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

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

Please contact us with questions, suggestions, or requests for technical assistance. Email Devan Shea at dshea@clinical.law.berkeley.edu.

Full list of signatories as of May 13, 2020 follows.
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Family Law Practice Clinic of CUNY School of Law

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Alabama Appleseed Center for Law & Justice

ARIZONA

Arizona Justice Alliance

CALIFORNIA

California Attorneys for Criminal Justice
Children’s Rights Clinic, Southwestern Law School
Community Works
Criminal Justice Clinic, UC Irvine School of Law
COLORADO

COLORADO Juvenile Defender Center

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the forum
FOR YOUTH INVESTMENT

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