# Rethinking Fines and Fees in Juvenile Justice

November 5, 2026

# About Us



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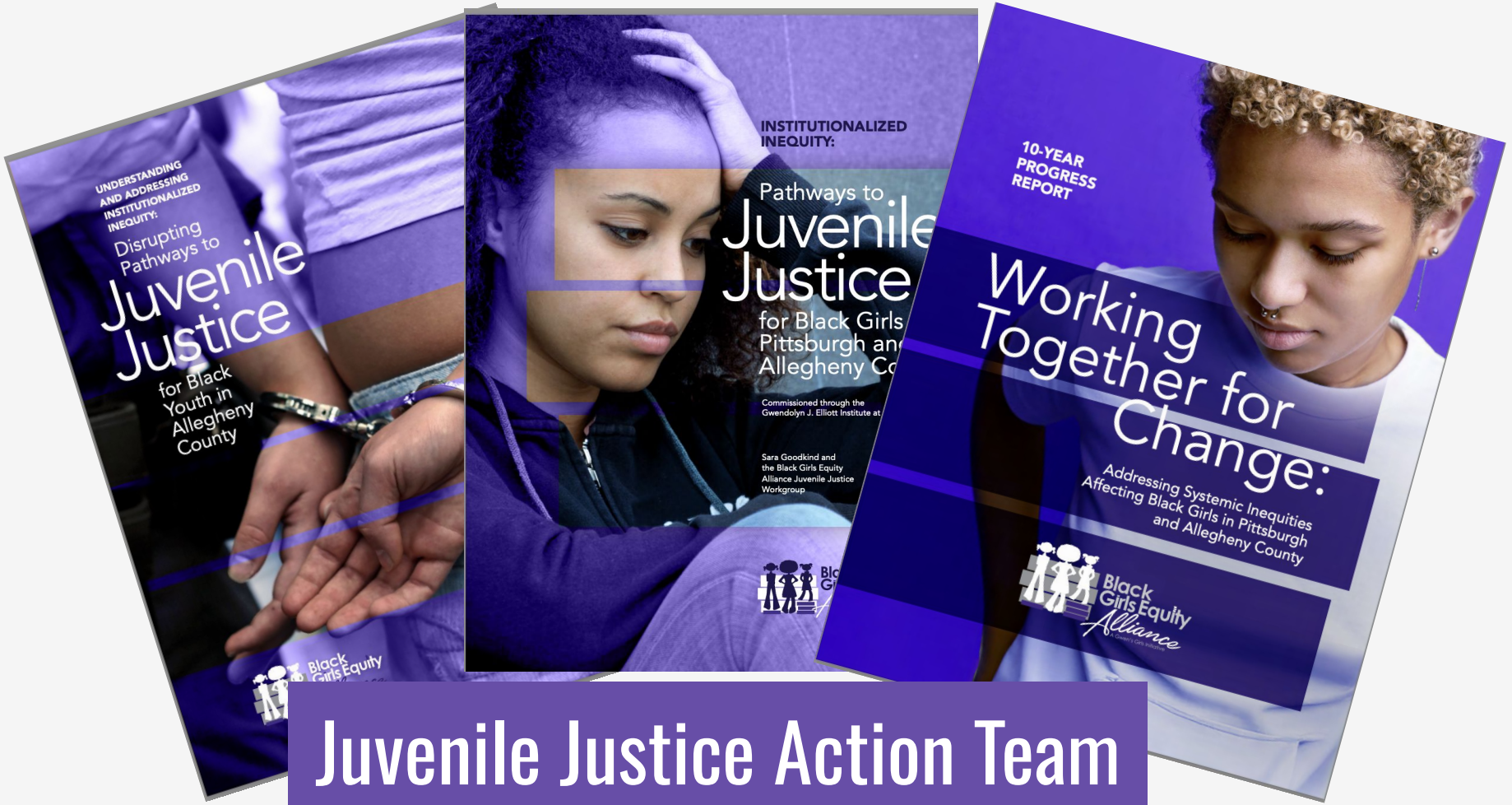
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# Background:
# What Brought Us Together

# Black Girls Equity Alliance (BGEA)

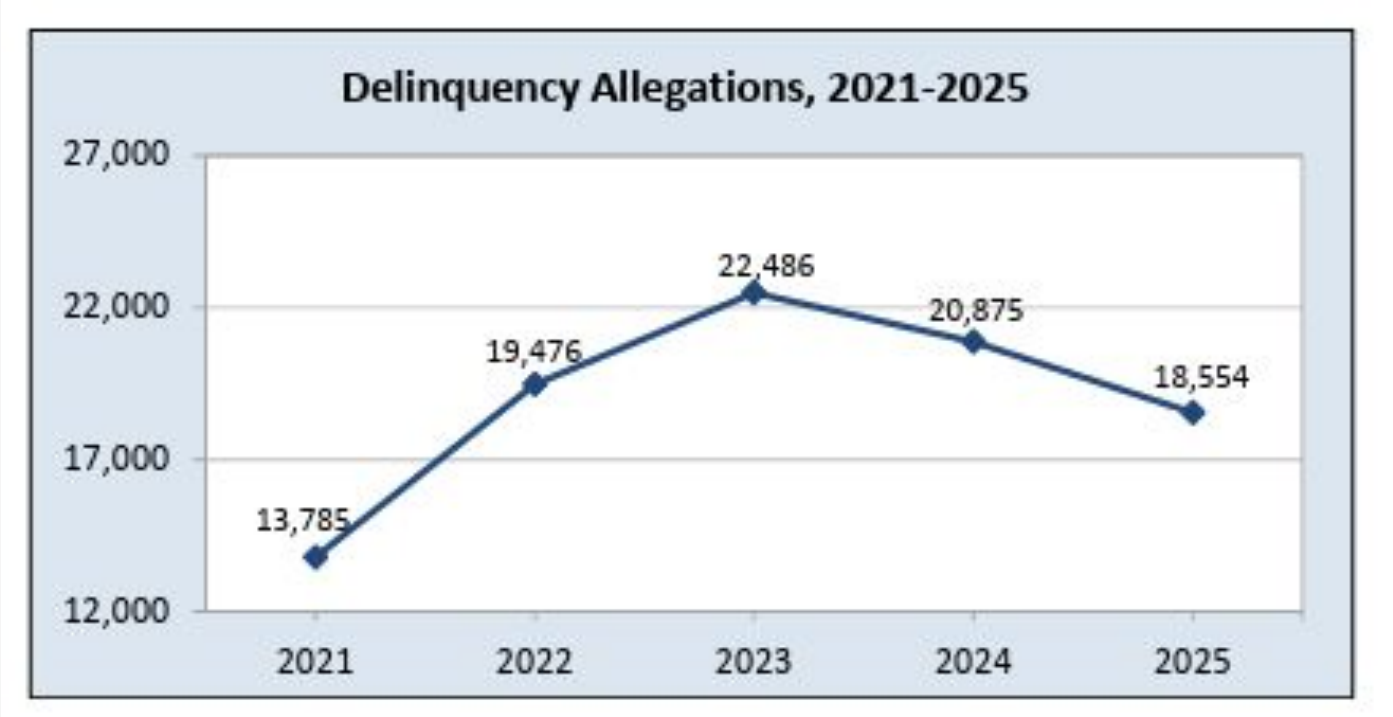





# Juvenile Justice Action Team

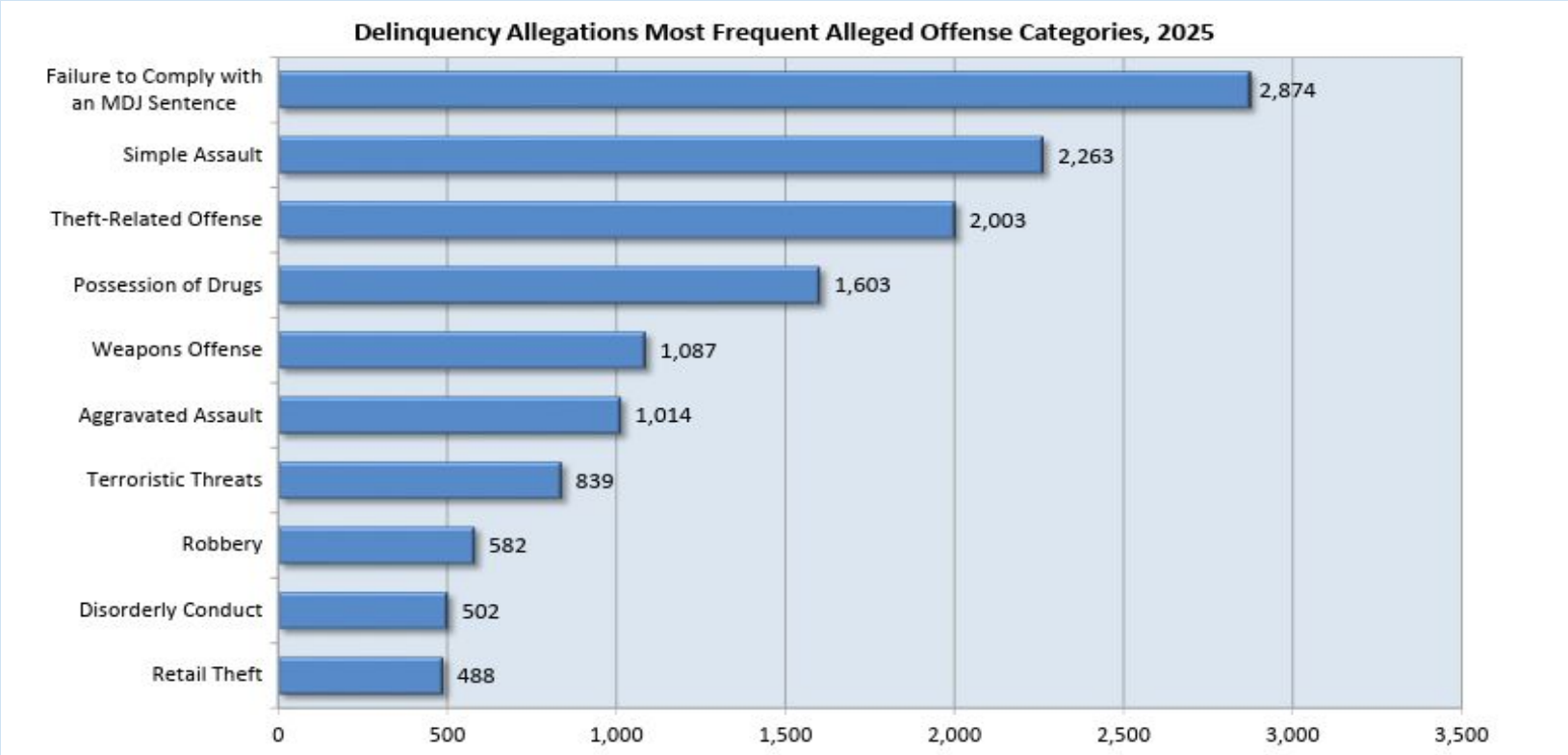
# Juvenile Justice Referrals/Allegations

# PA delinquency allegations (referrals to juvenile justice) were down last year




Source: PA Juvenile Court Judges' Commission 2025 Juvenile Court Annual Report

The most common juvenile justice referral category in PA in 2025 was failure to comply with an MDJ sentence imposed for a summary offense (15% of all referrals)



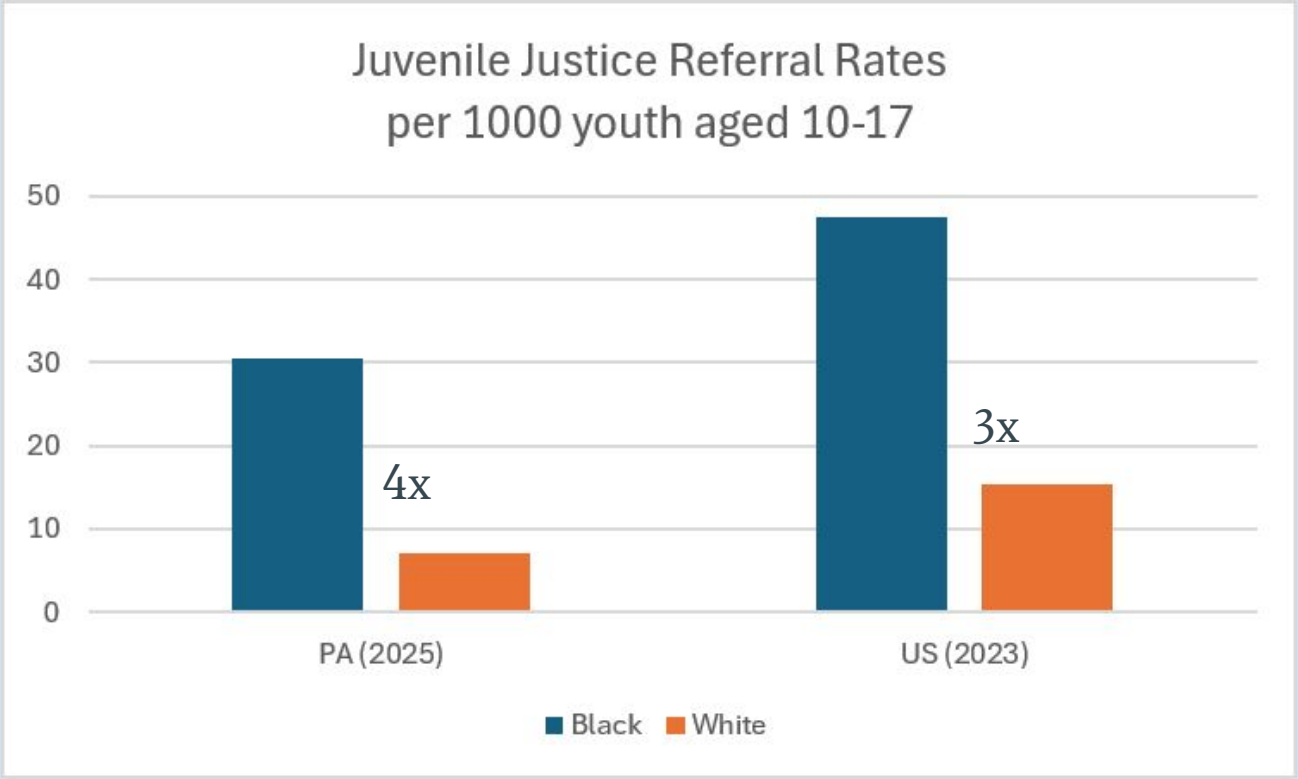

Source: PA Juvenile Court Judges' Commission 2025 Juvenile Court Annual Report

# Police were the most common referral source in PA in 2025

| Source of Allegation | Count | Percent |
|---|---|---|
| Police | 14,022 | 75.6% |
| Magisterial District Judge | 2,873 | 15.5% |
| Other Juvenile Court | 1,005 | 5.4% |
| Other | 637 | 3.4% |
| Probation | 17 | 0.1% |
| **Total** | **18,554** | **100.0%** |

Source: PA Juvenile Court Judges' Commission 2025 Juvenile Court Annual Report

# Juvenile justice referral rates are lower in PA than in the US but racial disproportionality is worse



# Juvenile Justice Fees & Fines

# Fines, Fees, and Costs - Fairness

Juvenile Justice System Enhancement Strategy (JJSES) on fundamental fairness:

> *fundamental fairness, in its most basic sense, ensures that all youth are treated in the same manner under similar circumstances and in an equitable manner under dissimilar circumstances.*

Our system of fees, fines, and costs in juvenile court is **fundamentally unfair**.

# Fines, Fees, and Costs in Juvenile Court

The Juvenile Act permits "reasonable amounts" of fines, costs/fees, or restitution, "as part of the plan of rehabilitation" and "considering…the earning capacity of the child" (42 Pa.C.S. § 6352(a)(5)).

- The Superior Court has confirmed that fines and fees are **discretionary**: *In re R.D.R.*, 876 A.2d 1009 *(Pa. Super. Ct. 2005)*
- Mandating a fine is unlawful if the record doesn't show the court assessed the child's earning capacity first (*In re R.D.R.*).
- The same rule covers restitution: restitution is "subject to the child's ability to pay" (*In re B.D.G., Pa Super. Ct. 2008*); see Rule 610(c) (requires notice to victim)
- Only the child's finances count. (*In re C.W.*, 2010) The parents' finances do not count.

# Fees and Costs (Continued)

- Revoking probation for poverty violates **fundamental fairness** (*Bearden v. Georgia*, 1983).
- Nonpayment can be a probation violation only if the person can pay and willfully refuses (*See Comm. ex rel. Powell v. Rosenberry*, Pa. Super. Ct. 1994; *Commonwealth v. Dorsey*, 1984)
- These are adult cases, but children are different and much less able to pay. Pennsylvania's stated goal for youth is rehabilitation, not punishment.

# Youth Stories

One former juvenile defendant described how he was ordered to pay juvenile court fines, fees, and restitution that were equivalent to the cost of attending community college. He finally paid off this debt at the age of 31.

Public Source Article, 2024

# Youth Stories

After my principal talked, the judge said I had to pay $300. I didn't even get to tell my side of the story.

*-Sarah, age 13, Western Pennsylvania, disorderly conduct at school*

# Summary Citations

# “It’s Just a Ticket”

What we hear from police officers, school district administrators, probation officers, and others is that summary citations are “*just a ticket*,” or “*a better alternative to arrest*”.

**However, the reality is:**

- Pennsylvania sets no minimum age for non-truancy citations, and children as young as 5 (possibly younger) have received them.
- Citations go to adult criminal court (magisterial district court), for minor infractions (truancy, disorderly conduct, vaping, etc.)
- Discretionary at the school district and MDJ level. Over 500 public school districts and over 500 MDJs with their own discretion. (*Example of this discretion is Mahanoy Area SD issuing citations to students for “Tardy to School” - a $25 fine and over $100 in court costs*).

# Understanding the Problem

## Youth Rights

Unlike juvenile court, youth have no right to counsel.

Youth can be tried in absentia, and most don't know they have 30 days to appeal.

## Criminal Record

A guilty finding is an **adult criminal conviction**, no matter the child's age or charge.

## Sealed Not Expunged

Records seal after 5 years under Clean Slate 3.0, but judges, police and DHS can still see them. Until a record is expunged, youth may have to disclose it on job, college and military applications.

# Citation Trends in Schools vs Community (2018 - 2022)

**Community vs Schools**

Between 2018 and 2022, citations issued in the community decreased by 28% (from 18,653 to 13,501), while citations issued in schools rose from 40% to 60% between 2018 and 2022 (from 12,287 to 19,874).

**What the data revealed:**

- Truancy citations increased by 49% between 2018 to 2022.
    - Although state law bars schools from citing children under 15 for truancy, 196 children under 13 were cited in 2018 and 147 in 2022 (including youth as young as 5 years old). Montgomery County accounted for 79% and 62% of these citations, respectively.
- In 2018 Tobacco/vaping and disorderly conduct accounted for 80% of school behavior citations; In 2022, tobacco/vaping alone accounted for 60%.

***If fining students for tobacco/vaping or truancy was effective, we would see a reduction in those numbers. However, fining youth does not change behavior or address the root cause.***

*Source: Administrative Office of the Pennsylvania Courts (AOPC), 2018-2022; excludes Philadelphia County*

# Fees and Fines - Who Carries the Burden (Summary Citations)?

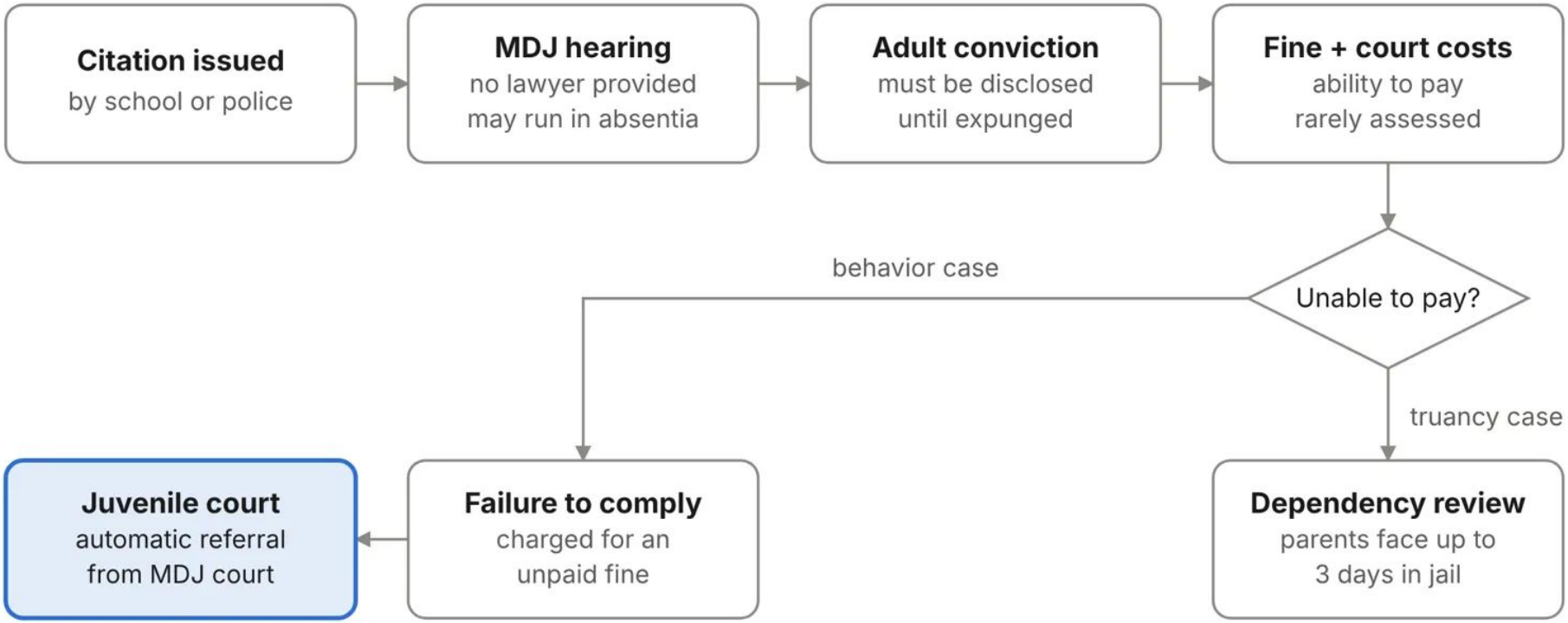
Black students and students with disabilities are cited far more often than their peers (based on available district data), (2022 data).

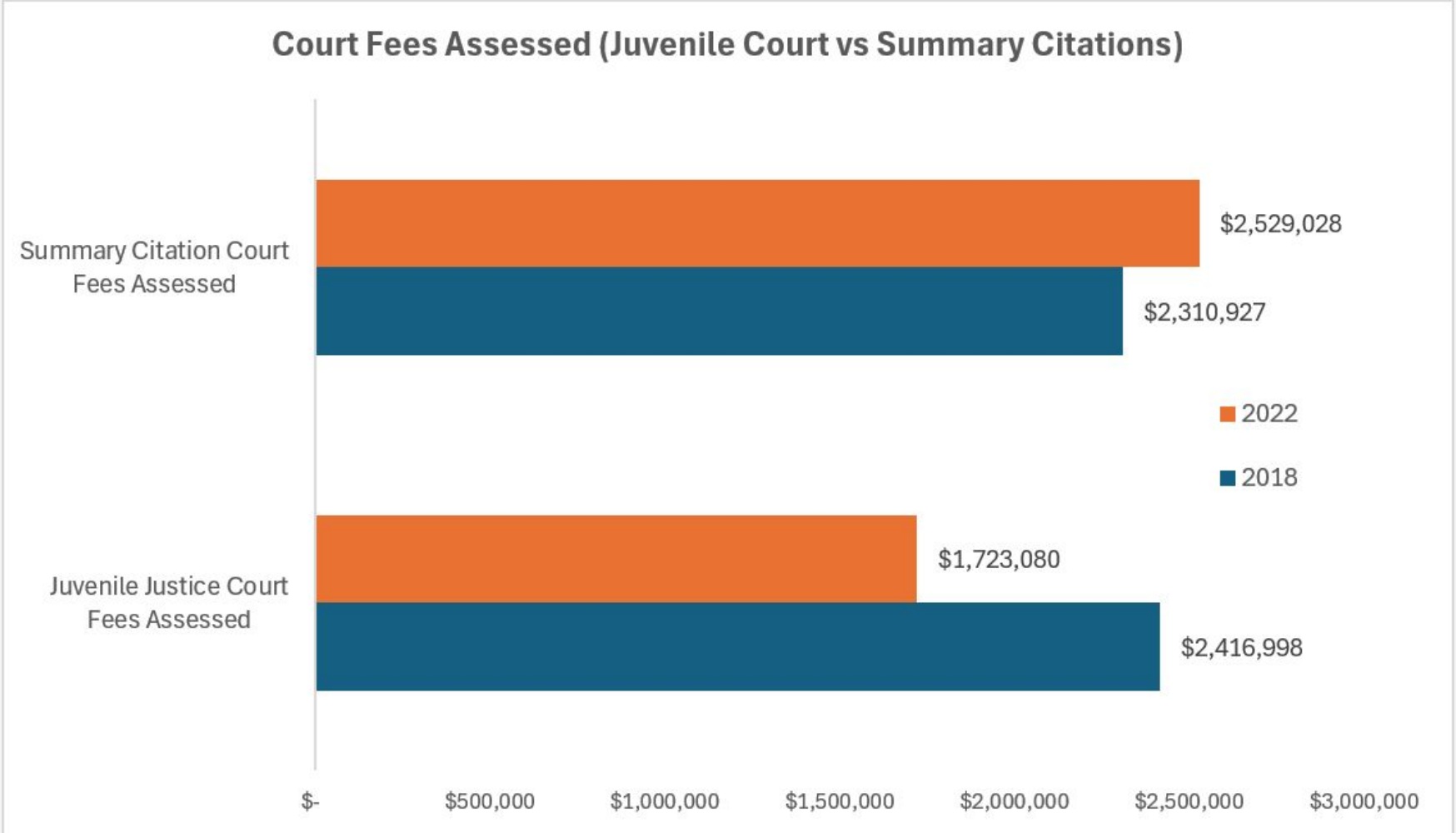
- Pittsburgh Public Schools: Black students are 53% of enrollment but received 80% of citations from district police.
- Erie: Black students with disabilities were cited at more than 18 times the rate of White students without disabilities.
- Bethel Park and Pottsville: Black students were cited at nearly 3 times the rate of White peers.

*Statewide trends - court records don't consistently capture race or sex, and nothing marks a citation as school-related. Disability data is only available directly from school districts.*

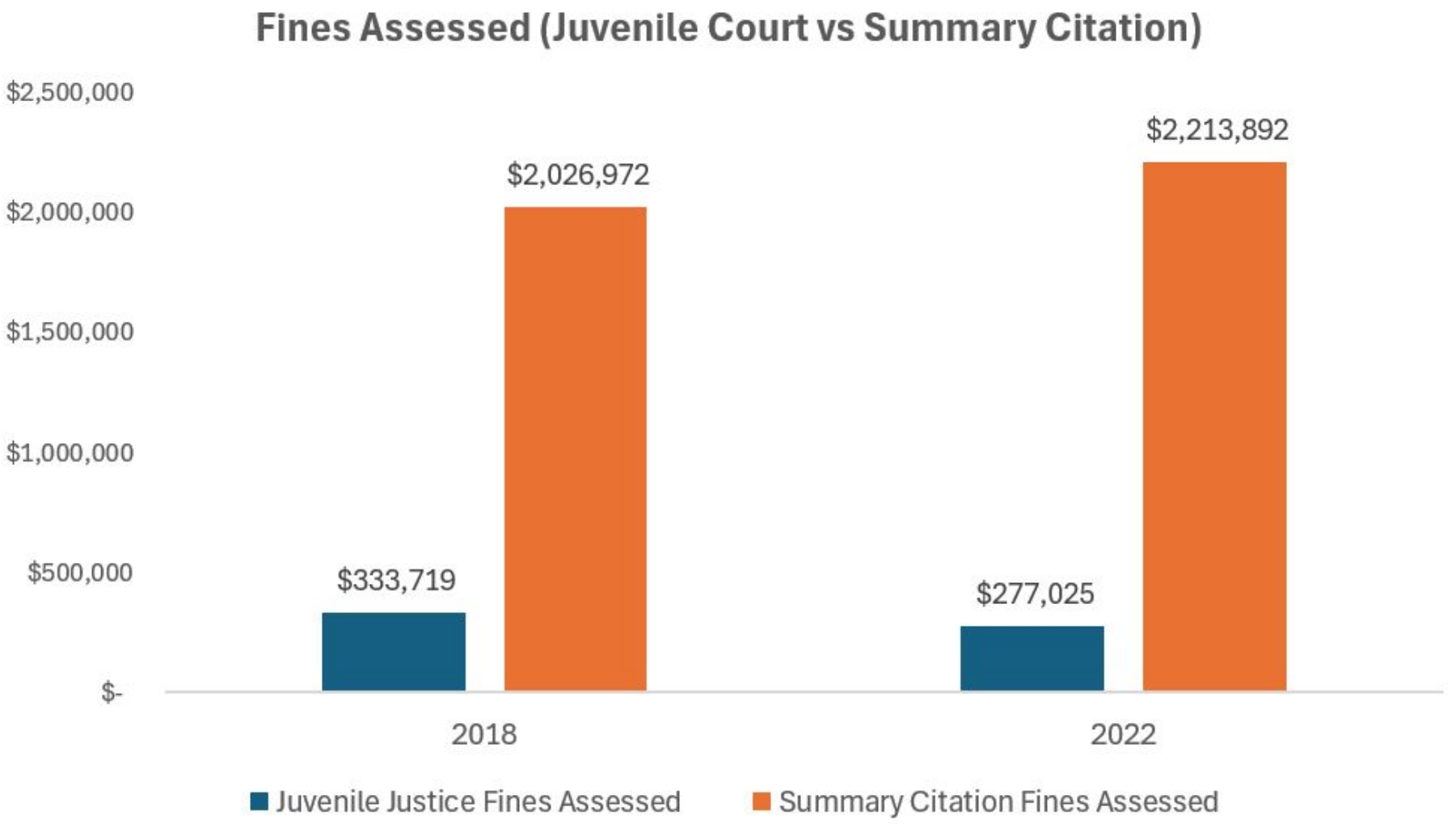
*Sources: Pittsburgh Public Schools, Erie City Schools, and Administrative Office of the Pennsylvania Courts (AOPC), 2018-2022*

## Unpaid fines can turn a ticket into a juvenile court case






Source: Juvenile Law Center (2025) report, *Heavy Burdens*; AOPC, *Pennsylvania data for 2018-2022* (excludes Philadelphia County)


Fines Assessed (Juvenile Court vs Summary Citation)
$2,500,000
$2,000,000
$1,500,000
$1,000,000
$500,000
$-
$333,719
$2,026,972
$277,025
$2,213,892
2018
2022
Juvenile Justice Fines Assessed
Summary Citation Fines Assessed

# Fees and Fines - Summary Citations

**To recap:**

- Youth were assessed $2.5 million in court fees through summary citations in 2022.
- Youth were assessed $2.2 million in fines through summary citations in 2022.

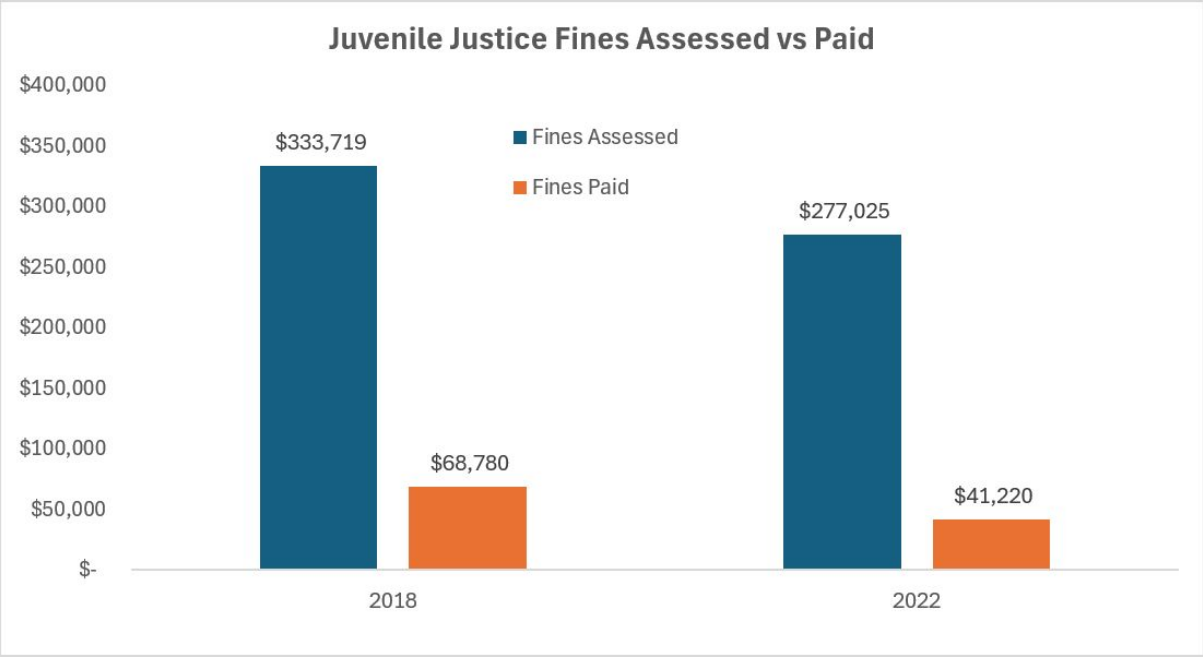
**Breakdown of Fines:**

- For school-based, non-truancy infractions, magisterial district judges (MDJs) can impose fines up to $300 plus court costs.
- For truancy cases, MDJs can fine a student aged 15 or older, or their parent/guardian, up to $300 plus court costs for a first offense. For second and third offenses, fines for parents/guardians can increase to $500 and $750, respectively.

Source: Administrative Office of the Pennsylvania Courts (AOPC), *Pennsylvania data for 2018-2022* (excludes Philadelphia County)

# Juvenile Justice Court Fines Assessed vs Paid

- In 2018, approximately 21% of fines assessed in juvenile court were paid.
- In 2022, the percentage of fines paid decreased to 15%.
- *There is no publicly available data on the percentage of fines issued for summary citations that were paid.*



# Youth & Family Stories

A mother brought an envelope full of small bills to a summary citation hearing for her 14-year-old son. This was the money she was saving to pay their utility bills. *No one mentioned an ability to pay hearing.*

# Fees and Fines - Impact on Youth & Families

**Financial Stress on Families**

- Significant financial costs, especially for low-income families. Court costs and fees can push families into debt and strain relationships (Juvenile Law Center).
- In Piquero and Jennings' 2017 study of more than 1,000 youth in Allegheny County, youth ordered to pay restitution were more likely to reoffend (higher the amount = higher risk).
    - Some youth indicated they would have to resort to criminal activity in order to pay fines.

**Emotional and Psychological**

- Court hearings are traumatic, especially for younger children and children with disabilities.
- Relationships with communities and schools are fractured.

# Fees and Fines - Impact on Youth (cont'd)

**Attendance**

- System involvement is followed by worse attendance, not better.
- Court-ordered attendance does not help.
- The court process itself takes kids out of school (and parents out of work).

**Academic**

- Decreased attendance impacts academic progress
- Increased disengagement
- Allegheny County DHS longitudinal study following PPS students from 2010-2018, found more than 60% of students without an allegation had a GPA of at least 2.5 in 9th and 12th grade compared with 20% of students who had at least one allegation.

Source: Council of State Governments Justice Center; Allegheny County DHS longitudinal study (2010-2018)

# Pa.R.J.C.P. Rule 142 - Waiver of Fees and Costs (new, Nov 1)

**Rule 142. Waiver of Fees and Costs.**

A juvenile may seek or obtain a waiver of any fees or costs pursuant to Pa.R.J.A. 1990, except financial obligations imposed as a condition of an informal adjustment, a condition of a consent decree, or through a disposition of delinquency.

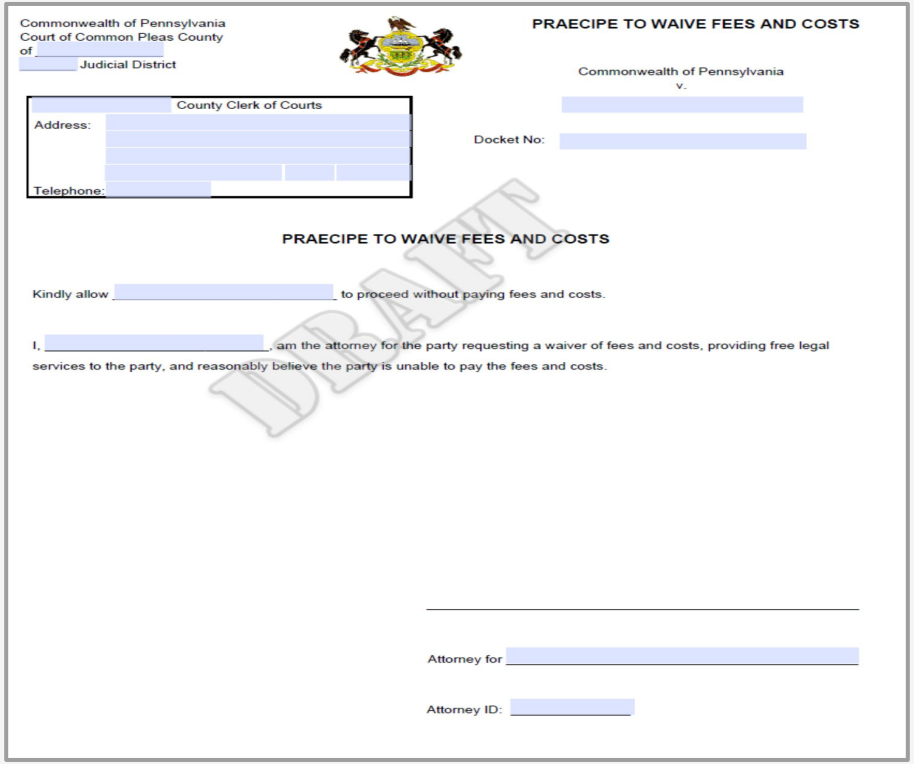
**Comment:** Pennsylvania Rule of Judicial Administration 1990 (Application to Waive Fees and Costs (*In Forma Pauperis*)) sets forth the procedure for seeking or obtaining a waiver of the payment of fees. The eligibility criteria at Pa.R.J.A. 1990(b) should inform the juvenile whether to proceed by application or *praecipe*.

# Waiver of juvenile court fees and Pa.R.J.A. 1990

- PA Supreme Court in April 2026 - to establish a unified framework governing the procedures, eligibility, and forms required to seek and determine a waiver of filing fees and costs. Sets out process for obtaining a waiver of fees.
- Adopted Rule 142 for juvenile court, 124 for criminal court (among other rules)

# Proceeding by Praecipe (see Rule 1990)

- File a Praecipe to Waive Fees and Costs with Entry of Appearance



Commonwealth of Pennsylvania
Court of Common Pleas County
of _____
_____ Judicial District

**PRAECIPE TO WAIVE FEES AND COSTS**

Commonwealth of Pennsylvania
v.

_____ County Clerk of Courts
Address:

Docket No:

Telephone:

**PRAECIPE TO WAIVE FEES AND COSTS**

Kindly allow _____ to proceed without paying fees and costs.

I, _____, am the attorney for the party requesting a waiver of fees and costs, providing free legal services to the party, and reasonably believe the party is unable to pay the fees and costs.

DRAFT

_____

Attorney for _____

Attorney ID: _____

# Barriers to Reform: Summary Citations

- Lack of data
  - Unlike juvenile court referrals, youth summary citations are not tracked or publicly reported
  - Court staff record birth date but not race or sex, so disparities can't be measured from court data
- Lack of accountability
  - Truancy citations against children under 15 continue despite state law
  - No right to counsel in magisterial district court, so citations go unchallenged
  - Over 500 independently elected judges with wide discretion and no consistent standards
- Limited understanding of harm
  - Schools, courts and families often underestimate the long-term academic and financial impact of court involvement, fines and fees

# Recommendations

| | |
|---|---|
| MDJs and common pleas judges | • Recognize that youth are indigent;<br>• Don't assess costs on dismissed cases;<br>• Hold real ability-to-pay hearings when needed;<br>• Use alternatives such as community service or youth court for diversion and instead of fines. |
| Public defenders | • Push for a right to counsel at the MDJ level;<br>• Offer outreach or help on failure-to-comply cases |
| Probation | • Screen failure-to-comply referrals that are really about poverty |

# Recommendations

**Legislature**

- Minimum age of 15 for non-truancy citations; right to counsel;
- Presumption of indigence for citations;
- Remove failure to comply from the definition of a "delinquent act";
- End jail for parents over truancy;
- Eliminate citations for minor school behavior

**Court and state administration (AOPC)**

- Require race, sex and date-of-birth fields; add a "school-related" checkbox
- Report annually on juvenile summary citation trends

# Recommendations

| | |
|---|---|
| Schools and PA Dept of Education | • Restorative alternatives;<br>• Guidance and training on what citations lead to;<br>• Accurate data reporting |
| Community | • Raise awareness about summary citations, fines, fees, and their impact;<br>• Support state legislation to eliminate juvenile fines and fees |

## If issuing citations to youth under 15 were no longer an option, wouldn't arrests for minor offenses increase?

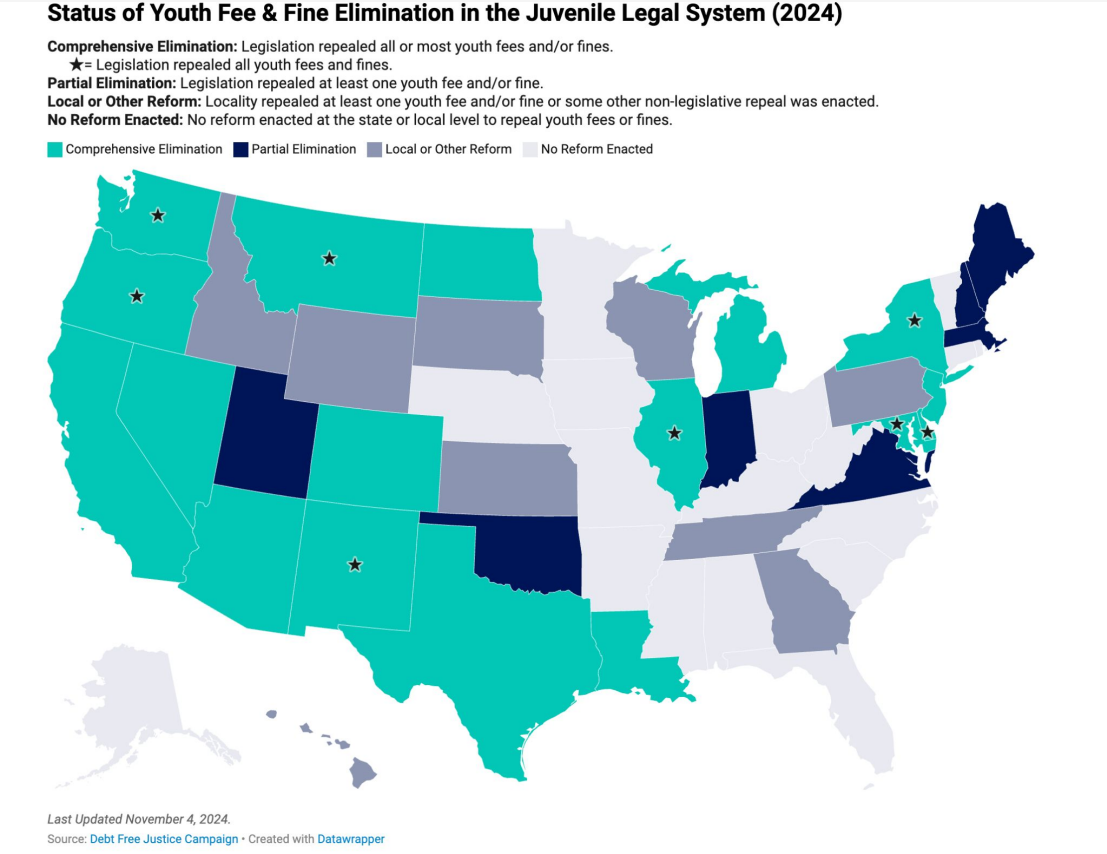
**A-** Not necessarily. Most conduct that leads to a citation wouldn't lead to a juvenile court referral, so citations wouldn't simply turn into arrests.

If some did:

- **Children under 10 would be out of the system entirely.** They're below the minimum age of juvenile court jurisdiction, so they couldn't be cited or referred.
- **Youth would have a right to counsel.** Juvenile court guarantees a lawyer. Summary citation proceedings don't.
- **Fines would be less likely.** Juvenile court focuses on rehabilitation, not money owed to the court.
- **The change would be visible.** Juvenile referrals are tracked and reported, but citations largely aren't. A sudden jump in referrals would show up in the data, and that would put pressure on the system to respond.

*However, the important point is that most of the infractions youth are cited for should not be referred to the courts as court interventions do not address root causes or change behavior (and may even exacerbate them).*

# Nationwide Shift towards Eliminating Juvenile Fees and Fines



# Legislative Changes to Abolish All Fees and Fines

- **NINE states have abolished ALL juvenile fees and fines:**
  - **Maryland, New Mexico, Oregon, Delaware, New Jersey, Illinois, Montana, Washington, New York.**

https://debtfreejustice.org/states-have-repealed-youth-fees-fines

Also see Heavy Burdens: the Weight of Juvenile Fees and Fines in the Keystone State, Nadia Mozaffar, Esq. and Aqilah David (Juvenile Law Center).

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