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June 13, 2023

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ChildFocus

Michigan House Criminal Justice Committee

124 North Capital Avenue

Lansing, MI 48933

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Equal Justice Society

RE: Support for Michigan House Bills No. 4634 - 4637

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The Education Trust

Dear Chairwoman Hope and Members of the House Criminal Justice Committee:

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The National Center for Youth Law supports the work of Michigan's bipartisan Task Force on Juvenile Justice Reform and their call to eliminate most non-restitution fees and costs associated with juvenile justice system involvement through the passage of House Bills No. 4634-4637. Achieving elimination of these is key to reducing unfairness and economic and racial disparities, decreasing recidivism, and improving public safety and successful outcomes for Michigan's children and youth.

Dr. Jason Okonofua

University of California, Berkeley

Sophie Fanelli

The Stuart Foundation

At every point in the juvenile justice system, a young person and their family can be unjustly charged fees for detention, diversion, probation supervision, expungement, electronic ankle monitors, assessments – and court-appointed attorneys. The burden of fees and fines expands bureaucracy and hurts youth, families, and Michigan's communities. The fees and fines *increase recidivism* and undermine the justice system's rehabilitative goals. Further, these fees and fines weaken relationships between children and youth and their families and hinder trust between families and the court. While Michigan law requires that a family's ability to pay be considered when assessing certain fees and fines (such as attorney's fees), assessments are not explicitly required for all other types of fees and fines. Thus, working families and those living in poverty, struggling financially, or receiving government assistance are routinely assessed fees and fines that they cannot afford. Counties apply different standards to waiver and reduction, leading to variations in how fees and fines are assessed and collected against youth and their families, and unequal application of justice across the state.

Laura K. Lin

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Although some view financial penalties as deterrents to subsequent offenses, studies reveal that youth with high court debt actually have *higher rates of recidivism*.¹ Further, unpaid fees can pose barriers to case closure, expunging or sealing records, and youth being released from

Christopher Wu

National Center for State Courts

Co-Executive Director

Karla James

Co-Executive Director

Shakti Belway

¹ Alex R. Piquero & Wesley G. Jennings, Research Note: Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders, 21 YOUTH VIOLENCE AND JUVENILE JUSTICE 3, 334 (Sept. 16, 2016), <https://doi.org/10.1177/15412040166692>.

supervision – all of which increases the likelihood that youth will be reincarcerated or otherwise penalized for another violation. Families may also have bills sent to collections, tax refunds seized, or their wages or public benefits garnished, destabilizing working families and causing costs to be shifted to other public systems and society. These consequences only push youth and their families deeper into the justice system and poverty, undermining self-reliance and success.

County-level assessments of fees and fines also revealed that many counties have only nominal collections compared to the amount of fees and fines assessed. For example, in Macomb County the collection rate in 2020 was 2.3%.² Additionally, a review of data provided by SCAO for juvenile cases in 74 counties showed that as of December 2020, 75% of fees had not been paid for cases with dispositions taking place between 2017 and 2019. This data highlights that apart from the potential negative impact on youth and families, the imposition of fees and fines does not appear to offer significant financial benefits to counties.

This legislation in House Bills No. 4634 – 4637 will provide necessary relief to thousands of Michigan’s children, youth and families and eliminate fees for diversion program costs for youth, court costs and attorney fees, fees for court-ordered DNA assessments, and late fees for youth, as well as liability for fees for both youth and their guardians.

Fifteen states³ have permanently eliminated one or more juvenile fees and fines. Several of Michigan’s individual counties like Macomb, Wayne, and Washtenaw are leading the way for similar reform in Michigan. Additionally, on April 20, 2023 the Department of Justice issued a Dear Colleague Letter to courts regarding fees and fines for youth and adults,⁴ “emphasiz[ing] the negative impact of imposing fines and fees on youth, which may also fall on families in low-income communities and people of color, because youth are unlikely to be able to afford to pay fines or fees without familial support.”⁵

House Bills No. 4634 - 4637, are the most efficient approach to eliminate fees and fines while building a more fair and equitable juvenile justice system. For all these reasons, we support this legislation and hope to see it receive the attention it deserves on behalf of Michigan’s children and families statewide.

Thank you,

A handwritten signature in black ink, appearing to read 'Shakti Belway', with a long, sweeping flourish extending to the right.

Shakti Belway, Interim Executive Director

² George et. al., *supra* note 3, at 30.

³ Washington (2015), Texas (2015), California (2017), Ohio (2018), Nevada (2019), Oregon (2019), New Jersey (2020), New Hampshire (2020), Louisiana (2020), Maryland (2020), and Virginia (2021).

⁴ Gupta, V. Dear Colleague Letter, DOJ (April 20, 2023) available at <https://www.justice.gov/opa/press-release/file/1580546/download>.

⁵ *Id.*