



## Michigan Juvenile Court Debt: Issue Overview

Juvenile court debt has become a priority for reform across the country, as local jurisdictions and state governments realize that assessments and collections are inconsistently imposed, fiscally ineffective, exacerbate poverty for indigent families, and disproportionately impact families of color.

Nine states have already taken bold legislative action to abolish some or all juvenile court fees and fines, including California, Maryland, Nevada, New Jersey, New Hampshire, New Mexico, Utah, Virginia, and Washington. This year, legislators in an additional seven states - Arkansas, Colorado, Indiana, Louisiana, New Jersey, Oregon and Texas - are advocating for legislation to eliminate some or all aspects of juvenile court debt. In Michigan, at least three counties, Wayne, Washtenaw, and Macomb, have eliminated discretionary and waivable fees and ceased collection efforts on previously assessed debt.

Michigan juvenile courts are permitted, and in some cases required, to charge and collect a variety of fees from youth involved in delinquency proceedings, regardless of the young person's age. Discretionary fees are inconsistently imposed and collected across counties, leading to "justice by geography."

Some mandatory assessments can be waived, including costs for detention and residential placements, but such waiver does not appear to happen consistently within counties or across the state. When they are not waived, fees for detention and residential placements alone can cost as much as \$315 per day. This debt can devastate a family's finances, and follow them even after their child has been released from supervision. In Michigan, juvenile courts can legally pursue payments until the debt is paid in full. When young people turn 18 years old, the debt may be retained by their parents or it may be transferred to the youth, dramatically impacting their transition into a successful adulthood.

An analysis of State Court Administrative Office (SCAO) data retrieved on December 17, 2020 illuminated statewide trends in juvenile court debt assessment and collection. For 30,038 cases from 74 counties with disposition years between 2017-2019, the total amount the courts assessed was \$32 million. The total amount courts collected was only \$8 million, only 25% of the fees and fines assessed. The counties with the highest percentage of working poor had an even lower average payment rate of 13%, indicating families who have limited financial means, but who courts do not recognize as "indigent" are also struggling to pay their juvenile court debt.

Costs for detention and residential placements were the highest category of assessment (\$22m), representing nearly 68% of the total. This was followed by probation costs (\$1.5m) and attorney fees (\$1.3m).

A recent Federal Reserve study indicated that nearly 40% of Americans would have difficulty paying an unexpected expense of \$400, and racial minorities at every education level “are even less able to handle a financial setback.”

MCYJ interviewed 21 families who reported an average of \$87,165 in court debt. All of the families had a youth with at least one stay in detention and one stay in a residential facility. Every family stated they cannot afford their juvenile court fines and fees, and most reported they will not be able to pay off the debt in their lifetime.

One parent has consistently made \$100 per week payments for six years -- a total of \$30,000 to date; it may take him another decade to pay off the full debt. Another parent has had her state tax refund intercepted for the past 10 years, with \$67,000 in remaining debt, because her son spent under a year in detention and a residential facility over a decade ago.

Although there are options for relief, including payment plans, deferrals and, sometimes, a complete discharge of the debt, they must all be initiated by the submission of financial paperwork by the family. However, the court-involved families with the greatest need for debt relief are often the same families who experience housing instability, and/or cannot afford continuous cell-phone service, and/or may not have reliable access to the internet. Additionally, families do not have access to court-appointed attorneys at the time when most of these fees are assessed, so they have little support navigating opportunities for relief.

Families unable to pay the debt have had tax refund intercepts and wage assignments, resulting in the repossession of vehicles, threats of eviction, and difficulty purchasing and retaining assets such as their homes.

Michigan’s Disproportionate Minority Contact data indicate that Black youth are overrepresented in every stage of the juvenile justice system, and nearly half of Black youth in Michigan live in poverty. In 2019, Black youth, who account for 17% of Michigan’s youth population, made up 37% of total arrests, 41% of all detention placements and 19% of all longer-term residential confinements. As a result of the overrepresentation of Black youth in detention and residential placements, and the high per diems for both, Black youth and their families are disproportionately impacted by outstanding court debt.

Some Probation Officers feel that fines and fees *“are a substantial obstacle to rapport building and securing full cooperative engagement with the child and family.”* Once families have an understanding of court costs, they are less likely to ask for help or report negative behaviors early on, fearing that a probation violation could result in fees related to detention or residential placement. One parent stated, *“The cost outweighs asking for help because it’s more stress than it is help. Sometimes it just feels like it’s all about money rather than actual help. Why would I talk to his probation officer? All it does is just add to my bill.”*

Fines and fees can also create or exacerbate problems between children and their families. Some parents shoulder the financial burden alone, not wanting to add to the stress that their child is already experiencing. Other parents remind their children of the financial burden they “caused,” which can weaken the parent-child relationship.

Once courts account for the staff time they spend to assess and collect debt, against the actual amount collected (especially in light of the courts’ continued advancement of practices that keep more youth out of detention and residential placements), this limited, and declining, amount of court revenue must be weighed against the impact of millions of dollars in assessed debt on Michigan families.

In summary, Michigan juvenile court debt:

- *Disproportionately impacts Black youth and families.*
- *Is charged inconsistently, depending on geography.*
- *Is collected at negligible rates from our poorest residents.*
- *Keeps low-income youth and families in perpetual financial crisis.*

Other states have already eliminated juvenile court debt. Michigan can too!

For more information, visit:

- o [The High Cost of Justice: A Snapshot of Juvenile Court Fines and Fees in Michigan \(National Center for Youth Law, 2020\)](#)
- o [Overdue for Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Michigan \(National Juvenile Defender Center, 2020\)](#)