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National Report Finds Youth Face Fees When Accessing Counsel

Juvenile Law Center releases groundbreaking report detailing burdensome policies of charging for “free” public defenders in majority of states across the country

Philadelphia, PA (August 10, 2018) — A report [released today](#) by national public interest law firm Juvenile Law Center and first covered by The Washington Post included a shocking revelation—despite a constitutional guarantee of free counsel for poor children in juvenile court, young people across the country face substantial costs in exercising that right.

The report, supported by a grant from the Laura and John Arnold Foundation, found that 40 states have laws on the books that allow judges or other government officials to charge young people for “free” counsel—court-appointed attorneys and public defenders. Public defenders around the country confirmed that these fees are levied against young people and their families, even when the court has determined them to be too poor to hire counsel themselves. The fees can be substantial. In some states, youth and families may be required to reimburse the court at rates of hundreds of dollars an hour for the assistance of counsel.

The Constitution establishes a right to counsel to ensure that an individual’s liberty cannot be taken away without a fair trial. The United States Supreme Court has made clear that states must therefore provide attorneys for those who cannot afford them. When states require young people and their families to pay for attorneys provided by the state, they erode this constitutional right.

According to Juvenile Law Center Associate Director and co-author of the report, Jessica Feierman, this may have serious implications for youth.

“Children’s access to justice shouldn’t depend on their access to money,” said Feierman. “When faced with fees, however, many youth choose to plead guilty or appear in court without a lawyer. This heightens their risk of being deprived of their liberty, separated from their families, and incarcerated.”

Racial and economic disparities are pervasive in our justice system. The report shows how the cost of counsel may heighten these disparities. According to Juvenile Law Center staff attorney and report co-author Nadia Mozaffar, “Young people of color are more likely to be arrested and prosecuted than white children who engage in the same behaviors. Costs and fees, including the cost of counsel, exacerbate these racial disparities by creating additional financial consequences in a system that is already racially biased.”

Juvenile Law Center's new report supplements its [interactive map](#) on juvenile costs, fines, and fees nationwide. The organization continues to partner with organizations across the country in the fight to end juvenile costs, fines, and fees nationwide.

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the foster care and justice systems. Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. We fight for youth through litigation, appellate advocacy and submission of amicus (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values. For more information about Juvenile Law Center's work, visit www.JLC.org.

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