

# 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**

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### **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**

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Please contact us with questions, suggestions, or requests for technical assistance. Email Devan Shea at [dshea@clinical.law.berkeley.edu](mailto:dshea@clinical.law.berkeley.edu).

*Full list of signatories as of April 20, 2020 follows.*

NATIONAL

Juvenile Law Center

 **Arnold Ventures**

**BerkeleyLaw**  
UNIVERSITY OF CALIFORNIA  
Policy Advocacy Clinic

**ACLU**

**FFJC**

 **LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**

**NJDC**  
NATIONAL JUVENILE DEFENDER CENTER



National Center for Youth Law

 **SPLC Southern Poverty Law Center**

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**DREAM CORPS**  
#cut50

**AAJJP**  
African American Juvenile Justice Project

ALLIANCE FOR **Boys and Men of Color** **YOUTH JUSTICE**  
BECAUSE THE CONSEQUENCES AREN'T MINOR

CENTER FOR **Children's Law and Policy**



**Center for Disability Rights, Inc.**  
INTEGRATION, INDEPENDENCE, CIVIL RIGHTS

CENTER FOR **Gender & Refugee STUDIES**



Center for Juvenile Justice Reform

 **CRL**  
Center for Responsible Lending

Child Advocacy Program, Harvard Law School

**CWLA**  
Together, Making Children and Families a National Priority

**CHILDREN'S RIGHTS**  
PROTECTING KIDS. PROVIDING HOPE.

Civil Rights & Police Accountability Project of the University of Chicago

**COALITION FOR JUVENILE JUSTICE**

 **COLUMBIA | JUSTICE LAB**  
Shaping Justice for the Future

**CRIMINAL JUSTICE POLICY PROGRAM**  
HARVARD LAW SCHOOL

**We are the Drug Policy Alliance.**

Education Rights Center at Howard University School of Law

**FJP**  
FAIR AND JUST PROSECUTION

 **FreedomWorks**

**GGE**  
GIRLS FOR GENDER EQUITY

Health Justice Innovations, LLC

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HUMAN IMPACT PARTNERS

**Human Rights for Kids**  
Because every child deserves hope & love.

**INSIGHT CENTER**

 **JUSTICE ACTION NETWORK**

 **Lambda Legal**  
making the case for equality

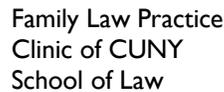


 **National Council of Churches**  
NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA  
1850-2020

 **National Crittenton**  
SOCIAL & SYSTEMS CHANGE FOR GIRLS



### REGIONAL AND MULTI-STATE



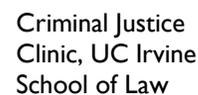
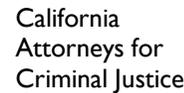
### ALABAMA



### ARIZONA



### CALIFORNIA





San Jose State University Record Clearance Project



UCLA School of Law Prison Law and Policy Program

UCLA School of Law Criminal Justice Program



COLORADO



D.C.



FLORIDA



Florida Juvenile Resentencing and Review Project

ILLINOIS

Children and Family Justice Center, Northwestern University Pritzker School of Law



**INDIANA**



**LOUISIANA**



**FFLIC**



Louisiana Center  
for Children's Rights

Juvenile Law Clinic,  
Tulane Law School



**MAINE**

Maine Center for  
Juvenile Policy & Law,  
University of Maine  
School of Law

**MARYLAND**



Youth, Education and  
Justice Clinic,  
University of Maryland  
Carey School of Law

**MASSACHUSETTS**



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Juvenile Justice  
Clinic, University of  
Michigan Law School



**MINNESOTA**



Office of Ramsey  
County Attorney  
John Choi

## MISSISSIPPI



## NEVADA



## NEW JERSEY

Criminal and Youth  
Justice Clinic,  
Rutgers Law School

Seton Hall Law  
School Center for  
Social Justice

## NEW MEXICO



## NEW YORK

Adolescent  
Representation Clinic,  
Columbia Law School

Feerick Center for  
Social Justice, Fordham  
Law School



## NORTH CAROLINA



Youth Justice Clinic,  
University of North  
Carolina School of Law

## OHIO

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

OREGON



SOUTH CAROLINA



TEXAS



Criminal Defense  
Clinic, Texas A&M Law



**LONE STAR**  
JUSTICE ALLIANCE



UTAH



VIRGINIA



WASHINGTON



WISCONSIN

Neighborhood Law  
Clinic, University of  
Wisconsin Law School