



January 25, 2023

House Committee on Corrections and Juvenile Justice  
Kansas State Capitol  
300 SW 10th St  
Topeka, KS 66612

**Submitted via email:** [colette.niehues@house.ks.gov](mailto:colette.niehues@house.ks.gov)

Re: Debt Free Justice for Youth Act

Chair Owens and Members of the Committee:

I am writing on behalf of The Gault Center (formerly the National Juvenile Defender Center), in support of H.B. 2073—the Debt Free Justice for Youth Act. The Gault Center is a nonprofit, non-partisan organization dedicated to promoting justice for all youth by ensuring excellence in youth defense. The Gault Center believes all youth have the right to ardent, well-resourced defense representation, and we work to improve access to and quality of counsel for all young people in delinquency court and provide technical assistance, training, and support to youth defenders across the country.

The Gault Center has also supported effective and developmentally appropriate juvenile court reform through assessments of access to and quality of youth defense counsel at the state level. To date, we have conducted assessments of youth defense structure and delivery in 28 states. In December 2020, we released *Limited Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas*. This assessment was the product of a year-long investigation in Kansas, based on research of caselaw, statutes, data, and site visits. The final assessment report offers recommendations to improve justice and fairness for youth in Kansas, including the elimination of fines, fees, and costs connected to juvenile legal system involvement.<sup>1</sup>

As a member of the Kansas Debt Free Justice Coalition, we strongly support ending the harmful assessment and collection of fines and fees against youth and their families in the juvenile court system. The passage of the Debt Free Justice for Youth Act would align Kansas with the state's commitment to supporting young people's ability to live productively and responsibly in the community.<sup>2</sup>

Currently, Kansas imposes more fines and fees on youth and their families than almost any other state.<sup>3</sup> Kansas law authorizes the assessment of costs to youth, including legal library fees, evaluation fees, fees for legal representation, and the costs of detention and supervision, among others. Even youth eligible for diversion from the formal juvenile legal system are charged to participate in Immediate Intervention Programs.<sup>4</sup> Families are charged between \$160-200 per night for their children's pre-trial stays in detention. One defender reported seeing detention bills in excess of \$10,000.<sup>5</sup> Families are charged not only for punitive measures, but also rehabilitative measures, including counseling or mediation services, alternative education, and drug and alcohol evaluations for the youth.<sup>6</sup> Counties impose fines and fees differently, but the fact that state law authorizes them leads to uneven application.

Consequences for failure to pay fines and fees can include extensions of probation, civil judgements, delay or denial of record expungement, and even incarceration. Because young people are typically unable to pay these financial obligations themselves, families can be held responsible for their repayment without regard for their ability to pay. As a result, families living with economic insecurity must decide between paying for basic necessities, such as food, rent, and utilities, or paying costly court fees.<sup>7</sup>

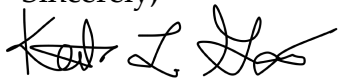
The Kansas Debt Free Justice Coalition works to ensure youth facing economic insecurity do not experience a two-tiered system of justice based on their ability to pay fines and fees. Research has shown that fees exacerbate economic and racial disparities. Nationally, Black, Latino/a, and Native/Indigenous youth are overrepresented in the juvenile court system at every stage, from arrest and detention to probation and commitment.<sup>8</sup> In Kansas, Indigenous youth are 98 percent more likely to be referred to court than white youth,<sup>9</sup> while Black and Latino/a youth are about 75 percent more likely to be detained than white youth, compared to a national disparity rate of approximately 30 percent.<sup>10</sup> Rather than improving outcomes for children, imposing fees contributes to the unequal treatment of youth who experience the juvenile court system.

Organizations across the country, including the National Council of Juvenile Family Court Judges (NCJFCJ), Fair and Just Prosecution, the American Probation and Parole Association, Youth Correctional Leaders for Justice, and Law Enforcement Leaders to Reduce Crime and Incarceration have expressed support for ending or reducing fees for youth. NCJFCJ has recognized that the failure to

pay fees can lead to increased criminal legal system involvement for youth and that their imposition is not related to public safety or rehabilitative goals.<sup>11</sup> Rather than serving as a deterrent, fees have been linked to higher rates of recidivism among youth.<sup>12</sup> Eliminating fees for youth in Kansas makes sense from a public safety perspective and would place Kansas among a growing number of states that have already passed legislation eliminating youth fines and fees.

The Gault Center applauds this committee's interest in the Kansas Debt Free Justice Coalition's work to end fines and fees. Thank you for your consideration of HB 2073.

Sincerely,



Katrina L. Goodjoint  
Youth Policy Counsel

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<sup>1</sup> NAT'L JUV. DEF. CTR., LIMITED JUSTICE: AS ASSESSMENT OF ACCESS TO AND QUALITY OF JUVENILE DEFENSE COUNSEL IN KANSAS 81 (2020), <https://njdc.info/wp-content/uploads/Kansas-Assessment-Web.pdf>. (hereinafter, KANSAS ASSESSMENT).

<sup>2</sup> KAN. STAT. ANN. § 38-2301 (One of the "primary goals" of the juvenile justice code is to "improve [young people's] ability to live more productively and responsibly in the community.")

<sup>3</sup> Only Michigan and Arkansas also impose fines and fees at every point in the juvenile legal system.

<sup>4</sup> KANSAS ASSESSMENT at 65.

<sup>5</sup> *Id.* at 66.

<sup>6</sup> KAN. STAT. ANN. §38-2361(b)(1) (2021).

<sup>7</sup> NAT'L COUNCIL OF JUV. AND FAM. CT. JUDGES, ENSURING YOUNG PEOPLE ARE NOT CRIMINALIZED FOR POVERTY: BAIL, FEES, FINES, COSTS, AND RESTITUTION IN JUVENILE COURT (2018), [http://defendyouthrights.org/wp-content/uploads/2018/04/Bail-Fines-and-Fees-Bench-Card\\_Final.pdf](http://defendyouthrights.org/wp-content/uploads/2018/04/Bail-Fines-and-Fees-Bench-Card_Final.pdf).

<sup>8</sup> Leigh R. Shapiro, *The Crippling Costs of the Juvenile Justice System: A Legal and Policy Argument for Eliminating Fines and Fees for Youth Offenders*, 69 EMORY L.J. 1305, 1342 (2020), <https://scholarlycommons.law.emory.edu/elj/vol69/iss6/4>.

<sup>9</sup> KANSAS ASSESSMENT at 71; *see also* KANSAS UNITED FOR YOUTH JUSTICE, RACIAL DISPARITIES IN THE KANSAS JUVENILE JUSTICE SYSTEM 4 (2019), [https://www.kuyj.org/uploads/2/1/9/2/21929892/racial\\_disparities\\_in\\_the\\_kansas\\_juvenile\\_justice\\_system\\_2019.pdf](https://www.kuyj.org/uploads/2/1/9/2/21929892/racial_disparities_in_the_kansas_juvenile_justice_system_2019.pdf)

<sup>10</sup> KANSAS ASSESSMENT at 71.

<sup>11</sup> NAT'L COUNCIL OF JUV. AND FAM. CT. JUDGES, RESOLUTION ADDRESSING FINES, FEES, AND COSTS IN JUVENILE COURTS (2018), [https://www.ncjfcj.org/wp-content/uploads/2019/10/ExXIII\\_FinesFeesCosts\\_Resolution.pdf](https://www.ncjfcj.org/wp-content/uploads/2019/10/ExXIII_FinesFeesCosts_Resolution.pdf).

<sup>12</sup> *See generally*, Tamar R. Birckhead, *The New Peonage*, 72 WASH. & LEE L. REV. 1595 (2015), <https://scholarlycommons.law.wlu.edu/wlulr/vol72/iss4/3/>; Alex Piquero & Wesley Jennings, *Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 13 YOUTH VIOLENCE & JUVENILE JUSTICE 325 (2017), <https://doi.org/10.1177/1541204016669213>.