

May 20, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Re: HR 6800, The HEROES Act; Moratorium on Fees and Fines

Dear Senators McConnell and Schumer:

We, the undersigned organizations, write to urge the Senate to provide immediate relief to American families with youth in the juvenile legal system by adopting the provisions of the HEROES Act (H.R. 6800) that incentivize: (1) juvenile courts to stop charging and collecting fees and fines, and (2) placing a moratorium on court or probations requirements for youth to attend and pay for programs that violate required social distancing or stay at home orders.

We are advocates and professional associations for economic, racial, and youth justice and criminal system reform from across the country and political spectrum who are concerned about the regressive and racially discriminatory practice of charging fees and fines to youth involved in the juvenile system and their families. Recently, more than 140 groups nationally called for an immediate moratorium on juvenile fees and fines in the midst of the unprecedented public health and economic crisis caused by COVID-19.¹

Juvenile fees and fines—monetary charges that courts and agencies impose on youth in the juvenile system and their families—can quickly add up to thousands of dollars. State and local governments aggressively pursue fees and fines collection against families, including by garnishing wages, levying bank accounts, placing liens on property, and intercepting tax refunds.

A \$500 bill is a financial emergency for many families²—in the midst of the COVID-19 crisis, it is a potential catastrophe. Furthermore, fees and fines disproportionately burden low-income communities and communities of color³—the same communities that are being disproportionately affected by the COVID-19 crisis.⁴

Many jurisdictions are beginning to realize that charging fees and fines to youth in the juvenile system and their families is counterproductive: it undermines youth rehabilitation, increases youth recidivism, and nets little or no government revenue.⁵ California, Nevada, New Jersey, and Maryland have ended one or more juvenile fees and fines along with many local jurisdictions in states across the country.

One provision in the HEROES Act (§191108) provides funding to courts that impose a moratorium on the assessment and collection of fees and fines during the COVID-19 emergency period, and for fiscal years 2020 through 2022.⁶ This provision incentivizes state and local courts to halt this harmful practice and shift their resources toward maintaining essential court operations.

Another provision of the Act (§191107) authorizes the Attorney General to make grants to provide an array of COVID-related services, including services that: “place a moratorium on all requirements for juveniles to attend and pay for court and probation-ordered programs, community service, and labor, that violate any applicable social distancing or stay at home order.”⁷

We urge the Senate to protect the health and financial stability of American youth and families by adopting these critical provisions of the HEROES Act.

Sincerely,

National

ACLU
African American Juvenile Justice Project
Arnold Ventures
Center for American Progress
Center for Responsible Lending
Center for Science and Justice at Duke School of Law
Child Advocacy Program, Harvard Law School
Color of Change
Community Advocacy Lab, Columbia Law School
Criminal Justice Policy Program, Harvard Law School
Drug Policy Alliance
Fair and Just Prosecution
Fines and Fees Justice Center
Generation Progress
Health Justice Innovations
Human Rights for Kids
Justice Action Network
Juvenile Law Center
MomsRising
National Association of Criminal Defense Lawyers
National Center for Access to Justice
National Center for Youth Law
National Consumer Law Center
National Council of Juvenile and Family Court Judges
National Juvenile Justice Network
Performing Statistics
Public Justice
R Street Institute
The Sentencing Project
University of California, Berkeley, School of Law Policy Advocacy Clinic
Youth Advocate Programs (YAP), Inc.
Youth Law Center

Regional

Appellate Justice Project for Domestic Violence Survivors, Inc. (Midwest)
Marion County Commission on Youth, Inc. (Midwest)
Root & Rebound (California, South Carolina)
RYSE Center (West)
Southern Poverty Law Center (Deep South)
U.C. Hastings Refugee & Human Rights Clinic (West)

Arkansas

Arkansas Advocates for Children and Families

California

A New Way of Life Reentry Project
ACLU of California
Adolescent Health Working Group
California Asset Building Coalition
California Attorneys for Criminal Justice
Center for Juvenile Law and Policy, Loyola Law School
Children's Rights Clinic
Community Works
Community Legal Services in East Palo Alto
East Bay Community Law Center
Ella Baker Center for Human Rights
Green Life Reentry Leadership
Insight Center For Community Economic Development
La Raza Centro Legal Inc
Lawyers' Committee for Civil Rights of the SF Bay Area
Rubicon Programs
San Francisco Financial Justice Project
SJSU Record Clearance Project
Starting Over, Inc
UCLA School of Law, Criminal Justice Program
W. Haywood Burns Institute
Western Center on Law & Poverty

Colorado

Colorado Juvenile Defender Center

Delaware

Delaware Center for Justice, Inc.

Indiana

Children's Legislative Policy Initiative
Children's Policy and Law Initiative of Indiana
Indianapolis Urban League
Kids' Voice of Indiana
United Methodist Women of Indiana

Kansas

Kansas Appleseed Center for Law and Justice

Louisiana

Justice For Families
Louisiana Center for Children's Rights
Operation Restoration
Families and Friends of Louisiana's Incarcerated Children (FFLIC)

Maryland

Public Justice Center
Youth, Education, and Justice Clinic, University of Maryland Francis King Carey School of Law

Michigan

Juvenile Justice Clinic

Mississippi

Mississippi Center for Justice

Nebraska

Voices for Children in Nebraska

Nevada

Children's Advocacy Alliance

New Jersey

Rutgers Criminal and Youth Justice Clinic

New York

Adolescent Representation Clinic of Columbia Law School
Criminal Defense Clinic, Fordham University School of Law
Family Law Practice Clinic of CUNY School of Law
Fordham Law School Feerick Center for Social Justice
Maurice A. Deane School of Law Criminal Justice Clinic, Hofstra University

North Carolina

Campbell University Law School, Restorative Justice Clinic
Conservatives for Criminal Justice Reform
NC Community Bail Fund of Durham
North Carolina Justice Center

Ohio

Justice for Children Project, Moritz College of Law

Pennsylvania

Juvenile Defender's Association of Pennsylvania
Luzerne County Office of Conflict Counsel
Pennsylvania Coalition for Justice
Schuylkill County Public Defender Office

Rhode Island

Rhode Island KIDS COUNT Rhode Island

Tennessee

Vanderbilt Law School Youth Opportunity Clinic

Texas

Texas Appleseed

Utah

Utah Juvenile Defender Attorneys

Virginia

Legal Aid Justice Center
Institute of Forgiveness
Nolef Turns Inc.

Washington

Columbia Legal Services

West Virginia

Mountain State Justice

¹ Juvenile Law Ctr. et al, Call for a Nationwide Moratorium on Juvenile Fees and Fines (last updated May 13, 2020), <http://bit.ly/stop-juve-fees>.

² BD. OF GOVERNORS OF THE FED. RESERVE SYS., REPORT ON THE ECONOMIC WELL-BEING OF U.S. HOUSEHOLDS IN 2018 (2019), <https://www.federalreserve.gov/publications/files/2018-report-economic-well-being-us-households-201905.pdf>.

³ U.S. COMM’N ON CIVIL RIGHTS, TARGETED FINES AND FEES AGAINST COMMUNITIES OF COLOR (2017), https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf; POLICY ADVOCACY CLINIC, UNIV. OF CAL., BERKELEY LAW SCH., MAKING FAMILIES PAY (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>; U.S. DEP’T OF JUSTICE, CIVIL RIGHTS DIV., INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT (2015), https://www.justice.gov/sites/default/files/crt/legacy/2015/03/04/ferguson_findings_3-4-15.pdf.

⁴ *COVID-19 in Racial and Ethnic Minority Groups*, U.S. CENTERS FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html> (last visited May 14, 2020); Mark Hugo Lopez et al., *Financial and Health Impacts of COVID-19 Vary Widely by Race and Ethnicity*, PEW RESEARCH CTR. (May 5, 2020), <https://www.pewresearch.org/fact-tank/2020/05/05/financial-and-health-impacts-of-covid-19-vary-widely-by-race-and-ethnicity/>; Samantha Artiga et al., *Communities of Color at Higher Risk for Health and Economic Challenges Due to COVID-19*, KAISER FAM. FOUND. (Apr. 7, 2020), <https://www.kff.org/coronavirus-covid-19/issue-brief/communities-of-color-at-higher-risk-for-health-and-economic-challenges-due-to-covid-19/>.

⁵ 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 & JUV. JUST. 325 (2016), <https://doi.org/10.1177%2F1541204016669213>; POLICY ADVOCACY CLINIC, UNIV. OF CAL., BERKELEY LAW SCH., MAKING FAMILIES PAY (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>; JUVENILE LAW CTR., DEBTORS’ PRISON FOR KIDS? THE HIGH COST OF FINES AND FEES IN THE JUVENILE JUSTICE SYSTEM (2016), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison.pdf>.

⁶ HEROES Act, H.R. 6800, 116th Cong. § 191108 (2020).

⁷ *Id.* §191107.