

# The hidden costs of juvenile court

When Deidra Artecki asked the judge overseeing her son's assault case why she had received a notice that she owed \$700 in court fees — and whether she'd have to pay \$700 every time her son appeared in court — the judge brushed her off. "We usually talk about the fees later on," she told Artecki.

Artecki's son will be going back to court, without question. After he was charged with felonious assault, he spent two months in detention, then managed to tack on a truancy offense. So Artecki knows more bills will be arriving.

But she doesn't know when. She doesn't know how many, and she doesn't know how much she'll be asked to pay for the cost of his care and services. Juvenile courts are obliged to charge certain mandated fees for restitution and crime victim rights. But kids can be hit with a host of discretionary fines and fees that some counties charge and others don't.



## **'I don't know how much ... I just know we're going to pay.'**

These fines and fees are not public. But they do add up, whether families pay them or not.

Court-appointed attorney fees. Substance abuse treatment fees. The cost of a tether. A probation officer's visit. A day spent in detention. A month in residential placement. Some courts charge for these things. Some courts subsidize them. Some courts send a bill and follow up. Envelope after envelope after envelope.

"I don't know exactly how much we're going to pay. I just know we're going to pay," said Artecki, who is paying her son's court fees from her savings and trying to tuck away more while she waits for the bills. "I

have not been able to get a clear answer on that at this point."

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Michigan's juvenile courts are a patchwork of buy-now-pay-later fines and fees that can be assessed or waived at the court's discretion. Over the years, some counties have piled up millions of dollars in outstanding debt. Others have decided to do away with discretionary fines and fees completely.

Advocates say that collage of mismatched prices is not just.

"I think it's just inherently unfair to have some counties charge, some counties not. Some charge a lot, some have a cap," said Jason Smith, executive director of the Michigan Center for Youth Justice. "I think, ultimately, financial fines and fees should not be included in system involvement for youth."

## **"They don't even open the envelopes up anymore"**

Families with kids in the juvenile justice system may already be shelling out money for transportation to and from hearings, visits to a child in residential treatment and drives back and forth to court-mandated appointments. They're missing out on work and wages all the while. While proponents of court fees say they force parents to have skin in the game, families say the bills just add stress.

"Parents reported that it's so overwhelming that they don't even open the envelopes up anymore," said Cole Williams, co-founder of [The Delta Project](#), which uses storytelling to break the cycle of incarceration.

And pocketbooks aren't the only places families feel the effects of high court costs. It plays out in their representation and even how a child pleads in court.

"You can see scenarios in which families have to pay fees for every single hearing that an attorney participates in. And we've heard situations where attorneys have decided not to continue to represent a kid because they know that that family will incur that cost," said Smith.

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For some families, paying high court costs is a nuisance. For others, it's a boulder that will pin them down for years, even decades. In some systems, juvenile court debt is not erased when the young person ages out. It just follows them into adulthood, demanding to be paid bit by bit.

Although most youths involved in the criminal justice system are under supervision for less than two years, courts can legally pursue payments until debts are paid in full, long after a young person is out of the system. If they choose to, they can intercept state tax refunds and even issue bench warrants.

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# Millions of dollars in uncollected bills, huge family burdens

Juvenile courts can assess all the fees they want, but it doesn't mean they get paid.

Macomb County had been assessing the highest fees and fines in the state out of the 73 that submitted data to the Michigan Center for Youth Justice — \$11.7 million between 2017 and 2019.

For every day a kid spent in detention, the court added \$170 to the bill. Costs for residential placement varied; families could be billed up to \$300 a day.

Macomb County had already decided to put a cap on court fees charged to families when the Michigan Center for Youth Justice reached out and showed them the math.

The court's average collection rate for the previous five years was only 7.2%, and the county was adding \$4 million in debt every year. Over the years, the court had amassed \$92 million in outstanding fees. Almost all of it was for residential placements and detention.

The nonprofit interviewed 21 families, all of whom said they wouldn't be able to pay off their court debts — which averaged \$87,165 — in their lifetimes.

"You'd have someone with \$100,000 of debt who was paying \$5 a paycheck," said Nicole Faulds, juvenile division administrator for the 16th Judicial Circuit Court. "It would take multiple lifetimes for them to pay that off."

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## **'It's just another barrier in the rehabilitation process'**

The goal of juvenile court is not actually meant to punish.

"This is all about rehabilitation, which means relationship and connection and investment — a more individualized approach," said Debby Shaw, juvenile and probate court administrator for Livingston County, where discretionary fines and fees are set after an ability to pay assessment has been conducted.

Advocates say if courts truly want to help rehabilitate young people who've committed crimes, they won't make it about money, which can only exacerbate problematic family dynamics and cause stress.

"One thing that I've noticed is that fines and fees can really drive families apart and ultimately set young people back in that way from rehabilitating from their offense," said Bobby Dorigo Jones, vice president of [Michigan's Children](#). "Ultimately," Jones said, "it's just another barrier in the rehabilitation process for a young person who's trying to learn."

## **Court fines and fees that didn't help the court**

Getting a stack of unpayable bills in the mail pushes some families to disengage from the court instead of collaborating with it, damaging what is supposed to be a partnership.

"We had parents who were reluctant to report problematic behavior of their children that were on probation because they were they were doing the math; how much is this going to cost? What if they go in detention? What if they go in residential placement?" said Faulds. "And so, behaviors that we needed to know about in order to provide appropriate treatment weren't always getting reported because they were worried about the financial aspect."

Artecki agrees that receiving big bills in the mail for her son's care and services doesn't make it feel like the court's primary goal is his rehabilitation and well-being. Instead, it makes her think twice before asking for help.

Probation officers in Macomb County told the Michigan Center for Youth Justice that fines and fees "were a substantial obstacle to

rapport building and securing full cooperative engagement with the child and family," according to [the center's report](#).

Parents interviewed for the report confirmed the sentiment: "Why would I talk to his probation officer?" one said. "All it does it just add to my bill."

## **What about the money?**

Artecki says for kids like hers, who will forever carry the scars of an early childhood spent in the child welfare system, the state should foot the fees.

Many courts agree with her. And increasingly, they're doing away with discretionary fines and fees altogether.

Wayne and Washtenaw Counties have eliminated discretionary and waivable fees and stopped collecting on outstanding debts.

Macomb County followed suit in February 2021.

"It was questioned at first, because it was like, wait a minute, that's money that we bring in," said Faulds. "As soon as we went through the report and talked about the human impact and the fact that we're really not bringing in that much money for a lot of effort ... it made sense to everybody."

Some costs can't be waived, under law. Statutory requirements mean families must continue to pay for every adjudication on a misdemeanor or felony, along with a crime victim rights fee and mandatory restitution.

But young people who go through juvenile court in Macomb County



now have their detention or residential placement costs — the most expensive of which has risen above \$700 per day — waived. There are no more probation fees, no reimbursement for the court-appointed attorney or the tether.

It took the better part of a year, but the county went through each case and wiped away the millions of dollars in debt that had resulted from discretionary fees. From \$92 million in debt, the books now reflect only the mandatory fees still out for collection: a total of \$1.5 million.

## **Who should fund the court system?**

Ever since Judge Robert Sykes took the bench in his unassuming Ionia County courthouse 18 years ago, he did what his predecessors had done. He charged kids what he thought was a small but meaningful court fee and civil fine and had families pay the court back for attorney and probation fees and out of home placement costs.

"It seemed like the right thing to do," Sykes said. "Well, in hindsight, I don't think it was."

Sykes began looking at the costs he was asking families to bear. It made sense to him that the taxpayers shouldn't shoulder the cost of others' bad decisions. But then again, the fees weren't getting paid.

Sykes' small staff spent time every month printing out statements and sending the bills to families — many of which would get returned undeliverable. They prepared show causes that had to be delivered personally, issued bench warrants to drag parents into court if they didn't show up. Pragmatically, it was just an unending cycle that didn't get results.

Furthermore, Sykes decided assessing hundreds if not thousands of dollars in discretionary fines, costs and fees that would burden families and follow kids into adulthood wasn't helping with rehabilitation.

"I really just philosophically reached the point that it's not the responsibility of the juveniles, nor of their families, to fund the court system," he said.

In most cases, Sykes now assesses mandatory fees only.

## **Waiting for the state to act**

Other courts have reached similar conclusions. But the responses are uneven.

In Kent County, families such as Artecki's are billed for court fees and pay \$100 per week of residential treatment. But court administrator Andrew Thalhammer says the court tries to work with families who tell it in good faith they can't afford the costs. Thalhammer says despite a low collection rate and a high outstanding debt, Kent County "has not discussed seriously" whether to change its approach to discretionary fees.

Oakland County's judiciary continues to assess subsidized attorney fees, out-of-home placement costs and monthly probation fees. But its executive branch no longer collects those fees. As of Oct. 22, it stopped sending the bills to families.

Over 30 years, the county has amassed approximately \$98 million in uncollected court fees. Yet even though Oakland County isn't even collecting discretionary fees, it plans to keep assessing them, according to Scott Hamilton, a judicial support manager in the 6th

Judicial Circuit Court's family division. He says the court is waiting for the state to act.

"The courts feel that they need to see some type of legislative mechanism for them no longer to assess," said Bill Mullan, a public information officer for Oakland County. "It sounds like it's going to take all three branches of government working together to fully implement this type of criminal justice reform."

## **National momentum on changing juvenile court costs**

Michigan's [Juvenile Justice Task Force recommended](#), with unanimous support, that "most nonrestitution fees and costs associated with juvenile justice system involvement" be eliminated.

States have the right to do away with court fees — policies don't have to reside within county lines. Seventeen states have passed legislation that eliminates some or all juvenile court fines and fees. Already this legislative session, 13 states introduced legislation to do so, according to Jessica Feierman, senior managing director of the [Juvenile Law Center](#).

"There has been a lot of momentum on these issues over the last number of years," Feierman said. "We're definitely seeing both red and blue states focusing on this issue and pushing for comprehensive changes because stakeholders are recognizing that it harms children and also that it's not good fiscal policy."

A bipartisan bill package introduced in 2021 called for the elimination of all juvenile court fees across Michigan, both mandatory and

discretionary, but the Legislature did not vote on it.

Gov. Gretchen Whitmer's [budget proposal](#) released earlier this month suggests lawmakers set aside \$556,900 to create a juvenile justice unit that would provide counsel for indigent youths, and \$2 million to establish a juvenile justice services division within the State Court Administrative Office. It also encourages \$1.6 million for the Office of the Child Advocate to enhance oversight and outreach support for youths in the juvenile justice system.

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Advocates, including Smith and Williams, say they're continuing to hold juvenile court fines and fees up as a legislative priority. In part, because it's the just thing to do so that young people across the state are treated equitably, not depending on which county they live in.

Smith also points out that court fees disproportionately affect children of color who are arrested, detained and placed at higher rates than white youths. As he sees it, this is an issue of economic justice.

But it goes beyond that. They also think charging kids and families for things like substance abuse treatment, residential placement and counseling doesn't make sense considering the lack of community-based options for services such as mental health treatment. Services that could have kept them out of the juvenile justice system to begin with. Services and support some of them entered the system to access.

"I think we're penalizing families for being in a system that's broken," said Williams.

*Jennifer Brookland covers child welfare for the Detroit Free Press in partnership with Report for America. Make a tax-deductible contribution to support her work at [bit.ly/freepRFA](https://bit.ly/freepRFA). Reach her at [jbrookland@freepress.com](mailto:jbrookland@freepress.com).*