



## Re: Draft Report Comments (Assessments and Fines of Youth in Municipal Court/Administrative Adjudications)

Chairman Pflaum and members of the Illinois Supreme Court Statutory Court Fees Task Force- thank you for the opportunity to participate in today's hearing on the Task Force's draft report and recommendations. My name is Angie Jimenez, and I am a senior attorney with the National Center for Youth Law (NCYL), a national, non-profit organization. Previously, I spent five years at Illinois Collaboration on Youth, a statewide association representing youth service providers and supported their policy efforts and the Juvenile Redeploy Illinois program. I also was raised and reside in DuPage County. The National Center for Youth Law believes in the incredible power, agency and wisdom of youth. Driven by their voices and experiences, we have worked for more than 50 years to transform government agencies and public systems so that they center youth with equity, dignity and care. NCYL, partnering with the Policy Advocacy Clinic at the University of California, Berkeley Law School, and Juvenile Law Center, launched the Debt Free Justice campaign, aimed at eliminating fines and fees for youth in the juvenile justice system.

First, we commend the Task Force's efforts and wholeheartedly endorse its recommendation to abolish imposing fees and fines on youth in juvenile delinquency cases under New Initiative 3. For the same reasons outlined in the Task Force's findings, we find it critical to call attention to similar assessments imposed on youths which are authorized outside of juvenile delinquency cases. In our testimony, we will explain how these assessments contradict best practices regarding supporting youth and undermine youth success. We will also show how assessments often place significant strain on families and disproportionately affect low-income youth and youth of color while providing little fiscal benefit to municipalities.

Youth are subject to disturbing practices when charged with violating municipal ordinances, many of which are school-based offenses. Many municipalities operate their own administrative adjudication systems with little oversight, resulting in youth and families having to pay large fines and fees, many of which would be better resolved at the school level. We urge the Task Force to consider the harms caused by local administrative adjudications and advocate for the abolition of fines and fees for youth in this system too.

### **I. Recent Investigations on school-based municipal tickets by ProPublica, the Chicago Tribune, and NCYL show that municipal fees and fines are harming youth and families.**

ProPublica, the Chicago Tribune, and the National Center for Youth Law have identified numerous concerning practices through observing administrative adjudications across the state. In multiple reports by ProPublica and the Chicago Tribune, Jodi Cohen and Jennifer Smith Richards detailed the harrowing

experiences of youth and families ticketed for school-based behavior, often as minor as littering, making loud noises, using offensive words or gestures, or breaking a soap dish in the bathroom.<sup>1</sup> Horrifyingly, the reporters found that municipalities issued over 11,800 tickets to youth over the past three school years, with some youth as young as eight, despite the pandemic keeping youth physically out of schools for much of that time.<sup>2</sup> Unsurprisingly, the reporters found evidence of significant racial disparities in youth ticketing, with nearly 20% of tickets issued to Black students even though they make up only 9% of the student population.<sup>3</sup> Youth were forced to navigate the quasi-judicial proceedings—commonly held at police stations and village halls before lawyers, not judges—without any legal representation.<sup>4</sup> They often pled guilty and were forced to pay hundreds of dollars in fines and fees, with the actual amount varying greatly between municipalities.<sup>5</sup> When the families were unable to pay, municipalities sent the cases to collections or the state government to garnish tax returns.<sup>6</sup> After ProPublica and the Chicago Tribune released their reports, many Illinois officials spoke out against the school-to-administrative adjudication pipeline. Illinois State Superintendent of Education Carmen Ayala even called for schools to stop using police to ticket youth because of the immense harms the practice causes families and the lack of evidence that the practice improved student behavior.<sup>7</sup>

NCYL has also observed concerning practices in administrative adjudications. In our court watching, we have seen youth and families, often from low-income households and families of color, appearing confused as they spoke to the hearing officers. Families that did not speak English as their first language often navigated proceedings without an interpreter or were provided interpreters who struggled to provide effective translations. Most youth had already been punished by their schools, some even expelled, and now were forced to also pay hundreds of dollars in fines and fees.

## II. Fines and Fees Contradict Rehabilitative Goals for Youth.

Illinois is a pioneer in juvenile justice and created a court model designed to rehabilitate youth and view them as in need of assistance in their development. Municipal fines and fees undermine and directly contradict that rehabilitative intent. As this Task Force’s report noted in its section on juvenile courts, fines and fees harm youth by burdening them with debt that leads to continued court involvement instead of successful

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<sup>1</sup> Jodi S. Cohen & Jennifer Smith Richards, *The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior*, PROPUBLICA (Apr. 28, 2022), <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

<sup>2</sup> *Id.*

<sup>3</sup> Jennifer Smith Richards & Jodi S. Cohen, *Black Students in Illinois Are Far More Likely to Be Ticketed by Police for School Behavior Than White Students*, PROPUBLICA (May 6, 2022), <https://www.propublica.org/article/black-students-illinois-ticketed-by-police-for-school-behavior>.

<sup>4</sup> Cohen & Smith Richards, *supra* note 1.

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

<sup>6</sup> *Id.*

<sup>7</sup> Jennifer Smith Richards & Jodi S. Cohen, *Illinois’ Education Chief Urges Schools to Stop Working With Police to Ticket Students for Misbehavior*, PROPUBLICA (Apr. 29, 2022), <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

rehabilitation.<sup>8</sup> This is not unique to juvenile courts; we have witnessed hearing officers in administrative adjudications ordering youth to pay hundreds of dollars in fines and fees without the protections afforded youth in juvenile court, such as court-appointed counsel. Since these youth should be focused on attending school, they often do not work or have part-time jobs at most. Thus, when municipal hearing officers assess large fines and fees, these youth are forced to financially rely on their families (if their families are even in a position to help) or find a way to earn the money despite needing to prioritize their education. Instead of connecting youth with supportive services, hearing officers are imposing severe punishments that disproportionately harm youth who rarely have the money to pay themselves. Youth in this situation are not learning a lesson; they are facing severe stress that “can adversely affect the youth’s trust in the fairness of the justice system and even reduce the youth’s compliance with orders and sentencing conditions.”<sup>9</sup> In contrast, youth from families who can more easily afford to pay the high fees and fines imposed learn there is no meaningful consequence. Thus, ordering youth to pay fines and fees does more harm than good.

Similar to the concerns found with juvenile court fees and fines, municipal fees and fines harm the entire family unit, because parents are usually paying the bills assessed against their children in administrative adjudications. As the Task Force found, holding parents jointly liable for fines and assessments can harm family relationships at a time of particular importance.<sup>10</sup> Straining family relationships with financial penalties simply punishes families and makes it harder for low-income youth to turn to their families for support. This puts youth in an even more precarious situation and harms their growth and development.

### **III. Fines and Fees Ignore the Unique Needs of Youth**

The juvenile justice system has been designed to consider the special needs of youth. Municipal administrative adjudications fail to take this into account at all by giving youth little to no protections. These adjudications punish youth with large fines and fees, just as they do with adults. This violates the recommendations set by the DOJ’s Office of Access to Justice.

As this task force notes, the Office of Access to Justice recommends special practices and procedures to protect the best interests of youth, including 1) presuming that youth are unable to pay; 2) only imposing fines and assessments after an affirmative showing of ability to pay; 3) not conditioning diversion on paying a fee; 4) collecting data to study disparate impact based on race, sex, national origin, and disability); 5) and considering

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<sup>8</sup> ILLINOIS STATUTORY COURT FEE TASK FORCE, REPORT ON IMPLEMENTATION OF 2016 TASK FORCE RECOMMENDATIONS AND ADDITIONAL PROPOSED MEASURES FOR ADDRESSING BARRIERS TO JUSTICE AND EXCESSIVE FINANCIAL BURDENS ASSOCIATED WITH FEES AND COSTS IN ILLINOIS COURT PROCEEDINGS 14-15 (2022) (internal citations omitted).

<sup>9</sup> *Id.* at 15.

<sup>10</sup> *Id.*

whether imposing fines and fees comports with the goals of rehabilitation.<sup>11</sup> Administrative adjudications routinely assess fines and fees against youth without any consideration of ability to pay despite these recommendations. This Task Force recognized that Illinois juvenile courts were out of step with best practices and supported the abolition of fines and fees in juvenile court. The Task Force should consider the same with administrative adjudications because the public harms caused by fees and fines imposed against youth are fundamentally the same.

#### **IV. Fines and Fees Disproportionally Impact Low-Income Youth and Youth of Color.**

Youth should not have to pay fines and fees for municipal ordinance violations because these economic sanctions are most frequently assessed against low-income youth and youth of color, who then suffer the associated harms. This task force has identified that arrest data shows that youth of color are more likely to be arrested and face detention than their White peers, so “[i]t is likely then that families of color in Illinois bear a disproportionate burden of juvenile assessments.”<sup>12</sup> Based on our observations, this pattern also occurs at administrative adjudications. Since youth of color are more likely to be subject to administrative adjudications, they and their families are the ones most harmed by municipalities’ fines and fees practices.

Low-income families face significant financial hardship from fines and fees. As this task force recognizes, low-income families may be forced to choose between paying these fines and fees and paying for basic necessities. No family should have to face that choice. Multiple families we talked to had no idea how they would pay the fines and fees, even if given more time to pay. In addition, fines and fees perpetuate economic inequalities. If youth are unable to pay their fines and fees, then they may face additional costs, continued court oversight, and possible contempt charges.<sup>13</sup> Thus, youth without financial resources end up paying even more in the end with detrimental consequences to their financial livelihood and future opportunities.

#### **V. Ending Assessment of Fines and Fees Would Also Benefit Municipalities**

Ending assessment and collection of fines and fees would also benefit municipalities. As noted in the draft report, funding such systems “disproportionately falls on those who use the system even though the system benefits everyone.”<sup>14</sup> A funding structure for municipalities that is heavily reliant upon revenues from fees and fines assessment against youth and their parents is unsustainable. If municipalities end their assessment of fines and fees imposed on youth and families, they could focus on funding their administrative adjudications through

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<sup>11</sup> *Id.* at 15-16 (citing UNITED STATES DEPARTMENT OF JUSTICE, ADVISORY FOR RECIPIENTS OF FINANCIAL ASSISTANCE FROM THE U.S. DEPARTMENT OF JUSTICE ON LEVYING FINES AND FEES ON JUVENILES FEES (2017), <https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/documents/AdvisoryJuvFinesFees.pdf>).

<sup>12</sup> *Id.* at 15 (internal citations omitted).

<sup>13</sup> *Id.* (internal citations omitted).

<sup>14</sup> *Id.* at 21.

more consistent revenue streams that do not depend on repeatedly calling on families to pay, hiring private collection agencies, or seeking garnishment by the state.

In fact, it is likely that the counties would experience cost savings by eliminating municipal fees and fines imposed on youth. While the cost of collection for juvenile fees and fines practices is not reported in the Task Force's data since it appears that counties do not utilize third party collection agencies for juvenile court assessments in Illinois, a key difference with municipal administrative adjudications, is that the counties do enforce assessments against youth and families via collection agencies. As was the case in most states that eliminated juvenile fees and fines, those states were spending more on maintaining the practice through third party collection agencies and collections staff than actual revenue collected, resulting in zero, minimal, or negative net revenue for the counties. It is likely that if cost of collection data is provided for municipal assessments in administrative adjudications, the result of fiscal inefficiency will be the same in Illinois for municipal fees and fines imposed on youth.

Furthermore, ending fines and fees would improve community relations and allow municipalities to focus on more important work. Youth should not be treated as a source of revenue and fining youth paints municipalities in a negative light. Municipalities would be able to build community trust by working with youth and families instead of going after them for unpaid bills. Also, municipalities would be able to focus their attention on more effective measures that enhance public safety. Thus, abolishing municipal fines and fees imposed on youth and their families is the best course of action for everyone involved.

## **VI. Conclusion**

As a state that has regularly led the way in juvenile justice reforms, Illinois could serve as a model for other states on best practices for youth rehabilitation by eliminating all fees and fines imposed on youth and their families, including all municipal fees and fines. We applaud the Task Force for your work over the past several years to improve our courts and systems of justice by addressing the unjust practices and barriers that fees and fines create. Thank you again for the opportunity to provide comments on the Task Force's draft report initiatives and recommendations.