



March 5, 2024

Submitted via email (dcfpublichearing@wisconsin.gov)

**Comment on Proposed Rule:
Fees for Child Welfare and Community-Based Youth Justice Services; Ch. DCF 1**

Proposed Chapter DCF 1 allows counties important flexibility in eliminating the fees that they charge system-involved families. Under proposed DCF 1.03(2), counties may not charge a fee for any service where the county has determined that charging a fee would be “administratively unfeasible or would significantly prevent accomplishing the purpose of the service.” Similarly proposed DCF 1.04(3) allows counties to “refrain from charging a fee, compromise the amount of a fee, or forgive all or part of a fee debt,” where collection “is inappropriate due to the needs of the individual or the individual’s family,” “administratively unfeasible,” or “would significantly prevent accomplishing the purpose of the service.”

These rule provisions are important to mitigate the harm that these fees cause to youth and families. We encourage counties to consider this language and to examine when fees are inappropriate due to the needs of the family, would significantly prevent accomplishing the purpose of the service, or are administratively unfeasible. In nearly all cases, counties will find that fees should not be charged or should be discretionarily waived. Fees cause immediate and lasting harm to youth and their families while not being a significant revenue source for many local budgets. Nationally, many states and localities have eliminated youth justice fees after comparing their high enforcement costs with the minimal revenue generated.¹

For families who are already experiencing significant stress due to their system involvement, fees and costs add additional financial stress that is harmful to the youth, the family, and their opportunities for rehabilitation. These fees are assessed for supervision, court-ordered placements, electronic supervision and time in detention, as well as other costs. Indeed, these fees create barriers to a family’s ability to move past court involvement and leave families with the choice between paying fees or sacrificing essential needs like rent, groceries, and utilities. A

¹ Debt Free Justice Campaign, <https://debtfreejustice.org/our-impact>, (last visited Mar. 4, 2024).

case study, titled “Impact of Juvenile Justice Fines and Fees on Family Life: Case Study in Dane County, WI” described the experience of a Wisconsin parent who explained, “there’s no light at the end of the tunnel” because of these fees.² A Wisconsin youth from the same study explains that his mother was behind on rent because of fees.³

When counties examine the impact of fees on youth and families, it will be clear that fees are often inappropriate due to the needs of the family or significantly prevent accomplishing the purpose of the service. Importantly, many county services for system-involved youth are meant to build youth skills and rehabilitate, but instead these fees cause economic hardship and can deepen a youth’s involvement in the legal system. Racine County eliminated certain fees after seeing fees contribute to a family’s homelessness.⁴ Unpaid fees can lead to barriers to case closure, record sealing, and ending youth probation supervision.⁵ Indeed, one national study found that youth justice fees increased the likelihood of youth recidivism by 23%.⁶ Families, who are largely unable to pay these fees, develop cynicism towards the system when they are charged costs. Fees also add stress to family relationships due to the financial burden that they pose. Similar to youth justice fees, fees for families who are involved in the child welfare system also defeat the purpose of the services provided: Wisconsin research shows that a \$100 increase in monthly child support fees assessed on mothers by the child welfare system extends the time that a child is in foster care by over six months, rather than promoting family rehabilitation.⁷

Additionally, youth justice fees will often be administratively infeasible to collect. One potential measure of administrative infeasibility is to examine the cost of fee collection efforts to the revenue brought in. For example, Dane County found that the budget impact of eliminating youth justice detention, home detention and shelter care fees was “pretty negligible” because there was so much work that went into the collection of such a small amount of money.⁸ In Racine County, the collection rate on youth justice fees over three years was less than 8%.⁹ Not only is collecting these fees administratively infeasible, but low collection rates also reflect the

² Leslie Paik & Chiara Packard, *Impact of Juvenile Justice Fines and Fees on Family Life: Case Study in Dane County, WI*, <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>, 11-12 (2019).

³ *Id.* at 14.

⁴ Genevieve Caffrey et al., Kids Forward, *Improving Outcomes in Wisconsin’s Youth Justice System Post-Pandemic: Fines, Fees, and Community Supervision*, https://kidsforward.org/assets/UWKidsforwardreport2021_rr_v2c-updated-2.pdf, 18 (2021).

⁵ *Id.* at 17-18.

⁶ Alex R. Piquero, Michael T. Baglivio, & Kevin T. Wolff, *A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race and Ethnicity*, 19, John Jay College of Criminal Justice, (2023).

⁷ Maria Cancian et al., *Making Parents Pay: The Unintended Consequences of Charging Parents for Foster Care*, 72 Child. & Youth Serv. Rev. 109 (2017).

⁸ Emily Hamer, *Dane County Eliminates Debt and Fees Related to Juvenile Justice System*, Wisconsin State Journal, May 2, 2021.

⁹ Genevieve Caffrey, *supra* note at 8 (2021).

reality that, in many Wisconsin counties, families who would be eligible for waiver of court fees due to inability to pay are often stymied by the complicated waiver request process.¹⁰

Fees put immense burdens on families with youth in the court system and exploit the already limited resources of their communities, and we support the provisions of this rule that allow for their elimination. Counties should take every opportunity provided by ch. DCF 1 to eliminate these fees. Ultimately, the Wisconsin legislature should follow the 23 other states who have already eliminated juvenile court fees.¹¹

Thank you for your consideration,

ACLU of Wisconsin
Kids Forward
Juvenile Law Center
National Center for Youth Law

¹⁰ *Id.* at 17.

¹¹ Debt Free Justice Campaign, *supra* note 1.