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**Joint Committee Meeting: House Criminal Justice and Senate Civil Rights, Judiciary, and Public Safety**  
**September 19, 2023**  
**House Bills 4634 – 4637: Support**

The American Civil Liberties Union of Michigan writes to urge this legislative body to follow the consensus-based recommendations from the Michigan Juvenile Justice Task Force and pass these bills, which would greatly reduce the fees imposed on youth and their families in juvenile delinquency proceedings.

National and state data reveal that fees and fines have a negative impact on youth and families and undermine the system's goal of rehabilitation. Assessment of fees and fines weakens family relationships and impedes family reunification by adding financial stress and tension between youth and their guardians.<sup>1</sup> This is especially true in low-income households, where young people often feel guilty for the additional financial burdens on their families, causing strain.<sup>2</sup> Such strained relationships can increase recidivism: family support is often crucial to rehabilitation, while weakened family ties are correlated with increased recidivism.<sup>3</sup>

What's more, fees and fines have a disproportionate impact on youth of color. In Michigan, Black youth are overrepresented in the juvenile system. In 2021, Black youth made up 38.6% of all arrests and 28.9% of cases resulting in secure detentions while making up only 17.3% of Michigan's youth population.<sup>4</sup> The high fees for secure detention and over-representation of youth of color<sup>5</sup> in these facilities means that families of color are disproportionately impacted by court debt. This paints a troubling picture of how fees compound racial disparities in the juvenile system.

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<sup>1</sup> See generally POLICY ADVOCACY CLINIC, BERKELEY LAW, UNIV. OF CAL., MAKING FAMILIES PAY: THE HARMFUL, UNLAWFUL, AND COSTLY PRACTICE OF CHARGING JUVENILE ADMINISTRATIVE FEES IN CALIFORNIA (2017), available at <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>.

<sup>2</sup> Liz George, et. al, Minors Facing Major Debt: The Immense Burden of Court Fees on Macomb County Youth and Families at 29, [https://35f5626c-61e6-48d6-83b9-5da8713cbd74.filesusr.com/ugd/03cb01\\_64e35871392043c9b2358e5f488275ba.pdf](https://35f5626c-61e6-48d6-83b9-5da8713cbd74.filesusr.com/ugd/03cb01_64e35871392043c9b2358e5f488275ba.pdf)

<sup>3</sup> See Jessica Feierman, et. al., Debtors' Prison for Kids? The High Cost of Fines and Fees in the Juvenile justice System. JUVENILE LAW CENTER (2016), <http://debtorsprison.jlc.org/documents/JLC-Debtors-Prison.pdf>; see also Alex R. Piquero & Wesley G. Jennings, Research Note: Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders, 21 YOUTH VIOLENCE AND JUVENILE JUSTICE 3 (Sept. 16, 2016), <https://doi.org/10.1177/15412040166692>; Stacy Bosisic & Paula Fomby, Family Instability in Childhood and Criminal Offending during the Transition into Adulthood, AM. BEHAV. SCI. (Oct. 2018).

<sup>4</sup> See Michigan Racial and Ethnic Disparities Data, MICH. COMM. ON JUVENILE JUSTICE, <https://michigancommitteeonjuvenilejustice.com/michigan-data/michigan-racial-and-ethnic-disparities-data/> (last visited July 14, 2022)

<sup>5</sup> *Id.* (stating that collectively, all non-white youth make up 47% of arrests and 53% of detentions, despite making up only 32% of the population).

The imposition of fees and fines also exacerbates poverty for indigent families. The average American family cannot afford a \$ 1,000 emergency.<sup>6</sup> For those already living in poverty, imposing fees and fines can create untenable financial hardships that force families to decide between paying court debt and paying for necessities like food, housing, or clothes.<sup>7</sup> Even when collection is not enforced, families still face the real burdens of paying the Court back and making difficult decisions about allocating their finite resources.

In 2021, Governor Whitmer convened the Task Force on Juvenile Justice Reform, comprised of judges, court personnel, attorneys, and advocates, to examine Michigan's juvenile justice system and recommend improvements. The Task Force issued its final report on July 22, 2022. Its members unanimously recommended that most non-restitution fees and costs associated with the juvenile justice system be eliminated, and that a standard procedure be established to assess ability to pay, determination of payment schedule, and total to be assessed. This recommendation was based on a comprehensive review of applicable statutes, court rules, and policies, over 100 focus groups and interviews, discussions with juvenile justice agencies, and an examination of case-level data on youth in the juvenile justice system. The bills today are a result of this recommendation.

The ACLU of Michigan supports HB 4634 – 4637 and encourages you to do the same.

Thank you for your time,

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<sup>6</sup> Shirin Ali, Survey finds more than half of Americans can't afford a \$1,000 emergency. THE HILL (Jan. 19, 2022), <https://thehill.com/changing-america/respect/poverty/590453-survey-finds-over-half-of-americans-cant-afford-a1000/>.

<sup>7</sup> *Id.* Considering that the average cost of rent in Oakland County is \$1,104 per month, even a \$1,000 fee can put a family's housing at risk. See Oakland County Michigan Residential Rent and Rental Statistics, <https://www.deptofnumbers.com/rent/michigan/oakland-county/>