ET AL., HIGH PAIN, NO GAIN: HOW JUVENILE ADMINISTRATIVE FEES HARM LOW-INCOME FAMILIES IN ALAMEDA COUNTY, CALIFORNIA (2016), [https://lawcat.berkeley.edu/record/1127714/files/High\\_Pain\\_No\\_Gain.pdf](https://lawcat.berkeley.edu/record/1127714/files/High_Pain_No_Gain.pdf).

## Supporting the Goals of the Kansas Juvenile Law

The Kansas Juvenile Code aims to “**improve [youth’s] ability to live more productively and responsibly in the community,**” and “**recognize[s] that the ultimate solutions to juvenile crime lie in the strengthening of families and educational institutions.**”<sup>10</sup> Shifting the cost of the courts onto children and families undermines these laudable goals, disrupts families, and makes it harder for children to achieve meaningful restoration and reintegration.

Across the country, at least 15 states have eliminated some or all juvenile justice fees and fines since 2015. In 2021, states that passed reforms in this area include Texas, New Mexico, Virginia, and Louisiana, which passed a unanimous bill to totally eliminate all fees and fines for children. Some states have also discharged all outstanding debt, providing an economic boost to families in the state.<sup>11</sup>

We urge Kansas to join this movement and eliminate youth fees and fines to help Kansas children and families find a way forward from juvenile justice involvement.

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The Debt Free Justice for Youth Coalition thanks the Committee for its leadership in creating a more fair and effective juvenile justice system. If you have any questions, please feel free to reach out to Mike Fonkert at [mfonkert@kansasappleseed.org](mailto:mfonkert@kansasappleseed.org) or Noah Bein at [noah@justiceactionnetwork.org](mailto:noah@justiceactionnetwork.org).

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<sup>10</sup> K.S.A. 38-2301.

<sup>11</sup> Debt Free Justice Campaign: Our Impact, <https://debtfreejustice.org/our-impact>.

