



YOUTH FEES AND FINES IN GEORGIA

ENDING A HARMFUL & INEFFECTIVE SYSTEM

FEES AND FINES ARE
PERVASIVE,
REGRESSIVE, AND
DISCRIMINATORY.

**JOIN THE FIGHT TO
END THIS PRACTICE
IN GEORGIA.**

Georgia state law authorizes officials to charge **dozens of fees and fines** to youth and their families who are involved in the justice system, most with **no established maximum amount**.

These out-of-pocket expenses may include, but are not limited to costs for:

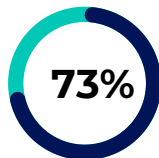
- detention or placement
- legal representation
- probation and supervision
- diversion and treatment services
- court proceedings

FEES HARM YOUTH, FAMILIES, AND COMMUNITIES

- Fees and fines **disproportionately harm Black, Brown, and Indigenous youth**, who are overrepresented at every stage of the justice system.



Percent Black, GA youth
population (total)



Percent Black, GA youth
incarcerated population

- Low-income families, especially in rural Georgia, can be forced to **choose between paying fees and fines and meeting basic needs**.
- Fees and fines **impose long-lasting financial and emotional harm** and limit families' ability to invest in opportunities for their children.

FEES ARE INEFFECTIVE AND COSTLY TO ADMINISTER

- **Fees and fines tend to generate little revenue and can be costly to assess.** Collection rates are often low because families have scarce resources, and some jurisdictions may even lose money.
- **Fees and fines create conflicts of interest for officials**, as tying fees and fines to potential revenue creates an incentive that is not aligned with positive outcomes for youth.

There is bipartisan momentum in the South and nationally to eliminate youth fees and fines; 15 states have taken action, including Texas and Louisiana. Locally, Chatham County Juvenile Court recently eliminated all discretionary fees and fines for youth.

We need your help in building a movement to end fees and fines for youth statewide!

TO LEARN MORE, CONTACT:

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END YOUTH FEES & FINES

in Georgia

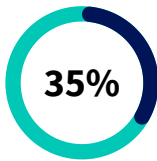
Fees and fines are pervasive, regressive, and discriminatory.

Georgia law authorizes officials to charge families of young people involved in the justice system for costs and services including:

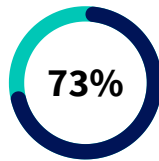
- detention or placement
- diversion and treatment services
- legal representation
- probation and supervision

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Percent Black, GA youth population (total)



Percent Black, GA youth incarcerated population

Source: No Kids in Prison, "Youth Incarceration in Georgia," 2020, <https://www.nokidsinprison.org/explore/georgia>.

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- Fees and fines **create conflicts of interest** for public officials.

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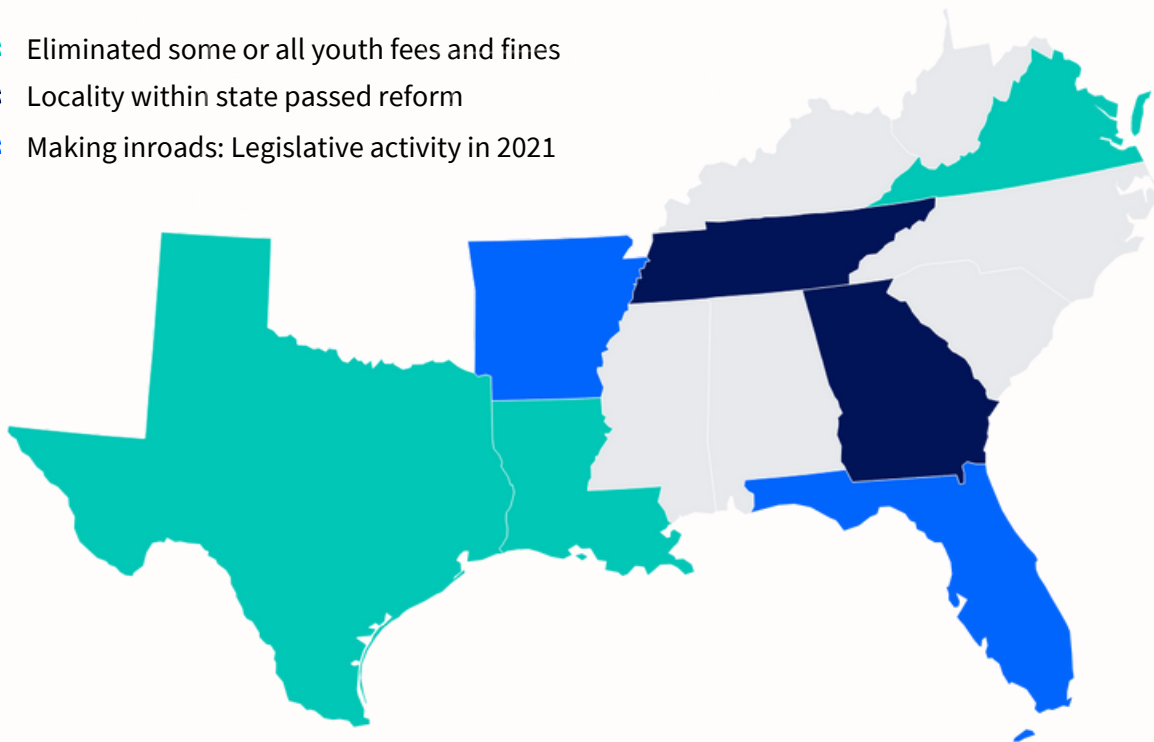
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YOUTH FEES & FINES

in the South

-  Eliminated some or all youth fees and fines
-  Locality within state passed reform
-  Making inroads: Legislative activity in 2021



WHAT ARE YOUTH FEES & FINES?

Young people and their families are charged fees and fines to cover costs associated with the youth and adult legal systems, including:

- Probation and supervision
- Confinement
- Attorney's fees
- Evaluation and treatment

WIDESPREAD SUPPORT

Bipartisan organizations and stakeholders support reducing youth fees and fines, including:

- Judges
- District attorneys
- Law enforcement
- Correctional officers

For more information:
debtfreejustice.org/supporters



PROPOSED LEGISLATION

Youth Fees & Fines in Georgia



ELIMINATES YOUTH FEES AND FINES

- Procedural court costs;
- Administrative court costs;
- Probation and supervision fees;
- Detention and cost-of-care fees;
- Cost of court-appointed counsel;
- Mental/physical evaluation, counseling, and treatment;
- Substance/alcohol testing and treatment fees;
- Cost of court-ordered diversion programs;
- Fines for traffic, truancy, and other delinquency matters; and
- Fines for specific alleged crimes for youth;



DISCHARGES EXISTING FEE AND FINE DEBT



ELIMINATES FEES AND FINES FOR YOUTH TRANSFERRED TO CRIMINAL COURT



**DOES NOT ELIMINATE
FEES OR FINES FOR
ADULTS OVER AGE 25**



**DOES NOT ELIMINATE
RESTITUTION FOR
YOUTH OR ADULTS**

FREQUENTLY ASKED QUESTIONS

Georgia Youth Fees and Fines

Does this bill include adults or restitution?

This legislation does not make any changes to youth restitution statutes.

- If a young person owes a combination of fines, fees, and restitution, their restitution amounts will not change as a result of this legislation.

This bill does impact youth who are tried as adults and their parents/guardians.

- This legislation defines "youth" as an individual under the age of 25, regardless of court jurisdiction.
- This definition is consistent with cognitive brain science on youth development and decision-making, which does not vary between youth and adult court jurisdiction.

How might ability-to-pay mechanisms hurt families?

Ability-to-pay mechanisms do not prevent harm to all youth and families.

- These mechanisms do not address the underlying racial bias and discrimination in our courts and public safety systems, and could allow for increased bias due to increased discretion. Even if a uniform ability-to-pay process could be developed, fees would still fall more heavily on rural, Black, and Brown Georgians who are overrepresented in the system.
- Many families are unaware of ability-to-pay processes or unable to navigate them successfully. Fees are generally imposed post-adjudication when public defenders are no longer involved in the case and are therefore unable to assist with ability-to-pay claims. Fees are charged to parents who may not have a lawyer to represent them at any stage in the process. Even if families have representation, fees and ability-to-pay processes vary considerably across Georgia's counties, ensuring geographic disparities in fee assessment and collection.
- These processes often necessitate an invasive financial inquiry for families and rely on under-inclusive criteria for what defines indigency.

Operating an ability-to-pay process is burdensome and inconsistent.

- Developing an indigency scale and tracking documentation of financial ability-to-pay fees and fines creates a costly administrative burden on the courts.
- These mechanisms allow for variation in outcomes across different courts and counties.

FREQUENTLY ASKED QUESTIONS

Georgia Youth Fees and Fines

Why not make mandatory fees and fines discretionary?

Making mandatory fees and fines discretionary can lead to differential outcomes for youth.

- Increased judicial discretion can result in different outcomes for young people in different courts, particularly Black, Brown, and Indigenous youth and those who live in areas with budget constraints, such as rural counties.
- Discretion can lead to bias in assessment and national data has shown that discretion in the carceral system has played a large role in producing the enormous racial disparities that currently exist in the system.

Why should we eliminate youth fees and fines imposed on parents?

Fees and fines affect entire households, regardless of who is liable to pay.

- Shifting the financial responsibility from young people to adults does not alleviate the financial and emotional burden that households face.
- In practice, burden shifting disproportionately extracts wealth from communities of color and can strain family dynamics.
- Household financial stability is important for ensuring youth opportunity and fees and fines hinder families' ability to engage in pro-social spending for their children and community.

What is the budgetary impact of eliminating youth fees and fines?

Our research team is working to collect data on youth fees and fines in Georgia.

- The data collection strategy is to focus on surveying system stakeholder groups, since open records requests to juvenile and criminal courts have not yet been successful.
- In addition to collecting quantitative data, the research team plans to conduct listening sessions with Georgia youth and families to understand the impact of youth fees and fines.

Potential revenue is not actual revenue and does not consider collection costs.

- While we are still seeking Georgia-specific information, research in other states has shown that most counties either breakeven or lose money trying to collect youth fees and fines.
 - Researchers have found that collections rates can be as low as 5-6% in other economically comparable Southern states.

Sources:

1. Theresa Zhen, "(Color) Blind Reform: How Ability-to-Pay Determinations Are Inadequate to Transform a Racialized System of Penal Debt," NYU Review of Law and Social Change 43 (2019): 175-222.
2. Crystal S. Yang, "Free at last? Judicial discretion and racial disparities in federal sentencing," The Journal of Legal Studies 44, no. 1 (2015): 75-111.