

## **Resolution Regarding**

### **Imposition of Court Costs, Fines, and Fees on Juveniles in Juvenile Justice Proceedings**

**Whereas**, the overriding goal of Maryland's Juvenile Justice System is to rehabilitate and treat delinquents; and

**Whereas**, the General Assembly of Maryland has codified the purposes and procedures of the Juvenile Justice System in Maryland Code, Title 3-8A of the Courts and Judicial Proceedings Article, and has established the goal of the Juvenile Justice System in Section 3-8A-02 of that title; and

**Whereas**, the established first purpose of the Juvenile Justice System as set forth in Section 3-8A-02(a) is to balance the following objectives for children who have committed delinquent acts:

- (i) Public safety and the protection of the community;
- (ii) Accountability of the child to the victim and the community for offenses committed; and
- (iii) Competency and character development to assist children in becoming responsible and productive members of society; and

**Whereas**, the Juvenile Justice law, in Section 3-8A-19(g) of the Courts and Judicial Proceedings Article, permits the juvenile court to impose reasonable court costs against the child against whom a finding of delinquency has been entered; and

**Whereas**, the Juvenile Justice law, in Section 3-8A-19(e) permits the juvenile court to impose certain fines on finding that a child committed certain violations specified in a citation or as otherwise established by statute; and

**Whereas**, the Juvenile Justice law, in Section 3-8A-10(e), permits an intake officer to utilize informal adjustment as an alternative to the filing of a juvenile petition, when that approach, rather than judicial action, is in the best interests of the public and the child; and

**Whereas**, the Court may utilize diversion in the course of a juvenile court proceeding as an alternative to proceeding to adjudication; and

**Whereas**, the Department of Justice has issued an advisory for recipients of federal funds addressing constitutional and federal statutory responsibilities related to collecting fines and fees from youth involved with the juvenile justice system; and,

**Whereas**, a disposition for a juvenile should effectuate the purposes of the Juvenile Justice law, be developmentally appropriate, and take into consideration the individual child's particular needs and circumstances.

#### **BE IT THEREFORE RESOLVED AS FOLLOWS:**

The Maryland Judiciary supports the adoption of policies and practices regarding the imposition of court costs, fines, and fees against a child in a Juvenile Justice proceeding.

The Maryland Judiciary commits to the ongoing review of policies and practices related to the imposition of court costs, fines, and fees against a child in a Juvenile Justice proceeding.

The Maryland Judiciary hereby adopts as policy and practice that before a Juvenile Court judge or magistrate imposes or recommends imposition of court costs or fines against a child in a Juvenile Justice proceeding, the judge or magistrate shall determine that the child has the ability to pay the courts costs or fee. The judge or magistrate shall consider the totality of the circumstances, and consider such factors as: the particular offense committed by the child; the child and family's financial circumstances; the child's developmental level; the child's progress in school and/or involvement in other activities; other conditions imposed by the Court; any costs or fees associated with treatment, programs, or services required by the Court in the disposition order; and any other factor deemed appropriate by the Court.

The Maryland Judiciary hereby adopts as policy and practice that before a child is sanctioned for failing to pay court costs or fines, the court shall first determine the child's ability to pay the cost or fee, considering factors such as those identified above.

The Maryland Judiciary hereby adopts as policy and practice that a child's entry into a diversion program, or other alternative to adjudication or detention, shall not be conditioned on payment of a fee, if the child or the child's family is unable to pay the fee.