

# Juvenile Fines and Fees Are Bad for Youth, Families, and the State

**Court fines and fees for juveniles are harmful to youth and their families, racially discriminatory, and costly to administer. They also take from New Mexico's families some of the very resources they need to invest in their children's future and purchase food, education, housing, and health insurance.**

## Introducing HB183: The Juvenile Fines and Fees Reform Act

Sponsored by Representative Roger Montoya, the Juvenile Fines and Fees Reform Act WILL:

- Remove administrative fines and fees from the Delinquency Act within the Children's Code.
- Eliminate the \$10 application fee for a public defender.
- NOT affect the assessment or collection of victim restitution.
- NOT limit the court's discretion to impose sanctions on child defendants.
- NOT change probation or sentencing requirements.

## The Problem

Existing law allows courts to impose harmful administrative fines and fees on children involved in the juvenile system. These include public defender application fees and court costs for things like summonses, notices, traveling expenses, etc. If imposed, these fines and fees could quickly amount to hundreds of dollars, resulting in a significant financial burden for New Mexico families.



## Why Juvenile Fines and Fees are Bad for New Mexico

**Fines and fees are ineffective and costly to administer.** Research shows that fines and fees are difficult to collect and that collection can cost states and counties almost as much or more than they end up receiving in revenue.<sup>1</sup> They are not an effective or fair way to fund local government.

**Fines and fees actually increase the likelihood that youth will face extended or repeated system involvement.**<sup>2</sup> This entrenches youth in systems of oppression and poverty rather than giving them the tools they need to succeed and move forward, and costs state and local governments more money.

**Fines and fees contradict New Mexico values.** The goals of New Mexico's juvenile system are to care for and protect youth, reduce racial disparities, and strengthen families.<sup>3</sup> Harmful and racially discriminatory fines and fees contradict these goals.



## Why Juvenile Fine and Fees are Bad for New Mexico's Youth and Families

**Fines and fees disproportionately burden youth of color and their families.** In New Mexico, Hispanic and Indigenous youth make up the majority population in juvenile detention and Black youth are arrested at twice the rate of white youth. All three groups experience disproportionate referrals to juvenile court and harsher sentencing than do whites.<sup>4</sup>

**Fines and fees disproportionately harm children and families earning low incomes.** Fines and fees are often borne by parents or guardians. In New Mexico, a significant proportion of youth are being raised by their grandparents, many of whom are on fixed incomes.<sup>5</sup> Prior to the pandemic, 26% of New Mexico children lived in poverty and 35% had parents who lacked secure employment.<sup>6</sup> Things are far worse now, as more than half (51%) of New Mexico adults in households with children have lost employment income since March 2020,<sup>7</sup> and as many as 34% of New Mexico children were likely to be food insecure in 2020 due to COVID-19.<sup>8</sup> In the midst of an economic crisis, families should not have to choose between paying a fine or fee and paying for food or housing.

**Fines and fees prevent youth from investing in their futures.**<sup>9</sup> They are yet another stumbling block for youth, making it more difficult to complete court requirements, invest in their education, and refocus on their futures.

**Fines and fees fail to take into account the child's personal and familial history. Nearly 99% of incarcerated youth in New Mexico have experienced some form of trauma that influenced the decision-making that led to their involvement.**<sup>10</sup> Fines and fees don't address the root causes of young people's involvement in the juvenile system – they only compound the stress and family strain or trauma that led to it.

### Other States are Eliminating Juvenile Fines and Fees

California, Maryland, Nevada, New Hampshire, Utah, and Washington have eliminated some or all juvenile fees, and Maryland and New Jersey have eliminated fines.

**As a leader in progressive juvenile system reforms, New Mexico must also end this harmful and discriminatory practice.**

**This bill was developed in cooperation with and unanimously endorsed by the New Mexico Sentencing Commission and is the first in a long-term effort to examine reforms in the juvenile justice system.**

1 Brennan Center for Justice, *The Steep Costs of Criminal Justice Fees and Fines* (2019).

2 Alex Piquero and Wesley Jennings. "Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders." *Youth Violence and Juvenile Justice* 15, No. 3(July 2017): 325-340.

3 N.M. Stat. Ann. §§ 32A-1-3, 32A-2-2. See also *State v. Nanco*, 2012-NMCA-109, 2010-NMSC-012, ¶ 35, 148 N.M. 1, 229 P.3d 474, and *State v. Jones*, 2010-NMSC-012, 148 N.M. 1, 229 P.3d 474.

4 State of N.M. Child., Families & Youth Dept. (2018), "Three Year Comprehensive Juvenile Justice and Delinquency Prevention Plan."

5 Williams, Ed. "Many Grandparents Raising Kids Locked Out of State Aid," NM Political Report (Sep 24, 2018).

6 The Annie E. Casey Foundation (2020), "Kids Count Databook Profile: New Mexico."

7 U.S. Census Bureau Household Pulse Survey, Weeks 8-12 Average. Experienced and Expected Loss of Employment Income by Select Characteristics: New Mexico.

8 Feeding America, "The Impact of Coronavirus on Food Insecurity Interactive Map," June 3, 2020.

9 Policy Advocacy Clinic, Univ. of Cal., Berkeley L., "Making Families Pay: The Harmful, Unlawful and Costly Practice of Charging Juvenile Administrative Fees in California" (2017); Juv. L. CTR. "Debtor's Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System" (2016).

10 The New Mexico Sentencing Commission, *Adverse Childhood Experiences in the New Mexico Juvenile Justice Population* (Feb. 2016).