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House Committee on Criminal Justice Reform
Arizona State Capitol Complex
1700 W Washington St.
Phoenix, AZ 85007

RE: Defense Attorneys in Support of HB2385 to End Juvenile Fees in Arizona

Dear Esteemed Criminal Justice Reform Committee Member,

We are writing in strong support of HB2385, which will end the harmful assessment and collection of juvenile system fees in Arizona. As public defenders practicing in juvenile courts across the state, we have witnessed the harms fees impose on Arizona youth and families.

Arizona law authorizes, and often requires, courts to assess administrative fees in juvenile delinquency cases. Courts charge fees to youth and their families at every stage of their involvement in the juvenile system: fees are charged for diversion, legal representation, detention, probation, counseling, and more. These fees range from \$20 to hundreds of dollars each, which can quickly add up to thousands of dollars for one case.

We work with the thousands of youth in Arizona who interact with the juvenile justice system each year.¹ Because youth of color are overrepresented and over-punished in Arizona's juvenile system,² they are more likely to be burdened by fees. Our youth clients and their families disproportionately suffer from poverty, meaning even seemingly small fees can have dire financial impacts, especially during the current economic crisis.

We have seen firsthand the harm that juvenile fees cause the youth we represent. Research has found that juvenile fees can motivate youth to waive their constitutional right to counsel.³ As defense attorneys, we are deeply concerned that children may decline legal representation to protect their families from attorney fees, expenses they know their families cannot afford.

Troublingly, the consequences associated with unpaid fees can follow youth for many years. Unpaid fees can be collected on as a civil judgment after a young person turns 18 and prevent young people from destroying or setting aside their juvenile court records. Children fortunate enough to have family who can afford to pay their court fees enter adulthood with no additional financial burden, the ability to destroy their juvenile record, and a fresh start. Children whose families cannot afford to pay fees enter adulthood with a civil judgement and a juvenile record.

A young person who enters adulthood with a civil judgement will have a poor credit rating that will hinder their steps to independence. They will struggle to obtain a credit card, rent an

¹ In FY 2019, 3,466 youth were detained; 7,750 youth were diverted.; and 3,530 youth were sentenced to standard probation. Arizona Administrative Office of the Courts Juvenile Justice Services Division. Arizona's Juvenile Court Counts Statewide Statistical Information FY2019.

² Arizona Supreme Court Administrative Office of the Court Commission on Minorities, Equitable Treatment of Minority Youth; Sixth Statewide Report Card, 2018.

³ National Juvenile Defender Center, Arizona: Bringing Gault Home, An Assessment of Access to and Quality of Juvenile Defense Counsel, 2018.

apartment, or purchase a car. Young adults with a juvenile record will face limited job options without being able to pass a background check. Throughout our careers in youth defense, we have seen youth full of potential be held back by the long-lasting consequences of court fees.

HB2385 will remove these barriers to youth success. It will eliminate fees charged to youth and their families in the juvenile delinquency system, and end collection of previously assessed fees. This bill will also discharge debt and remove obstacles to juvenile record destruction, essential changes for enabling a young person to re-enter the Arizona community on the right path. Eliminating fees will have minimal fiscal impact on courts⁴ but provide significant relief to struggling families.

As juvenile defenders, we are deeply committed to the success of Arizona's youth. Juvenile fees do not promote public safety, and research shows that they place dire financial strain on families, are racially discriminatory, and undermine youth potential.

We respectfully request that you support the passage of HB2385 to remove financial barriers to young people's success.

Sincerely,

[redacted]

⁴ Arizona Administrative Office of the Courts. Court Revenue: Statewide Narrative Summary, FY 2018. The state reports collecting \$622,432 in probation juvenile assessment fees and \$402,266 in juvenile diversion assessment fees in fiscal year 2018, accounting for less than 0.3% of the total statewide court revenue of nearly \$348 million.