

A black and white photograph of two young people, a man and a woman, looking out a window. The man is on the left, wearing a striped shirt, and the woman is on the right, wearing a dark top. They are both looking out at a view of bare trees and a building in the background. The text "The High Cost of Youth Fines and Fees" is overlaid in white.

The High Cost of Youth Fines and Fees

This brief is dedicated to every young person and
their family who found themselves in a system not
of their own making



T: At first it was real stressful. My mom [and] my sister was helping. My mom would pay some of it. Then I had went to my own ... they made me get a little side job with my uncle. What they call the little thing where you clean the houses?

Interviewer: Pressure washer?

T: Pressure wash houses. I used to do that. I paid half of it off, I think. They paid the first half, then they made me pay the rest when I just helped my uncle and stuff. He used to make me have to get money. I told him I had to pay some of my fee. I paid the rest.

But at first, it was a little frustrating with my momma and my sister, because my momma, she couldn't pay that and the bills, so my sister was helping me. Then my momma came in and she got my uncle.

I paid the fee off.

- Interview with T, 14 years old, formerly involved in juvenile court.
Chatham County, Georgia

WHAT ARE YOUTH FEES & FINES?

Pervasive, regressive and discriminatory
Youth fines and fees are monetary sanctions that **young people and their families are charged** to cover costs associated with the juvenile and adult legal systems.

Fines: are punishments imposed on youth and their families for certain offenses. Youth may be charged fines in delinquency, traffic and criminal matters (for youth tried as adults). The courts may also assess fines up to \$1,000 to parents and guardians for failure to pay court-ordered fees and fines or attend court-mandated parent programs.

Fees: are any fee, cost or surcharge imposed on youth and their families related to a youth's involvement in the justice system, including the juvenile delinquency and criminal legal systems. In Georgia, fees are charged in four primary areas: detention, counsel, court costs and supervision. Georgia state law also does not cap the amount that can be assessed.

Georgia's juvenile justice system is rife with racial inequities.

From 2005-2015, Black, Latinx and Indigenous youth were arrested, referred and incarcerated at disproportionately high rates relative to the state's youth population.¹ Because fees and fines are assessed at every stage of a young person's interaction with the system, Black, Brown and Indigenous youth in Georgia are charged monetary sanctions at higher rates than white youth. These fees and fines perpetuate existing racial inequities in housing, healthcare and education, making their abolition both a racial and economic justice issue.

1. Disproportionate Minority Contact (DMC) Report (Georgia: Juvenile Justice Data Clearinghouse), accessed November 15, 2021, <https://juviledata.georgia.gov/reports-dashboards/dmc>.

What do these expenses look like?

Expenses may include, but are not limited to:

- Legal representation
- Probation and supervision
- Court proceedings
- Diversion and treatment
- Detention or placement
- Programs or classes

- Mental or behavioral health evaluation

"I felt it was unfair for the parent to have to pay fine and fees for the child. It seemed like the parent was being punished. I feel kids should be rehabilitated instead of having fees and jail time."

-Anonymous parent of a 15-year-old in juvenile court. Albany, Georgia.

FEES HARM YOUTH, FAMILIES AND COMMUNITIES

Fees and fines disproportionately harm Black, Brown and Indigenous youth, who are overrepresented in the justice system.



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>.

Low-income families, especially in rural Georgia, can be forced to choose between paying fees and fines and meeting basic needs.

Fees and fines also impose long-lasting financial and emotional harm and limit families' ability to invest in opportunities for their children.



"The parents end up paying 99% of the time.

Either it doesn't get paid, or the parents pay it, and there's absolutely no point to it whatsoever, because the kids aren't going to learn their lesson because their parents are going to have to pay it. And they're trying to make good grades, and they're already screwed by the system anyway. There's the cycle and there's the school-to-prison pipeline, and then they get all this extra stuff piled on top of them that they don't end up being able to do, and their parents have to do it.

And then there's less food on the table, and there's less opportunity for pro-social activities because they have to pay."

- Former juvenile public defender

FEES ARE INEFFECTIVE AND COSTLY TO ADMINISTER

Fees and fines are an inefficient and unsustainable revenue source for courts and local governments. Research around the country often shows that more money is spent attempting to collect fees and fines from families than money recovered. Even if fees and fines were fiscally efficient for state and local governments, relying on youth and their families to generate potential revenue creates a perverse incentive for officials to keep youth entangled in the system.

Research on Georgia county budgets indicates that fees and fines generate little revenue.

According to an assessment of recent budget documents from a representative sample of 23 counties across urban and rural Georgia, revenue from juvenile fines and fees comprises less than 1% (about 0.6%) of juvenile court revenue on average.

Even where fines and forfeitures make up a more sizable portion of a county's total revenue, juvenile court fines and fees are an insignificant source of that revenue.

This evidence supports our hypothesis that fees and fines generate little revenue for Georgia's counties.

"The chance that they get out on a leg monitor, they are responsible for those fees just as if they were an adult. **And the fees are astronomical.** Three hundred and some change dollars just to install the leg monitor before you get out of the jail, and then \$350 at least a month to keep the monitor, which is just obscene. And that they're all raising their prices lately, also for the leg monitors.

You can't expect a kid to go to high school and have a job that can pay that at the same time.

But it's either jail or the leg monitor."

-Anonymous juvenile public defender

Where's the Data?

Deep Center and the Berkeley Law Policy Advocacy Clinic (PAC) submitted Open Records Requests (ORRs) to superior courts in all 159 counties in Georgia. The goal of the ORRs was to receive information about the use of fees and fines in: (1) juvenile delinquency cases, and (2) criminal cases involving youth defendants under 17. By and large, the courts and DJJ refused to provide the data requested under the Georgia Open Records Act, or Georgia Sunshine Law [O.C.G.A. § 50-18-70 to § 50-18-77].

We have outlined the commonly cited exemptions below.

Of the 159 courts who were sent a PRR:

- 38% (60) cited the § 50-18-71(j) exemption;
- 4% (6) cited the § 15-11-704(d) exemption;
- 11% (17) referred the ORR to another office;
- 2% (3) responded saying they do not maintain the requested records; and
- 50% (80) did not respond to the request.

Only two (1%) of the recipients responded with any substantive information, and none of the courts fulfilled the request in full by providing the aggregate data requested.

Data collection from individual courts in Georgia has been challenging, as courts typically respond that they do not need to create any new reports under O.C.G.A. § 50-18-71(j), which reads, "No public officer or agency shall be required to prepare new reports, summaries, or compilations not in existence at the time of the request." Our original Open Records Requests asked for data from circuit courts for both juvenile delinquency cases and criminal cases involving youth ages 18 and under. Because we did not receive relevant responses with data about fees and fines for youth tried as adults, we analyzed publicly available data to estimate the impact of eliminating these fees and fines on The Georgia Superior Courts Clerks Cooperative Authority (GSCCCA) remittable special funds in Georgia.

Where's the Data?

Deep Center and the Berkeley Law PAC also administered a survey to court clerks across the state. Although this survey was circulated statewide, we only received five unique responses from court clerks or administrators. The biggest takeaway from the responses is that fee and fine assessment and collection practices vary widely across counties. We followed up with each survey participant for more information on their responses and received further information from two counties, Douglas and Muscogee.

The survey was not a representative sample of counties by population size. There is an over-representation of small and large counties, and an under-representation of mid-size counties (in terms of population size defined by OMB).

High-Level Data Overview:

The fees and fines listed by the counties were as follows:

1. **\$25-\$50 flat or recurring fees for probation/supervision**
2. **Variable amounts of attorney's fees/reimbursements**
3. **\$6-\$30 positive drug screening fees — some counties indicated that this fee pays for services such as counseling**
4. **\$30 program fee — we assume this pays for programs and services**
5. **Variable administrative fees, e.g., copies, transcripts, etc.**
6. **\$50-\$75 diversion/informal adjustment fees; some also have monthly \$25 diversion fees**
7. **Variable traffic fines dependent on the case and up to over \$550 for DUIs (Glynn County) and \$6,400 for a fourth violation of driving on a suspended license (Muscogee County)**

Most counties indicated that they make an ability-to-pay determination when assessing fees and fines, though this most commonly results in a payment plan being set up rather than the reduction or waiver of the fee and fine amounts.

An aerial photograph of a city, likely Savannah, Georgia, featuring a prominent bridge spanning a body of water in the background and various urban buildings and greenery in the foreground.

It's time to do away with youth fines and fees.

When youth and their families know their stories, and tell them well, they lead the way in creating better public safety and economically healthier communities.

Fees and fines cause immense harm to youth and their families and should be abolished. In 2020, Chatham County became the second county in Georgia to stop the assessment and collection of youth fees and fines, providing critical relief to families during the pandemic.

Research has found similar positive results for families and communities. One study demonstrates that eliminating fees not only had a substantial impact on the financial burden families carry but provided relief for families across the socioeconomic spectrum. Not only have such reforms served families, but communities as a whole stand to benefit.

While the local action in Chatham County has been a monumental win for our community, passing statewide legislation to end youth fees and fines is the only way to prevent future harm to system-impacted youth across Georgia. Because most of the fees and fines in Georgia state law are discretionary, relying only on local advocacy would result in different outcomes for young people in different courts. Further, 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.

Youth fee and fine abolition has gained national momentum and widespread, bipartisan support — including in the South, where the Louisiana, Texas and Virginia legislatures have taken action.

Join us in promoting the social, financial and educational well-being of youth in Georgia by abolishing youth fees and fines.

"I was a single mother of three children and was working a low-wage job. I needed my older son (who was the one that was formally incarcerated) to help me take care of my younger son.

In addition to the financial strain, there was an emotional toll where the probation officer would threaten my son with jail time if he didn't pay his fine and probation fees.

No one spoke to me about what programs or services the fees and fines paid for.

No one spoke to me about whether there was enough money to pay them."

- Anonymous parent of a 17-year-old in juvenile court. Cordele, GA

A young person with dark hair, wearing a camouflage-patterned jacket, is shown from the chest up. They are holding a cup of ice cream with a spoon. The background is a large, brightly lit indoor arena with a high ceiling and structural beams. The text is overlaid on the image in a bold, dark blue font.

Call your state legislators today

**Ask them on where they stand on
youth fines and fees**

**Ask them how they plan to address
them legislatively.**

Our youth deserve better.

For more information on how to get involved, visit
deepcenter.org or contact us at writewithus@deepcenter.org

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