

## **Juvenile Court Fees in Missouri**

Missouri state law authorizes the juvenile court to charge youth and their families fees related to their involvement in the juvenile court system—fees which are distinct from and additional to victim restitution. Research shows that these fees are racially discriminatory, undermine youth success, place dire financial strain on families, and provide little fiscal benefit to counties.<sup>1</sup> Missouri should join the growing number of states across the country that have abolished these harmful and ineffective financial penalties.

### **JUVENILE COURT FEES DISPROPORTIONATELY BURDEN YOUTH OF COLOR AND THEIR FAMILIES**

Nationally, Black, Latinx/Hispanic, and Indigenous youth are overrepresented, overpunished, and overcharged fees in the juvenile court system.<sup>2</sup> Similar disparities exist in Missouri, where youth of color are overrepresented at every stage of the juvenile court system statewide. Black youth are disproportionately represented in referrals to the juvenile court, referrals leading to petitions filed, petitions resulting in adjudications, and adjudications leading to admission to secure detention facilities.<sup>3</sup> Given these existing racial disparities within the Missouri juvenile court system, it is likely that youth and families of color in Missouri also bear a disproportionate burden of court fees.

### **JUVENILE COURT FEES HARM YOUTH AND UNDERMINE THEIR ABILITY TO REACH THEIR FULL POTENTIAL**

Juvenile court fees cause long-term emotional and financial harm. Research shows that fees set back a youth's ability to fulfill court-ordered obligations and successfully reintegrate with the community to focus on school, family, and moving forward from their juvenile case.<sup>4</sup> Youth and families in Missouri can face the following consequences for unpaid court fees:

- State income tax refund can be garnished. RSMo. § 488.020(3).
- Juvenile delinquency cases can remain open. RSMo. § 211.041.
- Youth and/or their families can be held in contempt of court. RSMo. § 488.020(4).

The Missouri juvenile court system is supposed to facilitate youth rehabilitation,<sup>5</sup> but research has shown that juvenile court fees can lead to extended system involvement simply for failure to pay fees.<sup>6</sup> Contrary to the rehabilitative goals of the Missouri juvenile court, court-imposed debt interferes with a young person's ability to successfully reenter society and can limit future opportunities, which may prolong and exacerbate poverty.<sup>7</sup> Even the United States Department of Justice has issued guidance advising local jurisdictions about the harmful effects of juvenile court fees.<sup>8</sup>

## JUVENILE COURT FEES PLACE HIGH COSTS ON VULNERABLE FAMILIES WITH LITTLE FINANCIAL BENEFIT TO COUNTIES

Research across states has found continuous evidence that court fees are not an effective mechanism for generating revenue.<sup>9</sup> Meanwhile, a young person and their family might face several hundred dollars in fees, a significant hardship for most families, especially low-income families. Below is an example of the fees that a family in Missouri might be charged for a felony adjudication:<sup>10</sup>

Fee	Amount
Detention Room & Board	\$200 (10 days @ \$20/day, cost is variable based on parents' income)
Juvenile Assessment	\$50
Filing Fee	\$45
Family Court Fee	\$30
Court Reporter Fee	\$15
Court Automation Fee	\$7
Crime Victim's Fund Fee	\$7.50
Civil Legal Services Fund Fee	\$10
Inmate Security Fund Fee	\$2
Late Fee (if not paid in full in 30 days)	\$25
<b>Total</b>	<b>\$391.50</b>

Most youth in the juvenile court system are from low-income families who are unable to pay anything, resulting in low collection rates on these fees. According to data received by Missouri's Office of State Courts Administrator, only 25.1% of the fees charged in delinquency, status offense, and abuse/neglect cases in 2021 were collected. Since most families cannot afford to pay these fees, courts and counties net little revenue from the practice—in a cruel cycle, local governments spend most fee revenue trying to collect fees from struggling youth and families, which results in inefficient and harmful financial policy.

## **MISSOURI CAN BE THE NEXT STATE TO JOIN THE NATIONAL MOVEMENT TO ELIMINATE JUVENILE COURT FEES**

Missouri can be the next state to end the regressive and racially discriminatory practice of imposing juvenile court fees on youth and their families. Because fees impose high harm to youth and families and low gain in revenue, many states, both majority Democratic and majority Republican, have eliminated some or all juvenile court fees.

- 15 states have reduced or eliminated juvenile court fines and fees: Washington (2015), California (2017), Utah (2017), Nevada (2019), Maryland (2020), New Hampshire (2020), New Jersey (2020), Texas, (2020), Louisiana (2021), New Mexico (2021), Virginia (2021), Oregon (2021), Colorado (2021), Indiana (2022), and Oklahoma (2022).
- Legislation has been introduced in ten additional states: Florida (2021), Arizona (2022), Delaware (2022), Idaho (2022), Illinois (2022), Michigan (2022), Mississippi (2022), Pennsylvania (2022), South Carolina (2022), and Tennessee (2022).<sup>11</sup>

### **CAMPAIGN INFORMATION AND CONTACT**

The National Center for Youth Law (NCYL) aims to center youth through impact litigation, policy advocacy, collaboration, and research that fundamentally transforms the nation's approach to education, health, immigration, foster care, and youth justice. NCYL, along with the Juvenile Law Center and the Policy Advocacy Clinic at the University of California Berkeley School of Law, formally launched the Debt Free Justice Campaign in 2021. The goal of the campaign is to abolish juvenile court fines and fees in all 50 states.

For more information, please contact Angie Jimenez, Senior Attorney at NCYL, at [ajimenez@youthlaw.org](mailto:ajimenez@youthlaw.org).

## **Common Juvenile Court Fees In Missouri**

Combinations of the following fees, varying with jurisdiction, are currently being charged in Missouri juvenile courts:

<b>Fee</b>	<b>Statute</b>	<b>Amount</b>	<b>Discretion</b>
Costs Generally	RSMo. § 211.281	Not specified	Discretionary
Detention Room & Board	RSMo. § 211.134(2) RSMo. § 211.241(2)	Variable based on ability-to-pay determination	Discretionary
Juvenile Assessment	RSMo. § 211.181(2)(5) RSMo. § 211.181(3)(9)	\$10 (status offense) \$25 (misdemeanor) \$50 (felony)	Discretionary
Law Library Fee	RSMo. § 488.426 (2) RSMo. § 488.429	\$15	Discretionary
Family Court Fee	RSMo. § 488.2300(1)	\$30	Mandatory in jurisdictions with a family court
Court Reporter Fee	RSMo. § 488.012(3)(22) RSMo. § 488.2253	\$15	Mandatory
Court Automation Fee	RSMo. § 488.012(3)(5) RSMo. § 488.027	\$7	Mandatory
Crime Victim's Compensation Fund Fee	RSMo. § 595.045(1)	\$7.50	Mandatory (delinquency)
Civil Legal Services Fund Fee	RSMo. § 488.031(1) RSMo. § 477.650	\$10	Mandatory (delinquency)
Inmate Security Fund Fee	RSMo. § 488.5026	\$2	Mandatory (delinquency)
Filing Fee <sup>12</sup>	Statutory basis unclear	\$45	
Late Fee (if not paid in full in 30 days)	RSMo. § 488.1525	\$25	Discretionary

<sup>1</sup> See *Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administrative Fees in California*, Policy Advocacy Clinic, Berkeley Law, University of California (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf> [hereinafter “Making Families Pay”]; Alex Piquero & Wesley Jennings, Research Note, *Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 Youth Violence and Juvenile Justice 325 (2017) [hereinafter “Recidivism”] (finding that the imposition of fees and costs on youth and their families led to a higher rate of recidivism).

<sup>2</sup> *Debtors’ Prison For Kids?: The High Cost of Fines and Fees in the Juvenile Justice System* 8, Juvenile Law Center (2016), <http://debtorsprison.jlc.org/documents/jlc-debtors-prison.pdf> [hereinafter “Debtor’s Prison”].

<sup>3</sup> See *Missouri Juvenile & Family Division: Annual Report Calendar 2020*, Supreme Court of Missouri & Office of State Courts Administrator, <https://www.courts.mo.gov/file.jsp?id=59716> (2020).

<sup>4</sup> *Making Families Pay*, *supra* note 1, at 9 (finding that juvenile fees undermine youth rehabilitation).

<sup>5</sup> See § 211.011 (explaining that the purpose of the juvenile court “is to facilitate the care, protection and discipline of children who come within” its jurisdiction.”); *Our Mission*, 13<sup>th</sup> Judicial Circuit of Missouri Juvenile Division – About Juvenile Court, <https://www.courts.mo.gov/hosted/circuit13/court/offices/juvdiv/about.htm> (last visited Aug. 3, 2022) (the court “is designed to provide protection, treatment, and rehabilitation,” and the children within its jurisdiction “are not treated as criminals but persons needing care, education, treatment and guidance.”).

<sup>6</sup> *Recidivism*, *supra* note 1 (finding that the imposition of fees and costs on youth and their families led to a higher rate of recidivism).

<sup>7</sup> *Making Families Pay*, *supra* note 1, at 2; *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice* 28, Justice for Families (2012), [https://njjn.org/uploads/digital-library/Families\\_Unlocking\\_FuturesFULLNOEMBARGO.pdf](https://njjn.org/uploads/digital-library/Families_Unlocking_FuturesFULLNOEMBARGO.pdf) (finding that of youth involved with the juvenile justice system, more than 50% came from families earning less than \$25,000 per year).

<sup>8</sup> See U.S. Dep’t of Justice, Office for Civil Rights, *Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on Levying Fines and Fees on Juveniles* 1 (2017), <https://ojp.gov/about/ocr/pdfs/AdvisoryJuvFinesFees.pdf>.

<sup>9</sup> *Debtor’s Prison*, *supra* note 2, at 9; *The Steep Cost of Criminal Justice Fees and Fines*, Brennan Center for Justice (Nov. 21, 2019) (explaining that fines and fees generally are ineffective at raising revenue), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

<sup>10</sup> Every jurisdiction in Missouri appears to charge a different combination of fees. This example illustrates the fees charged by Missouri’s 13<sup>th</sup> Judicial Circuit, which includes Boone and Callaway counties. See *Court Costs*, 13<sup>th</sup> Judicial Circuit of Missouri Juvenile Division, <https://www.courts.mo.gov/hosted/circuit13/court/offices/juvdiv/fees.htm> (last visited Aug. 3, 2022) [hereinafter “13<sup>th</sup> Circuit”].

<sup>11</sup> *Our Impact*, Debt Free Justice, <https://debtfreejustice.org/our-impact> (last visited Aug. 3, 2022).

<sup>12</sup> See *13<sup>th</sup> Circuit*, *supra* note 10.