Tennessee courts assess fines and fees on the parents or guardians of juveniles involved in the justice system. These court costs are an economic burden, particularly for low-income Tennessee families, and research shows that they could be leading to increased recidivism rates.

Eliminating juvenile fines and fees presents an opportunity to both help families that are struggling financially as well as reduce crime and save taxpayer money by reducing rates of reoffense in Tennessee communities.

Many Tennessee families struggle to pay off these court costs, which can leave them vulnerable to a never-ending cycle of debt and unable to move on from their child's indiscretions.

The Covid-19 recession hit low-income Tennessee families hardest. Tennessee's child poverty rate is 42% higher than the state's overall rate.

This means that some parents and guardians may be faced with choosing between paying for the climbing price of necessities -- like groceries or gas -- or paying off court debt.

Removing juvenile fines and fees has been shown to reduce the likelihood of recidivating, benefiting not just impacted families but also strengthening communities across the state.

In a study of over 1,000 adolescents, the odds of recidivism increased based on the presence and amount of court costs assessed. The odds of recidivism increased based on the presence and amount of court costs assessed. (i)

At 36%, Tennessee’s recidivism rate is one of the highest in the Southeast. Reducing recidivism at this early stage could have compounding positive effects on crime in our state.

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(i) Source: Alabama, Florida, South Carolina, and Tennessee Departments of Corrections, PEER Mississippi, and North Carolina Sentencing and Policy Commission

(ii) Source: US Census Bureau
Currently, court fines and fees are impacting Tennessee families differently depending on where they live in the state. Removing court fines and fees would ensure that families of children involved in the justice system are treated equally.

**Court data suggest that "justice by geography" exists in the Tennessee juvenile court system.**

Judges have the ability to waive certain fees on a case-by-case basis, yet data show a wide variation in use of this judicial discretion from county to county.

For example, low-income juvenile defendants may be appointed free counsel, but they can be charged an administrative fee between $50 and $200 for the service. In 2020, judges waived this fee 69% of the time.

Despite this fee being explicitly tied to indigency, some juveniles benefit from this waiver more than others. **In 16 counties, this fee is waived 20% of the time or less.**

**Initial data suggest waiving fees more often does not mean counties collect less funds.**

While waiver-rate data is not available for other juvenile fees, Sumner County waived the appointed counsel fee an average of 22% of the time, compared to a statewide average of 68%.

Because the appointed counsel fee is explicitly tied to indigency, we can infer that Sumner County also likely waives other juvenile fees at a lower rate than the state overall. Yet, statewide collection rates for juvenile fees of 63% also surpassed Sumner County’s average of 47%.

This data further suggest that repayment of juvenile fines and fees is largely dependent on a family’s financial situation. Counties see higher collection rates when fees are waived more often for low-income families.

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(i) Estimate based on examples of fees listed in the Tennessee Code for unruly juvenile cases and appeals.