

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.

Example of Juvenile Court Fines and Fees

Total fines vary based on charges, though administrative fees for legal and court services are standard and can quickly add up.

For example, the family of a truant 12-year-old could potentially face over \$1,000 in combined fines and fees for a single offense.(i)



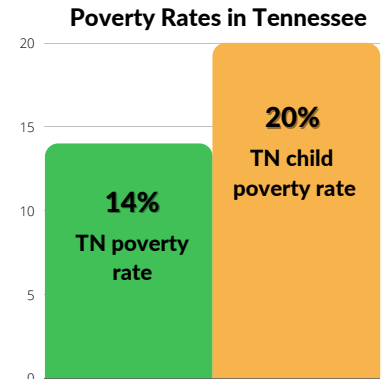
FINE ASSESSED FOR TRUANCY: \$50

FEES	
Litigation and privilege taxes	\$90.75
Electronic filing subscription fee	\$120.00
Other court clerk fees	\$383.00
Unruly case fee	\$62.00
Appointed counsel fee	\$200.00
Appeals fee	\$150.00
TOTAL: \$1,055.75	

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.

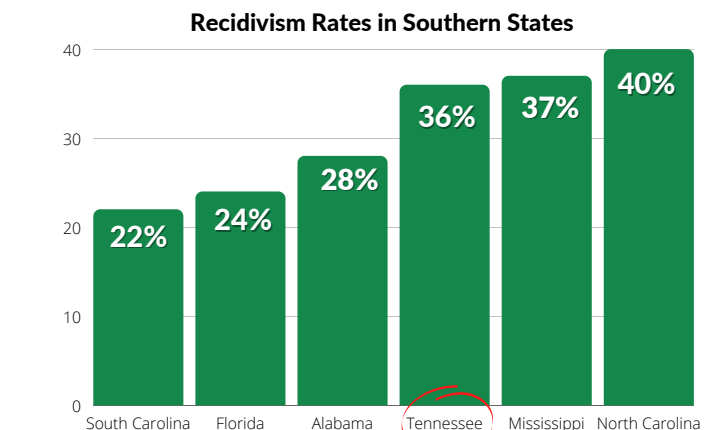


Source: US Census Bureau

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.**(ii)

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.



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

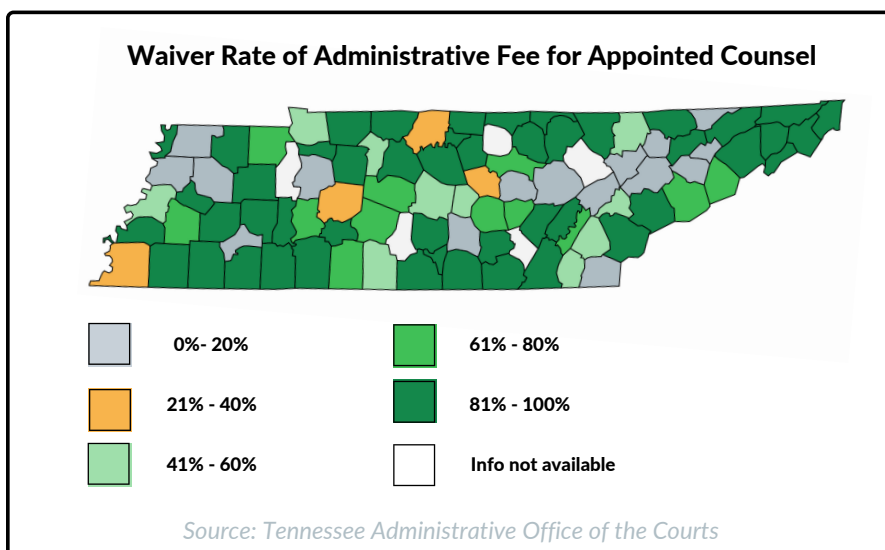
Currently, court fines and fees are impacting Tennessee families differently depending on where they live in the state. Removing court fines and fees would ensure that families of children involved in the justice system are treated equally.

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.**

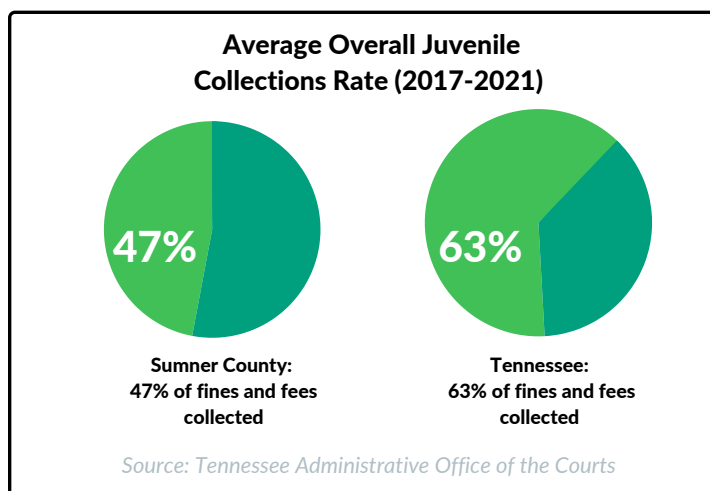
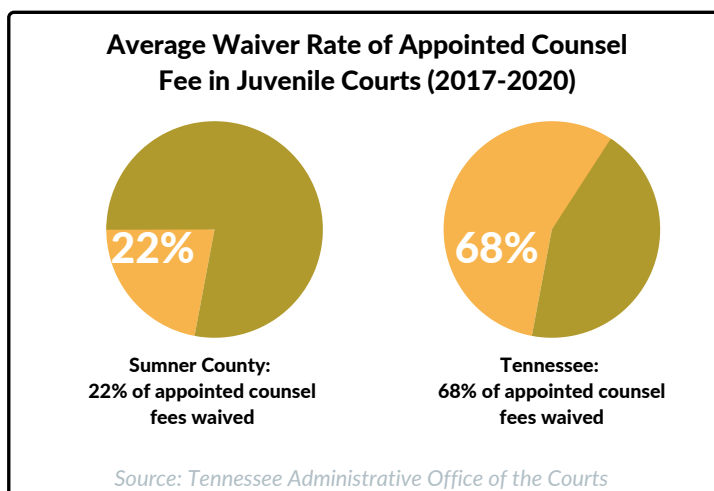


Initial data suggest waiving fees more often does not mean counties collect less funds.

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.



(i) Estimate based on examples of fees listed in the Tennessee Code for unruly juvenile cases and appeals.
 (ii) Piquero, Alex R., and Wesley G. Jennings. (September 14, 2016). Youth Violence and Juvenile Justice. Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders. See <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-criminology-study-2016.pdf>.