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ALABAMA COALITION TO END JUVENILE COURT DEBT

[Date]

[Representative]

11 South Union Street
Montgomery, AL 36130

Re: Bill Ending Juvenile Fees and Fines in Alabama

Dear [Representative],

We are pleased to share this packet of research and resources about a bill to end juvenile fees and fines in Alabama.

Current law authorizes juvenile courts to impose harmful monetary sanctions on children and their parents and guardians. As the bipartisan interbranch Alabama Juvenile Justice Task Force found in 2017:

[Juvenile] court costs such as fines and fees are increasingly common in Alabama, despite research suggesting that financial obligations can increase the likelihood of reoffending, exacerbate racial disparities, and extend involvement with the court system—particularly for low-income youth.

Further, data from the Alabama Administrative Office of the Courts show stark geographic disparities in outstanding juvenile court debt across counties.

Since 2015, bipartisan groups of legislators and other policymakers have reduced or eliminated juvenile fees and fines in two dozen states, including in Georgia, Louisiana, Tennessee, Texas, and Virginia. In fact, the Alabama Juvenile Justice Task Force recommended that lawmakers enact legislation to ensure that “juveniles adjudicated delinquent or CHINS shall not be assessed fines, fees, or court costs.”

This research packet includes short excerpts of the following resources (full versions linked):

Page Source

- 1-2 BILL SUMMARY *Juvenile Fees and Fines in Alabama* (2022) (summarizing juvenile fees, fines, and costs).
- 3-6 ALABAMA JUVENILE JUSTICE TASK FORCE, [Final Report](#) (2017) (bipartisan report finding that juvenile court fees, fines, and costs in Alabama are increasingly common and undermine the goals of the system and recommending that state lawmakers end such practices).
- 7-8 ALABAMA APPLESEED, [Under Pressure: How Fines and Fees Hurt People, Undermine Public Safety, and Drive Alabama’s Racial Wealth Divide](#) (2018) (research report recommending that state lawmakers end juvenile court fees, fines, and costs for youth and parents).
- 9-10 JUVENILE LAW CENTER, [Debtor’s Prison for Kids: The High Cost of Fees and Fines in the Juvenile Justice System](#) (2016) (documenting harms to children and families of juvenile court fees and fines).

- 11 ALEX PIQUERO, MICHAEL BAGLIVIO & KEVIN WOLFF, [*A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity*](#) (2023) (criminology study finding racial disparities in assessment of juvenile court debt and a strong correlation between juvenile court debt and increased recidivism in Florida).
- 12-14 LESLIE PAIK & CHIARA PACKARD, [*Impact of Juvenile Justice Fees and Fines on Family Life*](#) (2019) (sociology study finding that juvenile fees and fines have no therapeutic or deterrent effect, do not teach youth responsibility, and impose “significant material and emotional impacts on the family, affecting their interpersonal dynamics and household stability”).
- 15-16 LAW ENFORCEMENT LEADERS ASSOCIATION, [*Juvenile Justice Reform Principles*](#) (2021) (police chiefs, prosecutors, attorneys general, and correctional officials from all 50 states finding that juvenile justice fees and fines waste law enforcement resources, trap children in poverty, and increase recidivism, and calling for their complete elimination).
- 17 AMERICANS FOR PROSPERITY, RIGHT ON CRIME, ET AL., [*Conservative, Center-Right, and Libertarian Organizations Support Ending Fees and Fines for Youth*](#) (2021) (calling for an end to juvenile fees and fines as inconsistent with “a free and open society that limits government interference and supports individual liberties”).
- 18 NATIONAL CENTER FOR ACCESS TO JUSTICE, [*Alabama Fines and Fees Index*](#) (2022) (ranking Alabama last among all states for creating “a two-tiered system, placing justice out of reach for millions of people, including a disproportionate number of people of color.”)

Bill Summary

Alabama law authorizes juvenile courts to charge fees, fines, and costs to children and their parents and guardians. As noted by Alabama’s bipartisan, interbranch Juvenile Justice Task Force in 2017, juvenile court debt harms youth and families, undermines rehabilitation and public safety, and generates little revenue.

Consistent with the 2017 Task Force recommendations, this bill would amend state laws that authorize juvenile courts to charge children or their parents and guardians:

(1) court costs, attorney fees, and expenses for examination, treatment, care, detention, and support of the child;

(2) child support for any child placed in the custody of the state or with another court-order institution or person; and

(3) docket fees, solicitor’s fees, and other fees, fines, and costs.

Further, this bill would discharge outstanding fees, fines, and costs previously charged to children in juvenile court and their parents and guardians.

Finally, this bill would amend laws that impose additional consequences on children in juvenile court and their parents and guardians for unpaid victim restitution.

Bill Provisions

End juvenile court fees, fines, and costs		
Alabama Code	Description	Amendments
12-15-109	Requires juvenile courts to charge fees and costs.	Repealed.
12-15-215(d)(4)	Authorizes juvenile courts to order fines on children or parents up to \$250 and other sanctions.	Amended to remove fines.
12-15-215(f)	Requires juvenile courts to order parents to pay child support for children in state custody.	Repealed, and added that 12-15-215 does not authorize fees, fines, or costs in juvenile court.
12-19-171(a)	Requires courts to collect docket fees in juvenile and criminal cases.	Amended to remove fees in juvenile cases.
12-19-171(b)	Requires courts to collect subpoena fees.	Amended to specify that fees are only applicable in criminal (adult) cases.
12-19-171(c)	Increases docket fees by \$5 in juvenile and criminal cases.	Amended to remove juvenile cases and added that 12-19-171 does not authorize fees in juvenile cases.
12-19-181(a)	Requires additional docket fees for marijuana convictions, including in juvenile cases.	Amended to remove juvenile cases and added that 12-19-181 does not authorize fees in juvenile cases.
12-19-182(a)	Requires courts to assess a solicitor’s fee in all cases.	Amended to remove juvenile cases and added that 12-19-182 does not authorize fees in juvenile cases.

12-19-311	Requires a bail bond fee in all state courts.	Added that 12-19-311 does not authorize fees in juvenile cases.
12-23-7	Requires drug testing for people convicted of alcohol or drug offenses at their own expense.	Added that 12-23-7 does not authorize expenses or costs in juvenile cases.
12-23-12	Requires courts to order a referral officer assessment fee for DUI or drug related offenses.	Amended to remove the referral fee in juvenile cases and added that 12-23-12 does not authorize a fee in juvenile cases.
12-23-13	Requires a monitoring fee for “any alcohol or drug-related offender.”	Added that 12-23-13 does not authorize a fee in juvenile cases.
13A-5-2	Authorizes dispositions for felonies and misdemeanors, including fines.	Added that 13A-5-2 does not authorize fines in juvenile cases.
13A-5-11	Authorizes fines for felonies.	Added that 13A-5-11 does not authorize fines in juvenile cases.
13A-5-12	Authorizes fines for misdemeanors and violations.	Added that 13A-5-12 does not authorize fines in juvenile cases.
13A-12-231	Requires mandatory minimums and fines for drug trafficking.	Added that 13A-12-231 does not authorize fines in juvenile cases.
15-23-17	Authorizes fees for the victim compensation fund.	Amended to remove references to juvenile cases and added that 15-23-17 does not authorize fees in juvenile cases.

Reduce additional consequences of unpaid restitution

Alabama Code	Description	Amendments
12-15-110	Authorizes juvenile courts to hold youth in contempt for disobeying an order.	Amended to exempt unpaid restitution as a basis for contempt.
12-15-117(c)	Requires juvenile courts to retain jurisdiction indefinitely for unpaid fees, fines, costs, and restitution.	Amended to remove extended jurisdiction solely for the purpose of unpaid debt.
12-15-117(d)	Authorizes juvenile courts to enforce orders for fees, fines, costs, and restitution through punishment for contempt, including incarceration.	Repealed.
12-15-203	Ends jurisdiction of juvenile court in cases transferred to a circuit or district court except to enforce orders for outstanding debt.	Amended to end juvenile court jurisdiction solely for outstanding debt.
12-15-204	Ends jurisdiction of juvenile court in cases of youthful offenders tried as adults except to enforce orders for outstanding debt.	Amended to end juvenile court jurisdiction solely for outstanding debt.

Alabama Juvenile Justice Task Force
Final Report



December 2017

Members of the Alabama Juvenile Justice Task Force

Representative Jim Hill, 50th District (co-chair)

Senator Cam Ward, 14th District (co-chair)

Judge Bob Bailey, 15th Judicial Circuit

Daryl Bailey, District Attorney, Montgomery County

Lynn Beshear, Commissioner, Department of Mental Health

Gar Blume, Defense Attorney, Blume & Blume Attorneys at Law, PC

Christy Cain deGraffenried, Executive Director, Alabama Children First

William Califf, Designee, Senate President Pro Tempore Del Marsh

Derrick Cunningham, Sheriff, Montgomery County

Representative Matt Fridy, 73rd District

Senator Vivian Davis Figures, 33rd District

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Steven Lafreniere, Executive Director, Department of Youth Services

Jim Loop, Deputy Director, Department of Human Resources

Cary McMillan, Director, Family Court Division, Administrative Office of Courts

Judge David Money, Henry County Commissioner, Designee, Association of County Commissions of Alabama

Chief Justice Lyn Stuart, Alabama Supreme Court

Dr. Kay Atchinson Warfield, Education Administrator, Alabama State Department of Education

Andrew Westcott, Designee, House Speaker Mac McCutcheon

Dave White, Designee, Governor Kay Ivey

Despite research showing that the most effective interventions must match a youth's risk to the intensity of the response, Alabama does not use a statewide validated risk and needs assessment to inform case-planning and decision-making.¹¹ While a risk and needs assessment is used in determining placement for youth once they are committed to DYS, it is not validated on the Alabama youth population, meaning that it has not been statistically shown to predict a youth's likelihood of reoffending and a youth's specific needs related to reoffending.

The Task Force also found that court costs such as fines and fees are increasingly common in Alabama, despite research suggesting that financial obligations can increase the likelihood of reoffending, exacerbate racial disparities, and extend involvement with the court system—particularly for low-income youth.¹² While most cases still do not have court costs ordered, the percentage of petitions with court costs has more than doubled over the past decade, increasing from seven percent of petitions in 2007 to 18 percent in 2016.

There is no statutory limit or statewide guidance on the amount of financial obligations ordered by the court except for a limit of \$250 for fines as part of a disposition. As a result, there is wide county variation in both the prevalence of court costs and the average amount ordered. About half of JPO respondents reported that supervision fees could be assessed in their jurisdiction, and half reported they could not. Average court costs per petition within individual counties range from \$46 in the lowest county to \$283 in the highest. Just five percent of court costs and 15 percent of restitution are eventually collected by the court. Despite low collection rates, more than three-quarters of JPO questionnaire respondents say financial conditions must be satisfied before youth can be discharged from probation.

Evidence-based services in the community are largely unavailable to judges and JPOs

The Task Force reviewed research demonstrating that community-based programs adhering to models shown to reduce reoffending produce better public safety outcomes than out-of-home placements for most youth.¹³ However, just 15 percent of committed youth were in a non-residential DYS diversion program prior to their first DYS commitment, even though DYS diversion programs are intended to prevent placement in state custody.

Stakeholders from across the system told the Task Force that such high-quality, community-based services are largely unavailable, especially to judges, JPOs, and district attorneys in rural areas of the state. More than two-thirds of JPO questionnaire respondents reported that there are not enough services to meet the needs of youth on their caseloads. In one roundtable, a judge stated, “Every time I have to send a kid to some kind of diversionary program, it’s outside of my county. Every single time.” Youth also reiterated the need for effective in-home interventions like family therapy that address core issues. One youth in a secure facility stated, “Where I came from, I feel like if there were more family counseling and more things that you could do in the community with families... then it would help a lot.” Community-based services that do exist for youth on probation are not required to be evidence-based for reducing reoffending and are not uniformly monitored for quality. In roundtables and questionnaire responses, JPOs reported that transportation barriers, long wait lists, and high costs to families for community-based services often keep youth from receiving them. Where DYS diversion programs are available, they vary in program length, eligibility, services provided, and whether youth remain in their homes.

¹¹ Vieira, T.A., Skilling, T.A., & Peterson-Badali, M. (2009). *Matching court-ordered services with treatment needs*. *Criminal Justice and Behavior*, 36, 385–401.

¹² Alex Piquero and Wesley Jennings, [“Justice System Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders”](#) DRAFT, *Juvenile Law Center*.

¹³ Christopher T. Lowenkamp and Edward J. Latessa, “Evaluation of Ohio's RECLAIM funded programs, community corrections facilities, and DYS facilities,” (Cincinnati, OH: University of Cincinnati, 2005).

Recommendation: Tailor eligibility for removal from the home and focus out-of-home resources on youth who pose the greatest threat to public safety

24. A youth shall only be eligible for placement in DYS custody if the youth has:
 - A present Felony A, or B, or Felony C that is not for drug possession, or
 - A Felony C that is for drug possession, a Felony D, or a present misdemeanor with at least 4 prior misdemeanor or felony adjudications arising from separate incidents.
25. If a youth is sent to court for a probation or aftercare violation and is found to be in violation, the court may modify conditions consistent with the results of a validated risk and needs assessment, but may not place the youth out of home for technical violations. The same is true on a contempt citation, except:
 - The court may place a youth in detention upon a finding that probation has been violated for up to 24 hours on a first violation, and up to 48 hours on a subsequent violation.
 - Juvenile probation officers shall not have the authority to place a youth in detention in response to noncompliance. The order must come from the judge.
26. For youth who qualify for DYS commitment, the court may suspend a state custody order following the initial disposition. The court may lift that suspension only upon adjudication of a new delinquency offense or a substantive probation violation.
27. Non-payment of financial obligations shall not serve as grounds for removal from the home.
28. If a youth is sent to DYS who is not eligible for custody, DYS shall not accept the youth.
 - The sentencing commission shall monitor custody orders committing ineligible youth and report back to the oversight entity.
29. Courts shall not order determinate sentences for DYS commitments or conditions for release. When a youth is committed to DYS, the court may make recommendations regarding conditions for youth to complete, but those conditions shall not be binding.
30. DYS-funded diversion programs shall be non-residential and adhere to evidence-based models shown to reduce the likelihood of reoffending. The current use of out-of-home diversion shall be phased out incrementally over time and not to exceed two years after the reform implementation date. Custody limitations (delineated in this section above) shall apply to DYS out-of-home diversion as it winds down.

Recommendation: Prioritize restitution by minimizing excessive fines and fees against youth

31. When ordered, restitution may only be assessed for “material loss,” defined as uninsured property loss, uninsured out-of-pocket monetary loss, uninsured lost wages, and uninsured medical expenses.
32. Juveniles adjudicated delinquent or CHINS shall not be assessed fines, fees, or court costs. Court costs for truancy shall only be imposed if the charges are against a parent and not the youth.

Recommendation: Mitigate long-term collateral consequences by ensuring proportionate responses to voluntary sexual behavior between minors

33. Sex offenses that constitute voluntary sexual behavior between minors shall not be charged as a delinquency offense but rather as a CHINS offense.

Recommendation: Increase judicial review in transferring youth to the adult system while focusing adult transfer on the most serious cases

34. Any youth who has attained the age of sixteen and is charged with capital murder, murder, rape in the first degree with a deadly weapon, or robbery in the first degree with a deadly weapon shall be charged, arrested, and tried as an adult.
35. Every other youth charged with a delinquent act shall be subject to the jurisdiction of the juvenile court.

UNDER PRESSURE

How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide



Prohibit the suspension of drivers' licenses unless the suspension is public safety focused and directly connected to a driving offense.

Despite the vital importance of a valid driver's license for accessing basics like employment and bank accounts, Alabama laws allow for the suspension of individuals' drivers' licenses if they have unpaid court debt, even if they are indigent and have no ability to pay the money. Suspending drivers' licenses because people cannot afford their court debts has no public safety justification and places unnecessary hurdles in front of people seeking to return to their communities and support their families. Alabama legislators must amend Alabama law to prevent the suspension of drivers' licenses unless the suspension is public safety-focused and directly connected to a driving related offense (i.e. driving while intoxicated).

Ensure equal access to diversion programs.

Participation in a diversion program can mean the difference between having a criminal and a clean record. Yet in Alabama, access to diversion programs are often based on nothing more than an individual's financial well-being or work or family schedule. Some diversion programs maintain high user fees and/or difficult schedules that de facto prohibit individuals with inflexible work or family schedules from participating. This two-tiered justice system has no place in Alabama. State lawmakers should ensure that diversion programs have proper indigency assessments and flexible schedules to ensure that all Alabamians can participate.

Eliminate court costs, fines, and fees for children under 18, and prohibit the transfer of court debt from children to parents and guardians.

Under current law, juvenile courts in Alabama can charge court costs, fines, and fees to children, who generally have little or no income. The percentage of juvenile petitions with court costs has risen dramatically during the last ten years. These court costs, fines, and fees are incompatible with the juvenile justice system's goal of rehabilitation and can actually increase the recidivism rate. State lawmakers must eliminate all court debt assessed against children.

In the same vein, parents and guardians should not face court debt for the actions of their children. Currently, the state can assess court debt against parents based on the action of their children even when the parent or guardian had no knowledge of and did not consent to the child's action. Placing the financial burden on the parent or guardian merely shifts the person in contact with the justice system from child to parent or guardian, which has no public safety benefit and potentially burdens families with unpayable debt. State lawmakers must prohibit the transfer of court costs, fines, and fees from children to parents or guardians.

Eliminate Failure to Appear warrants when the individual failed to appear because they were in government custody.

Individuals held in Alabama's prisons and jails have no ability to travel to a court appearance unless they are brought by the jail or prison officials. Yet people who missed a court appearance because they were in prison or jail at the time of the court date nonetheless often face Failure to Appear warrants when they are released. This is senseless, unjust, and counterproductive, as it creates a hurdle to people trying to re-enter their communities and secure stable work. State lawmakers must prohibit the issuance of a warrant if the person who failed to appear was in government custody in Alabama at the time of the court appearance. State lawmakers must also provide immunity from prosecution for failure to appear if the individual was the custody of another state at the time of the court appearance.

Create a database accessible to municipal, district, and circuit judges that includes records of outstanding court debt across all Alabama jurisdictions.

At present, Alabama judges have no tool with which to determine how much people before them owe in court debt across all Alabama jurisdictions, making it difficult to accurately determine their ability to pay. Creating a comprehensive database for judges would better ensure that they can accurately assess justice-involved people's ability to pay, taking into consideration the entirety of their court-related debt. State



DEBTORS' PRISON FOR KIDS?

The High Cost of Fines and Fees in the Juvenile Justice System

Authored by Jessica Feerman
with Naomi Goldstein, Emily Haney-Caron, Jaymes Fairfax Columbo

2016

Juvenile
Law
Center advancing the rights and
well-being of children in jeopardy

DEBTORS' PRISON FOR KIDS?

The High Cost of Fines and Fees in the Juvenile Justice System

By Jessica Feierman with Naomi Goldstein, Emily Haney-Caron and Jaymes Fairfax Columbo

EXECUTIVE SUMMARY

While much is now known about the financial burdens imposed on individuals and families by the assessment of costs, fines, fees, and restitution in the adult criminal justice system, there has been scant attention paid to this issue in the juvenile justice system. To address this gap, with the support of the Laura and John Arnold Foundation, Juvenile Law Center : 1) reviewed statutes in all 50 states and the District of Columbia to assess the legal framework for financial obligations placed on youth in the juvenile justice system and their families; 2) conducted a national survey of lawyers, other professionals, adults with previous juvenile justice involvement, and families to collect information about local practices;¹ 3) interviewed attorneys and young adults who had experiences with the juvenile justice system to further understand how cost of justice issues play out in practice; and 4) solicited a study by criminologists Alex Piquero and Wesley Jennings, who examined the connection between costs and recidivism, and the implications for racial disparities in the juvenile justice system.

As in the criminal justice system, the imposition of costs and fees in the juvenile justice system is widespread across the country. Approximately one million youth appear in juvenile court each year. Costs, fees, fines, or restitution are imposed in every state. **These financial penalties increase recidivism, push impoverished young people deeper into the juvenile justice system, exacerbate racial disparities in the juvenile justice system, and heighten economic and emotional distress for families already struggling financially.**

The chart below identifies the types of financial obligations imposed and the results of our statutory review and stakeholder survey. In some cases, costs are imposed locally even when there is no applicable state statute. In a forthcoming report, we will consider the additional costs that are imposed when indigent youth are required to pay for counsel.

¹ We received responses from 183 individuals in 41 states; in each of these states, respondents reported the imposition of costs, fines, fees or restitution, and harms to youth or families as a result.

A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity

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ABSTRACT

There has long been a concern about the imposition of monetary sanctions on the risk of recidivism, but much of this work has been conducted among adults, and very little among youth. Moreover, virtually no work has considered this issue across race and ethnicity. This study uses both quantitative and qualitative data to examine this issue. Several key findings emerged from our work. First, while there were no race/ethnic differences in the proportion of youth receiving fines, when fines were administered both black and Hispanic youth were administered significantly higher fees. Second, youth residing in areas with greater concentrated disadvantage had higher amounts of fees assigned (when assigned fees). Third, after youth were matched, analyses indicated fees increased the likelihood of recidivism, as did being black or Hispanic. Fourth, when we considered the interaction between race/ethnicity and both fees and restitution, results showed two race/ethnic differences: whereas Hispanic youth with fees were less likely to recidivate, black youth with restitution had a higher risk of recidivism. Finally, the qualitative data pointed to some startling findings, namely that youth did not understand the full impact of fines on both their families and themselves and a non-significant percentage reported that they would have to resort to criminal activity in order to pay fines.

¹ Disclosures: The analyses and conclusions presented here are those of the authors and should not be attributed to the Bureau of Justice Statistics or the U.S. Department of Justice. This analysis and report was supported by Arnold Ventures.

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**Impact of Juvenile Justice Fines and Fees on Family Life:
*Case Study in Dane County, WI***

Written by:

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2019

Executive Summary

National attention has recently turned towards fines and fees in the criminal justice system and the ways in which these legal financial obligations further exacerbate poverty and racial inequality. People involved in the justice system across the country often face many challenges due to their involvement in court, including burdensome fees. Many families find it difficult to pay these bills, leading to a cycle of debt and financial struggle. Most of this attention to fines and fees, however, has focused on the adult system, whereas little attention has been given to parents and youth involved in the juvenile justice system who face similar financial obligations. Charges to youth who commit crimes are complicated by the fact that youth often do not have the financial means to pay. Parents are often left with the financial burden of these fines and fees even though they did not commit any crime.

This report presents selected findings from a study on fines and fees in the juvenile justice system in Dane County, Wisconsin as part of an on-going collaborative project with Juvenile Law Center. Drawing on interviews with 20 parents and their children conducted in July-September 2018, we explore how parents and youth experience and perceive fines and fees. Drawing on 10 additional interviews of victims eligible for restitution for crimes committed by youth, we also explore victims' experiences with restitution and their views on this particular financial obligation for youth. Parents in Dane County can face many different charges for their child's involvement in court, ranging from \$130/night for stays in the Juvenile Detention Center^a to \$240 for a Public Defender in a misdemeanor case. Of the parents we interviewed, the average amount of money charged is \$1,796. Youth can also be charged up to a maximum of \$1,000 for victim restitution.

This report focuses not only on the specific fines and fees and respective amounts that parents and youth are asked to pay, but also the impact of Legal Financial Obligations (LFOs) on their family life. Our research reveals that these charges impose a significant financial burden on families. We also explore how participants view potential and actual alternatives to LFOs.

In the following pages, we bring forward the voices of youth, parents, and victims to share their experiences. Here, we summarize two main findings that emerged in these interviews:

1. **Impact of Fines and Fees on Family Life:** The stories families tell of their experiences with LFOs illustrate the negative impact of these financial bills, which can outweigh any potential of them to instill responsibility in youth. The LFOs have significant negative impact on family life, in material and emotional ways. Parents discuss the psychological toll of these LFOs and the resulting impact on the quality of their relationships with their youths. They also talk about the overall impact on their household, including their other children. In addition to this effect on their family dynamics, families discussed the financial and nonfinancial consequences for not paying LFOs. Those included the state seizing their tax refunds, sending their bill to collections, suspending driver's licenses, as well as

^a This particular fee has recently been abolished as of January 2019. There is a pending bill to make this change retroactive.

increased justice involvement for the youth and potential new court involvement for the parents.

2. **Viable Alternatives to Restitution:** Through private nonprofit agencies, youth in Dane County sometimes have the option of doing community service to start paying for the restitution they owe to victims. While interview participants generally supported community service as an alternative to paying restitution, they also expressed concerns about the types and number of hours of community service needed to complete this process. Moreover, their views on other alternatives, such as writing a letter of apology or meeting with the victim of the crime, were mixed.

Given these findings, we recommend two policy reforms:

1. Abolish all fines and fees

Our findings support other research that advocates for abolishing all fines and fees in the juvenile justice system. There is no therapeutic or deterrent effect of these fines and fees, nor do they teach youths responsibility. Moreover, the youths often have no reasonable way to pay these fines; their parents are not able to do so either. The LFOs also have significant material and emotional impacts on the family, affecting their interpersonal dynamics and household stability.

2. Revise how community service is used as an alternative to restitution

Even with the caps to restitution amounts, the process of paying restitution can be quite complicated. As such, it would be wise to reconsider the ways that the youths can work off restitution. Any option considered should also recognize the non-financial impacts of the crime on the victims.

In sum, there is much more to the story than simply saying families are not paying LFOs because they cannot afford it or that offering alternatives like community service or letters of apology would be viable options. To truly reform this system requires more careful attention to how each local jurisdiction imposes the LFOs and how families and victims experience that process.



BACKGROUND

On any given day in 2019, there were an estimated 48,000 juveniles confined due to juvenile or criminal justice system involvement.¹ That same year, there were nearly 700,000 juvenile arrests.² Involvement in criminal and juvenile justice systems causes children lasting harm that can limit their potential to thrive in adulthood. When justice-involved children are not offered alternatives such as restorative justice, or do not receive rehabilitative support such as community treatment, they are at higher risk of school dropout, substance abuse disorders, and future offending.³ These harms are not experienced equally — with Black youth 5.8 times, Native youth 2.5 times, and Hispanic youth 1.7 times more likely than white youths to be incarcerated and to experience resulting collateral consequences.⁴

The reflexive use of punitive sanctions against youth does not promote public safety in the long run.⁵ Study after study has proven what common sense has long shown: children’s neurological and developmental immaturity often leads to poor decision-making.⁶ Providing children with trauma-informed, developmentally appropriate responses to offending can improve their sense of security and connection to their communities. The data bears this out: while juvenile incarceration has fallen 66 percent nationwide from 2008 to 2018, we have also seen a 65 percent decline in youth crime over that same period.⁷ We can reduce unnecessary youth incarceration and crime at the same time.

RECOMMENDATIONS

RECOMMENDATION 1: RAISE THE AGES OF CRIMINAL AND JUVENILE COURT RESPONSIBILITY AND STOP AUTOMATIC TRANSFERS OF YOUTH TO THE ADULT CRIMINAL JUSTICE SYSTEM

The prosecution and incarceration of juveniles as adults fails to meet their developmental needs, adversely affecting youth rehabilitation.⁸ As many in law enforcement have recognized, states should raise the age of criminal responsibility to 18, end automatic transfers of youth to adult court, and raise the minimum age of juvenile court jurisdiction to at least 14, consistent with international norms.⁹

Despite the national trend of raising the age of criminal responsibility to 18, three states have yet to do so.¹⁰ In addition, most states have laws that allow or require prosecutors to automatically transfer

children to adult courts for more serious offenses and under certain conditions.¹¹ In many states, children as young as 13 and 14 can be automatically tried as adults.¹² However, these automatic transfer laws are both ineffective at reducing crime and harmful to rehabilitative goals. Juveniles who are prosecuted as adults are more likely to recidivate, commit more serious new offenses upon release, and reoffend more quickly than youth processed through the juvenile justice system.¹³ Further, trying young people as adults fails to account for their evolving capacities and can limit chances for rehabilitation.¹⁴ Such practices undermine extensive scientific research showing that adolescents tend to make poor decisions because they are cognitively less able to regulate their behavior and

¹ Wendy Sawyer, *Youth Confinement: The Whole Pie*, Prison Policy Initiative, 2019, <https://www.prisonpolicy.org/reports/youth2019.html>.

² *Juvenile Arrests*, OJJDP Statistical Briefing Book, accessed January 14, 2021, <https://www.ojjdp.gov/ojstatbb/crime/qa05101.asp?qaDate=2019&text=yes>.

³ Barry Holman and Jason Ziedenberg, *The Dangers of Detention*, Justice Policy Institute, 2006.

⁴ Vincent Schiraldi, *Can We Eliminate the Youth Prison (And What Should We Replace It With?)*, The Square One Project, 2020, 19.

⁵ Lawrence W. Sherman et al., *Preventing Crime: What Works, What Doesn't, What's Promising*, National Institute of Justice, 1998; "Statement on Ending Youth Prisons," Youth Correctional Leaders for Justice, July 20, 2020.

⁶ Staci A. Gruber and Deborah A. Yurgelun-Todd, "Neurobiology and the Law: A Role in Juvenile Justice," *Ohio St. J. Crim. Law* 3 (2005): 321, 330; *21 Principles for the 21st Century Prosecutor*, Brennan Center for Justice, 2018.

⁷ Schiraldi, *supra* note 4, at 11.

⁸ Ian Lambie and Isabel Randell, "The Impact of Incarceration on Juvenile Offenders," *Clinical Psychol. Rev.* 3 (2013): 448, 450–55.

⁹ National Sheriffs' Association, National Sheriffs' Association Resolution on Youth Tried as Adults (2018); Major Cities Chiefs Association, Policy Statement: Youth in the Adult Criminal Justice System (2017); *Raise the Minimum Age for Trying Children in Juvenile Court*, National Juvenile Justice Network, 2020.

¹⁰ Rachel Marshall, *Removing Youth from Adult Jails: A 50-State Scan of Pretrial Detention Laws for Youth Transferred to the Adult System*, Campaign for Youth Justice, 2019, 9 (Georgia, Wisconsin, and Texas have yet to do so); Daniel Nichanian, "As Michigan Raises the Age, Advocates Vow to Press for More Change," *The Appeal*, November 14, 2019 (Michigan raised the age in 2019).

¹¹ Anne Teigen, "Juvenile Age of Jurisdiction and Transfer to Adult Court Laws," *National Conference of State Legislatures*, July 1, 2020.

¹² Jeree Thomas et al., *Raising the Floor*, Campaign for Youth Justice, 2019, 12.

¹³ Robert Hahn et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, Center for Disease Control and Prevention, 2007.

¹⁴ See Lambie, *supra* note 8, at 450 (noting that involvement in sensation-seeking and risk-taking behaviors peaks during adolescence).

that youth neurological development continues until around 25 years of age.¹⁵

RECOMMENDATION 2: REDUCE RELIANCE ON INCARCERATION AND INVEST IN PREVENTION AND COMMUNITY-BASED TREATMENT

Incarcerated juveniles experience disproportionate rates of mental illness and a higher risk of self-harm.¹⁶ Further, juvenile detention disrupts psychological development and youths' capability to "age out" of delinquency.¹⁷ As a result, incarcerated youth are more likely to recidivate than those placed in community-based rehabilitation and probation programs.¹⁸ Incarcerated youth are also less likely to graduate from high school and face diminished job opportunities, limiting their future earning potential and further increasing their likelihood of recidivism.¹⁹ States should design juvenile justice systems around the goals of diversion and rehabilitation — with the ultimate aim of closing youth prisons, as has been called for by dozens of current and former correctional leaders of youth justice agencies.²⁰

RECOMMENDATION 3: PROVIDE COUNSELING, MEDICAL CARE, AND APPROPRIATE PROGRAMMING TO INCARCERATED YOUTH

Psychological research demonstrates how important it is for states to reduce juvenile incarceration, which can severely exacerbate youth's existing mental health problems.²¹ However, when incarceration is necessary for public safety, correctional facilities must create and maintain conditions that protect youth. Youth incarcerated in adult facilities face disproportionate rates of chronic physical and mental health conditions, mortality, suicide, and violence, as well as physical,

sexual, and psychological abuse.²² Even worse, young people placed in solitary confinement — still common in certain states — face severe, sometimes irreversible, psychological damage.²³ And juveniles in adult facilities typically do not have access to the same rehabilitative services as should be available in juvenile systems. To achieve full rehabilitation, it is critical that young people receive educational, mental health, and substance abuse resources tailored to their needs. Youth should only be housed in adult facilities or in solitary confinement as a last resort.

RECOMMENDATION 4: STOP CHARGING YOUTH CRIMINAL JUSTICE FEES AND FINES

Justice-involved youth, many of whom are from low-income households, often bear significant monetary burdens associated with the court system. This includes fees and fines imposed as a result of court proceedings, probation, and rehabilitation programs.²⁴ In at least 26 states, when juveniles fail to pay these costs, they can be incarcerated, even if they pose no threat to public safety.²⁵ Consequently, young people are pushed into inescapable debt, and often pushed further into the justice system for inability to pay.²⁶ As a general rule, children are financially dependent and unable to pay criminal justice fees and fines. They should not be saddled with criminal justice debt or incarceration because their parents cannot afford to pay it. These unfair policies risk wasting scarce law enforcement resources, and also have long-lasting effects — they trap children in poverty and increase their risk of recidivism.²⁷ As New Jersey did in 2020, states should eliminate the practice of imposing juvenile justice fees and fines on youth.²⁸

Juvenile justice policies must reflect the reality that children have unique needs. State, local, and tribal juvenile justice systems should rely less on incarceration and more on providing developmentally appropriate responses in order to advance both juvenile rehabilitation and community public safety goals.

¹⁵ See Gruber and Yurgelun-Todd, *supra* note 6, 321, 330 (“[Adolescents] may make poor decisions because they are cognitively less able to select behavioral strategies associated with self-regulation.”); see also Brennan Center for Justice, *supra* note 6 (neurological development continues until around the age of 25).

¹⁶ Lee A. Underwood and Aryssa Washington, “Mental Illness and Juvenile Offenders,” *Int’l J. of Env. Res. & Pub. Health* 13 (2016): 2–3.

¹⁷ Richard A. Mendel, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, The Annie E. Casey Foundation, 2011, 9–15.

¹⁸ Edward Mulvey, *Highlights from Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders*, U.S. Department of Justice.

¹⁹ Anna Aizer and Joseph Doyle, *What is the Long-Term Impact of Incarcerating Juveniles*, Vox CEPR Policy Portal, July 16, 2013; Richard B. Freeman, *Crime and the Employment of Disadvantaged Youths*, National Bureau of Economic Res. 3875, 1991.

²⁰ “Statement on Ending Youth Prisons,” Youth Correctional Leaders for Justice. To aid in the development of better programs for youth, states may apply for grants through the federal Juvenile Justice Delinquency Prevention Act, 34 U.S.C.A. § 11102 (2018).

²¹ Linda A. Teplin et al., “Prevalence, Comorbidity, and Continuity of Psychiatric Disorders in a 15-Year Longitudinal Study of Youths Involved in the Juvenile Justice System.” *JAMA Pediatrics*, 2021.

²² Celia Harris et al., *Juvenile Injustice: Charging Youth as Adults is Ineffective, Biased, and Harmful*, Human Impact Partners, 2017.

²³ Andrew B. Clark, “Juvenile Solitary Confinement as a Form of Child Abuse,” *J. Am. Acad. Psychiatry* 45 (2017): 350–357.

²⁴ Jessica Feierman, *Debtors’ Prison for Kids?*, Juvenile Law Center, 2016, 9.

²⁵ Feierman, *supra* note 24, at 10, 23.

²⁶ Feierman, *supra* note 24, at 3.

²⁷ Feierman, *supra* note 24, at 4; see Eli Hager, “Punishing Kids With Years of Debt,” *The Marshall Project*, June 11, 2019; Alex R. Piquero & Wesley G. Jennings, “Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders,” *Youth Violence & Juv. Just.* 15 (2017): 325–340.

²⁸ See S. 48, 218 Leg. (N.J. 2020).



Conservative, Center-Right, and Libertarian Organizations Support Ending Fees and Fines for Youth

September 20, 2021

We are organizations and advocates that share in a desire for a free and open society that limits government interference and supports individual liberties. We are calling for an end to the assessment and collection of fees and fines for young people in the justice system and their families.

Fees – costs imposed on youth and their families for a young person’s involvement in the justice system – operate in part as a regressive tax on vulnerable communities. These fees include charges for diversionary programs, probation supervision, parent training programs, miscellaneous court costs, and more. Fines – monetary penalties imposed on youth and their families for a certain behavior – can range widely in scope from penalties for status offenses like truancy to more substantial delinquency fines. Both fines and fees often come with harsh consequences for nonpayment, exacerbating their impact on youth and families.

Studies show that fees and fines create additional barriers for youth and families, often trapping them in cycles of debt and court involvement. Further, fees and fines are linked to higher recidivism rates and lower levels of positive social spending, undermining community safety and youth rehabilitation.

Research consistently shows that jurisdictions generate little to no *net* revenue from fees and fines, which they collect at low rates with high costs. Still, relying on system-involved youth and families to generate *potential* government revenue creates a perverse incentive to entangle youth in the system. Ending fees and fines for youth would reduce the financial and bureaucratic burden on the agencies administering these programs, and localities could see long-term fiscal savings.

Conservative and free-market voices have played a key role in ending fees and fines for young people and their families in every region of the country. See the latest states to pass legislation [here](#). A wide variety of stakeholders—including [judges](#), [district attorneys](#), [probation officials](#), [youth correctional officers](#), and [law enforcement leaders](#)—have also called for the reduction or elimination of fees and fines for youth.

We are hopeful that states will continue to stand as leaders on this common-sense juvenile justice reform with widespread bipartisan support. We urge lawmakers to act on behalf of our communities and the youth and families impacted by our justice system by eliminating all fees and fines imposed on young people.



FINES AND FEES INDEX ALABAMA

National Rank:

51st

Score:

7/100

In Alabama and across the country, state and local governments impose fines as punishment for everything from traffic and municipal code violations to felonies. Courts then tax people with fees, surcharges, and other assessments that fund law enforcement, the court system, and other government operations. Fines and fees for even a single incident can add up to thousands of dollars. People unable to pay these sums immediately may face steep penalties, including additional fees, driver's license suspensions, revocation of voting rights, and even incarceration.

Fines and fees can keep people in a cycle of poverty, causing people to lose their jobs, their homes, and sometimes their children. The same monetary sanction that trivially inconveniences an affluent person can prevent a low-income family from paying the rent. But fines and fees are often set without regard to a person's financial situation. They create a two-tiered system, placing justice out of reach for many low-income people, including a disproportionate number of people of color.¹

That is why the National Center for Access to Justice (NCAJ) based at Fordham Law School convened a task force of experts from around the country to identify best policies to rein in these abuses. In all, NCAJ identified 17 policies that are critical to creating a fairer system that does not criminalize poverty and respects the rights of litigants. NCAJ researched state and local laws in all 50 states and Washington, D.C. and graded the jurisdictions on a scale of 0 to 100 according to how their policies measure up, creating the Fines and Fees Justice Index. In short, no state did well. Only three states scored higher than 50 out of 100 and no state received a passing score.

The good news, however, is that almost every policy we track has been adopted by at least one state. That means that states need not invent good policies whole cloth. Rather, each state could implement more rights-respecting policies simply by looking to what other states are already doing.

This report provides a snapshot of how Alabama fared on all 17 policy benchmarks — and sub-benchmarks — along with recommendations for how the state can improve access to justice. To see how all states scored on the Fines and Fees Justice Index, read about their policies, and see the methodology for how NCAJ arrived at the scores, visit the Fines and Fees Justice Index at <https://ncaj.org/state-rankings/fines-and-fees>.