

COMMITTEE TESTIMONY COVER LETTER

BILL #: HB 2453

Date of Testimony: January 25, 2018

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PLEASE CHECK ONE:

- Proponent _____
- Neutral _____
- Opponent **X**

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- Written Only Testimony **X**

**Testimony on HB 2453
to the Kansas House Committee on Corrections and Juvenile Justice
by Juvenile Law Center
January 25, 2018**

Mr. Chairman and Members of the Committee:

Juvenile Law Center writes to express our concerns about House Bill 2453 and the possibility that Kansas will impose new costs on youth involved in the juvenile justice system.

Juvenile Law Center, founded in 1975, is the oldest public interest law firm for children in the United States. We play a leadership role in shaping and using the law on behalf of children in the child welfare and justice systems to promote fairness, prevent harm, secure access to appropriate services, and ensure a smooth transition from adolescence to adulthood. The youth on whose behalf we work are among society's most vulnerable—most likely to be mislabeled, harmed, or scarred for life by systems that are supposed to help them. Last year, Juvenile Law Center published a national report on fines and fees, entitled *Debtors Prison for Kids: The High Cost of Fines and Fees in the Juvenile Justice System*, which looked at the problem of imposing financial obligations on children and their families in the juvenile justice system nationally. *Debtors Prison for Kids* presents the results of a national survey of lawyers, other professionals, adults with previous juvenile justice involvement, and families to collect information about local practices. Our conversations with attorneys and young adults who had experiences with the juvenile justice system also informed the report and Juvenile Law Center's understanding of how cost of justice issues play out in practice.

We also worked with criminologists Alex Piquero and Wesley Jennings, who created a companion study, based upon data collected from Allegheny County, Pennsylvania, and which specifically examined the inter-relatedness of court-imposed financial obligations, recidivism, and key demographic characteristics such as race.

What our qualitative research uncovered, and what the data confirmed, is that imposing costs on youth who touch the juvenile justice system hurts the very people that the system is charged with rehabilitating: Financial obligations like those imposed by House Bill 2453 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.

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(1) Costs and fees increase recidivism

Costs and fees are associated with *increased* recidivism, according to our criminologists' multivariate analysis. The higher the fee, the greater the impact on recidivism. The research does not explain a cause, but one can imagine that the added stress on youth and families will work against the rehabilitative goals of the juvenile justice system.

The \$100 fee authorized by HB 2453 is *in addition to* the fees Kansas courts already impose on youth and their families who are involved in the juvenile justice system—fees for probation, evaluation and testing, court costs, restitution, and cost of care if the youth is ultimately detained. As these fees add up, it only increases the likelihood that an individual child will be unable to pay them back, and thus will be more likely to remain under court supervision and be caught up in the juvenile justice system.

(2) Costs and fees contribute to racial inequities

Disproportionate minority contact with Kansas' juvenile justice system is well-documented. This means youth of color bear the brunt of policies that charge youth and their families for diversion and other court costs. The criminologists we worked with uncovered a direct link between court-ordered financial obligations and increased racial disparity in the juvenile justice system: youth of color were more likely to still owe costs and restitution after their cases were closed, leaving them to face consequences like additional charges, extended probation, and other punishments that lead them deeper into the juvenile justice system.

HB 2453 doubles the injustice that youth of color face in Kansas and exacerbates racial inequities that already exist.

(3) Costs and fees push families into poverty

When youth and families can't pay fines and fees, youth are pushed deeper into the justice system, and families face serious debt and economic struggles. Youth who do not pay may remain under court supervision for longer periods of time, or they may see their unpaid debt converted to a civil judgment, leaving them at risk of eviction, wage garnishment, property liens, and credit problems into adulthood.

Further, paying for diversion can result in families not having funds for basic necessities such as rent and groceries, causing tension between children and their families at a time when a child most needs family support to succeed.

No one wins when families are pushed into poverty and familial relationships are stressed.

(4) Costs and fees make diversion programs less accessible

The primary goal of Kansas's juvenile justice system is rehabilitative. Immediate intervention programs that divert youth out of the juvenile justice system create better outcomes for youth than formal processing. Diversion also allows young people to avoid the stigma of the juvenile justice system, reduces costs, and improves access to treatment. But fees for diversion or

informal adjustment function as a gatekeeping mechanism, leading youth in poverty into formal processing, while youth who can afford the fees remain in the community and avoid further system involvement.

(5) Discretionary costs and fees are harmful to youth

Costs and fees harm youth and their families even when their imposition is discretionary. As a practical matter, discretionary fees saddle youth with the virtually impossible burden of proving inability to pay, rather than starting with the basic assumption we know to be true of youth, as a class—that they cannot pay courts costs. And the methods that courts use to determine ability to pay are hard to regulate and even harder to apply uniformly. Imprecise methods risk that youth are deprived of access to diversion programs because they cannot afford the associated costs. Moreover, fees distract and burden youth without influencing positive behavioral change or helping youth become productive members of the community, which is the goal of the immediate intervention program.

Each of these effects undermines the goals of juvenile justice, perpetuating a system that makes communities less safe, exacerbates racial and economic inequities, and limits access to services that promote rehabilitation. A system that is fair and fosters safer communities requires elimination of juvenile costs and fees. HB 2453 will take Kansas in the wrong direction.

Thank you for your courtesy and consideration of Juvenile Law Center’s testimony.

Respectfully submitted,

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