

JUVENILE JUSTICE

First lockup, then debt

Court costs hurting families, increasing recidivism.

By *Samantha Melamed* STAFF WRITER



Kameelah Davis-Spears was charged \$12,000 to help pay for her son's detention. CHIP FOX / Staff



Shayra Hill was kept on juvenile probation when she was unable to pay her court fees. ED HILLE / Staff

Last summer, Kameelah Davis-Spears was just one year out of homelessness. She'd found a house for herself and her four children in West Philadelphia using a Section 8 voucher. And, between food stamps and her job, doing inventory for \$10.20 an hour, she was finally making it from one paycheck to the next.

Then, she began getting letters: The city Department of Human Services (DHS) was going after her for child support.

Her son, Kameron, had spent nine months in juvenile placement for a fight at school. Davis-Spears had protested, arguing that Kameron, then 16, had never been in trouble before. But a judge sent him away anyway, and now the city wanted to recoup part of the cost of his care.

At a Family Court office, an official said she owed \$12,000 — about as much as her take-home pay that year. Since then, \$13.71 has been garnisheed from her wages each week.

“Right now, I can just pay my bills. But if anything happens, we’re out of luck. There’s no emergency fund,” said Davis-Spears, 39.

And something is bound to happen. For one, her other son, Kobe, recently spent 18 months in placement for truancy.

Davis-Spears is bracing for the child-support bill.

“I can’t afford to have another \$50 sucked out of this house every month. Then I actually won’t be able to pay my bills,” she said.

Collecting child support is just one way juvenile-justice systems here, and nationally, are passing on their costs to families that are often already living in poverty. In addition to potentially thousands of dollars in child support charged to their parents, kids in the system are also directly assessed fees, sometimes totaling hundreds of dollars.

A recent study by the Juvenile Law Center, a Philadelphia-based nonprofit, found consequences are often severe: Some kids are locked up as a result of inability to pay, while others have years added to their probation. For some, debts are a barrier to getting records expunged. And for a few, the debts will follow them into adulthood in the form of credit-damaging civil judgments.

Rather than teaching kids a lesson, financial penalties actually significantly increase the likelihood of recidivism, according to a report by criminologists who analyzed cases in Allegheny County. They found that the higher the costs imposed, the more likely kids were to re-offend.

DHS may soon stop its decades-old practice of pursuing child-support for incarcerated kids.

“We don’t want to burden families that are already poor or living on the brink of poverty,” spokeswoman Heather Keafer said. “What we are interested in is how can we better support families across the city, so we feel ending this process is an important step.”

But she said it will require authorization from the state Department of Human Services, which said in a statement that it is reviewing the matter.

In the meantime, DHS is finalizing a new nine-month contract for Steven Kaplan, a lawyer who makes up to \$316,000 a year (more than any city employee including the mayor) collecting the funds.

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Kids in Pennsylvania are presumed indigent in court, which means they qualify for a free lawyer. Yet every kid found delinquent is expected to pay a range of costs and fees.

In Philadelphia, they will pay at least \$60.50: That includes \$29.25 for upgrades to the court computer system and \$25 to a crime victims' fund. Those delinquent in felony cases may be charged \$250 for DNA collection. In summary cases (think: disorderly conduct), they may enter a diversion program — for \$200. In 424 cases last year, judges also ordered restitution averaging \$492.05.

The price tag has increased over time, noted Mingo Stroeber, who handles court-appointed juvenile cases.

"There's no doubt kids are saddled with more financial obligations in juvenile court now than when I started as a lawyer 30-something years ago. There were no mandatory costs then," she said.

Restitution, in particular, became more common following a 1995 change in state law to emphasize victim and community impact, as opposed to a sole focus on rehabilitation.

Sometimes the result is akin to debtor's prison.

"The judge will say, we'll send you to such and such a place because then you get a job while there and pay off your restitution. Meanwhile, it's costing taxpayers money to send you away," Stroeber said. (Not to mention, the parents could then owe child support.)

Leola Hardy, a policy analyst at the Defender Association of Philadelphia, said that in other cases, inability to pay sets off a chain reaction: Kids can't pay, so they're kept on probation. Then, "They're under supervision longer, making them more likely to be caught messing up in some way and then go deeper into the criminal-justice system."

That was the case for Shayra Hill, who was 16 and in foster care when she got into a fight at school, defending her brother from a bully.

She was sentenced to a year's probation — but remained on probation for three years while she bounced between foster and group homes. When she was almost 19, she sought to close her case.

Hill, now 22, said the judge told her her case could be closed — if she paid her court costs and fees, \$420, that very day. She had been at her first job only a week, and didn't have the money. So, she remained on probation another year.

That's common, said Jessica Feierman, of the Juvenile Law Center: "It's happening in every state, and in every state it's leading to harsh consequences."

But there's little actual data available on what costs are imposed, she said. (JLC conducted its research through surveys.)

Sen. Bob Casey (D., Pa.) introduced legislation in July to mandate that local authorities report what fees are imposed: "It speaks to the actual dollar amounts, how much is recovered, how much is outstanding and — this is critical — whether juveniles or their guardians receive a hearing to determine ability to pay," he said.

Davis-Spears did not receive a hearing when the city went after her for child support. She didn't know it was an option. Even after she met with DHS' lawyer, Steven Kaplan, she wasn't sure who he was: a mediator, she thought.

In fact, the meeting was a pretrial conference. The deal she signed was a negotiated settlement.

"But it wasn't a negotiation," she said. Kaplan used a calculator, she recalled, and told her of the \$12,000 in costs.

She was afraid to argue: "I can barely afford the \$50 a month, so I don't know what would happen if I went in there waving my finger," she said.

Kaplan said 95 percent of cases are settled by agreement in this way.

That was disturbing to Lauren Fine, of the Youth Sentencing & Reentry Project, a local nonprofit.

"There's no transparency. There's no judge. There's no lawyer in the room," Fine said.

YSRP collaborated with students in a new program, Justice Lab, at the Sheller Center for Social Justice at Temple Law School, to investigate the legal basis of the practice and its outcomes.

They found it's not quite a windfall. DHS collected \$551,261 in 2015 from parents of kids in detention or delinquent placement: 1.1 percent of the \$50 million it spends to lock kids up each year.

The median monthly payment was \$30, the average, \$80. Some parents paid just \$2 a month. In other cases, tax returns or bank accounts were garnisheed (since child support isn't assessed until well after kids return home, parents were immediately in arrears, they found). Those low figures paint a picture of families with very little to spare, said Colleen Shanahan, the professor who founded Justice Lab.

So, Fine said, "People are having to make choices you would hope no parent would have to make: What's best financially for an entire family vs. what's best in a court process for one child."

Kaplan, who is listed as staff on the Democratic City Committee website, first created the collections program under then-Mayor Ed Rendell in 1998. (He also collects child support, totaling more than \$1 million last year, from parents whose kids are removed to foster care or group homes.)

Kaplan said he's passionate about the work: "One of the things I like to say is, it's not only good kids who are entitled to child support." He also suggested that it actually could help these families, most of them among the working poor, become more financially responsible, because once the child-support payments end, it's like getting "a raise."

It's not clear how much longer Kaplan's work will continue: According to Keafer, his new contract has an exit clause.

Advocates are urging immediate action.

"If you're a city official, it's easy to become disconnected from the problem," said Wesley Stevenson, one of the law students who researched the issue. "But it's affecting real people every day, and every day that goes by is another support order that's issued and another family that's affected." smelamed@philly.com

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