

IN THE
SUPREME COURT OF IOWA

No. 23-0214

IN THE INTEREST OF K.C., A Child,
Plaintiff-Appellant,

v.

THE IOWA DISTRICT COURT FOR POLK COUNTY
JUVENILE DIVISION,
Defendant-Appellee.

BRIEF OF JUVENILE LAW CENTER, NATIONAL CENTER FOR
YOUTH LAW, AND YOUTH LAW CENTER AS *AMICI CURIAE*
IN SUPPORT OF PLAINTIFF-APPELLANT K.C.

On Writ of Certiorari from the Iowa District Court for Polk County
The Honorable Rachael E. Seymour

Jami J. Hagemeyer (AT0003183)
300 Walnut, Suite 295
Des Moines, IA 50309
Telephone: (515) 244-1172
Fax: (515) 244-4370
jhagemeyer@youthlawcenter.org

Marsha L. Levick*
**Pro hac vice pending*
JUVENILE LAW CENTER
1800 JFK Blvd, Ste. 1900B
Philadelphia, PA 19103
Telephone: (215) 625-0551
Fax: (215) 625-2808
mlevick@jlc.org

Counsel for Amici Curiae

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INTEREST AND IDENTITY OF *AMICI CURIAE*¹

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential *amicus* briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children's unique developmental characteristics and human dignity.

The National Center for Youth Law (NCYL) is a private, non-profit organization that works to build a future in which every child thrives and has a full and fair opportunity to achieve the future they envision for themselves. For more than 50 years, NCYL has worked to protect the rights of low-income children and to ensure that they have the resources, support, and opportunities

¹ Pursuant to Iowa R. App. P. 6.906(1) the written consent of counsel for all parties is filed concurrently. Pursuant to Rule 6.906(4)(d), no counsel for a party authored this brief in whole or in part. No person or entity, other than *Amici*, their members, or their counsel made a monetary contribution for the preparation or submission of this brief.

they need to become self-sufficient adults. One of NCYL's priorities is to reduce the number of youth subjected to harmful practices in the juvenile justice system, including the imposition of fines and fees on indigent youth and families and the collateral consequences from juvenile court debt. NCYL has litigated to end unnecessary referral to the juvenile justice system in numerous states, and advocated at the federal, state, and local levels to reduce reliance on the justice systems to address the needs of youth, including eliminating juvenile fines and fees, decriminalizing normal adolescent behavior and improving children's access to adequate developmentally-appropriate treatment.

The Youth Law Center (YLC) is a nonprofit organization founded in 1977 to provide high quality legal representation of children and youth in Central Iowa. YLC uses a multi-disciplinary team approach in the legal representation of children that combines the disciplines of law and social work. YLC is dedicated to zealously advocating on behalf of children and youth, educating youth on their legal rights and promoting statewide policies that positively impact children to promote safe and nurturing childhoods to children and youth throughout Iowa.

ARGUMENT

Every young person in the Iowa legal system, regardless of their financial circumstances, has the right to a constitutionally sufficient waiver hearing before being transferred to adult court. In the case of K.C., an indigent Black youth, the juvenile court ruled that an adequate defense during his waiver hearing required expert assistance. (Appellant's Br. p. 15). However, the court's subsequent decision to deny K.C.'s motion to cover the full cost of expenses incurred by his expert undermined the rights of K.C., and all similarly situated youth in the Iowa justice system, to a fair waiver hearing.

Youth, especially indigent youth such as K.C., have limited financial resources. Forcing them to pay to exercise their constitutional rights puts them in an impossible position. Many youth, lacking the money to pay, will be forced to forego the constitutionally guaranteed protections. Others will face a harsh choice between exercising their rights and facing significant economic harm. To ensure youth in Iowa full access to their rights, those represented by court-appointed attorneys must have free access to expert assistance.

I. K.C.'S YOUTH SHOULD BE A FACTOR IN ASSESSING THE RATE OF EXPERT FEES

K.C. was only 17 years old at the time of his offense. (Appellant's Br. p. 16). Although his young age limited his ability to pay for his expert witness, the juvenile court conducted no analysis of K.C.'s age in assessing his fees.

The juvenile court conducted a “reasonableness” analysis to determine the appropriateness of the fees incurred by K.C.’s expert, which in turn established the financial support the State would provide K.C. for these fees. (*Id.* at pp. 20-21). The court had broad authority to consider a variety of factors in determining reasonable costs. *Pierce v. Nelson*, 509 N.W. 2d 471, 474 (Iowa 1993) (noting that the court can consider “any other factor likely to be of assistance to the court”). In juvenile proceedings, such other factors should include the characteristics of the young person, including their lack of financial resources.

The United States Supreme Court has repeatedly recognized that fundamental differences between youth and adults heighten the constitutional protections due to youth in the justice system. *See, e.g., J.D.B. v. North Carolina*, 564 U.S. 261, 272 (2011) (explaining that a youth’s age is “far ‘more than a chronological fact,’” it creates commonsense conclusions about youth perceptions and behavior that are “self-evident to anyone who was once a child himself” (quoting *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982))). The Court has held that “children have a ‘lack of maturity and an underdeveloped sense of responsibility’” and that “children ‘are more vulnerable to negative influences and outside pressures.’” *Miller v. Alabama*, 567 U.S. 460, 471 (2012) (quoting *Roper v. Simmons*, 543 U.S. 551, 569

(2005)). More specifically, the Court has recognized the relevance of children's "limited 'contro[l] over their own environment'" to the assessment of children's constitutional rights. *Id.* (alteration in original) (quoting *Roper*, 543 U.S. at 569).

While the Supreme Court's cases have arisen in the context of sentencing and police interrogations, they stand for the broader principle that characteristics of youth and relevant differences between youth and adults must be considered in assessing constitutional criminal procedures more generally. *See, e.g., Graham v. Florida*, 560 U.S. 48, 76 (2010) (explaining that criminal procedure laws that fail to take defendants' youthfulness into account are flawed).

One obvious facet of children's "limited 'contro[l] over their own environment,'" *Miller*, 567 U.S. at 471 (alteration in original) (quoting *Roper*, 543 U.S. at 569), is their lack of financial independence. Youth as a class are generally unable to pay fines, fees, other costs associated with their involvement in the justice system. *See generally* Jessica Feierman et al., Juv. L. Ctr., *Debtors' Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System* 6-8, 10-21 (2016) [hereinafter *Debtors' Prison for Kids*], <https://debtorsprison.jlc.org/documents/jlc-debtors-prison.pdf> (highlighting challenges youth face in paying fines or fees). Children are the

poorest age group in the United States with 11 million children living in poverty including one in seven children of color. *The State of America's Children 2023: Child Poverty*, Children's Def. Fund (2023), <https://www.childrensdefense.org/the-state-of-americas-children/soac-2023-child-poverty/>.

Youth under 18 face significant restrictions on their ability to work, contract, and obtain credit. In Iowa, young people have limitations on their hours of work and the type of work they can engage in. *See generally* Iowa Code Ann. §§ 92.3-92.8 Even if youth are old enough to work at least part time, they may experience significant difficulty finding employment, as teens have historically high unemployment rates. *See* Lauren Bauer et al., *Teen Disengagement is on the Rise*, Brookings Institution (Oct. 1, 2020), <https://www.brookings.edu/blog/up-front/2020/10/01/teendisengagement-is-on-the-rise/> (reporting that teen unemployment rates were 24.2 percent in 2019 and 31.7 percent in 2020 for Black teenagers, 14.7 percent in 2019 and 33 percent in 2020 for Hispanic teenagers, and 11.7 percent in 2019 and 27.6 percent in 2020 for white teenagers); *see also* Drew DeSilver, *During the Pandemic, Teen Summer Employment Hit Its Lowest Point Since the Great Recession*, Pew Rsch. Ctr. (June 7, 2021), <https://www.pewresearch.org/short-reads/2021/06/07/during-the-pandemic-teen-summer-employment-hit-its-lowest-point-since-the-great-recession/> (reporting that not only did the Covid-19

pandemic upend the teen job market but there are also non-pandemic related reasons for low teen employment including lower availability of low-skilled, entry level jobs). The problem is worse for teens living in poverty. Teen employment rates vary considerably by level of family income and teens from low-income households are less likely to work during summer months than teens from more affluent households. Neeta Fogg et. al, Drexel Univ. Ctr. for Lab. Mkts & Pol’y, *The 2022 Summer Job Outlook for American Teens* 14 (2022), <https://drexel.edu/~media/Files/clmp/2022%20Teen%20Summer%20Job%20Outlook.ashx>. For the few youths who do find employment, working too much and too soon may lead to worsened academic performance and increased school drop-out rates, directly undermining rehabilitation. *Debtors’ Prison for Kids, supra*, at 7 n.31.

These challenges cannot be overcome by imposing the costs on family members instead of youth. As further detailed in Section II, forcing families to pay for court fees strains family relationships, undermines family economic stability, and can even lead to youth waiving their constitutional rights. Moreover, many young people in the juvenile justice system also have open cases in the child welfare system and may lack access to family financial resources. Iowa Sup. Ct. Juv. Just. Task Force, *Report & Recommendations* 29 (2023), <https://www.iowacourts.gov/collections/778/files/1722/embed>

Document/ (estimating that half to two-thirds of youth referred to the juvenile justice system are also involved in the child welfare system).

II. COSTS HARM YOUTH AND INFRINGE UPON THEIR CONSTITUTIONAL RIGHTS

A. Justice System Costs Create Harsh Consequences For Youth

Youth face a series of harsh consequences from justice system costs, including increased recidivism and system involvement, harm to mental health, and strained family relationships. *See Debtors' Prison for Kids, supra*, at 18 (finding that, of survey respondents who reported the imposition of fines, “70% stated that difficulty paying had exacerbated financial hardship, increased court contact resulting in missed school or work, or led to deeper juvenile justice system involvement”). Fees also deepen racial and economic disparities in the justice system and the community. *Id.* at 6.

Court costs deepen children’s involvement in the justice system. Multiple studies have found higher recidivism rates among young people required to pay justice system fines compared to those who were not. Alex R. Piquero et al., *A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity* 35 (2023), https://jlc.org/sites/default/files/attachments/2023-02/Piquero_et_al_AV_Fees_%26_Restitution_Report_wTables_011723.pdf (finding higher recidivism among youth who were assigned fees (19.4 percent) compared to similarly situated

youth who were not assigned fees (15.7 percent) and concluding that fees increase the likelihood of recidivism); Alex R. Piquero & Wesley G. Jennings, *Research Note: Justice System Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 *Youth Violence & Juv. Just.* 325, 334 (2017) (finding that the “[f]inancial burden increases the likelihood of recidivism” for adolescents). Heightened court supervision may, in turn, lead to adverse consequences for youth in other areas of life like education and employment opportunities. *See* Piquero & Jennings, *supra*, at 327. Court costs limit opportunities and create financial harm, particularly for youth living in or at the brink of poverty, many of whom are already overrepresented in the legal system. *See generally* Just. for Families & DataCenter, *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice* 10 (2012), https://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf. Iowa’s statutory consequences for failure to pay court fees or costs range from non-renewal or suspension of a driver’s license to non-renewal of car registration, to wage assignments and tax garnishments and even contempt proceedings. *See* S.F. 457, 88th Gen.

Assemb., Reg. Sess. (Iowa 2020); *see also* Iowa Code Ann. § 321.40(6); § 321.210A; Iowa Ct. R. 26.3.²

For most youth, receiving a driver’s license is an important milestone towards personal and financial independence; the opportunity to obtain a license or maintain car registration can be jeopardized when children are unable to pay for defense-related costs. The lack of a license, in turn, may deprive them of reliable transportation to necessary activities like appointments and school, and prevent them from obtaining a job.³

Research has further shown that debt incurred due to court costs creates increased mental and emotional stress on youth. *See The Price of Justice*, *supra* note 2, at 11. Interviews of youth nationwide who are directly affected

² *See generally* Jessica Feierman et al., Juv. L. Ctr., *The Price of Justice: The High Cost of “Free” Counsel for Youth in the Juvenile Justice System* 10 (2018) [hereinafter *The Price of Justice*], <https://jlc.org/sites/default/files/attachments/2018-07/Paying-For-Justice-2018FINAL.pdf>; *see also Pay a Fine or Court Debt*, Iowa Jud. Branch, <https://www.iowacourts.gov/for-the-public/pay-a-fine> (last visited Aug. 10, 2023) (answering common questions about paying court debt including that contempt proceedings are possible for unpaid debt); Iowa Code Ann. §§ 642.1-642.25; Iowa Code Ann. §§ 626.1-626.109; *What Can I Do When I Owe Taxes, Court Debt or Other Debts to the State of Iowa?*, Iowa Legal Aid, <https://www.iowalegalaid.org/resource/what-can-i-do-when-i-owe-taxes-or-other-debts> (Mar. 20, 2023).

³ According to U.S. Census data, over 92 percent of Iowa workers either drive to work alone or carpool. *Means of Transportation to Work by Place of Work—State and County Level*, U.S. Census Bureau, <https://data.census.gov/table?q=b08130&g=040XX00US19&tid=ACSDT5Y2020.B08130&moe=false> (last visited Aug. 10, 2023).

by these types of court costs detail the harms of legal costs. For example, one youth, J.M., carried hundreds of dollars in debt after completing his juvenile case and contemplated running away from home in hopes that his mother could get relief from the burden of legal fees. Stephanie Campos-Bui et al., *Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administrative Fees in California* 11 (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>.

The heightened stresses from obligations to probation, collection agencies, and paying late fees, can exacerbate the emotional harm. *The Price of Justice*, *supra* note 2, at 11. As one youth put it, “You feel like you’re drowning and you’re trying to get some air, but people are just pouring more water into the pool.” *Id.*

B. Justice System Costs Can Negatively Impact Family Relationships

When youth face burdensome court debt, the financial stress can lead to a deterioration in the family unit. The whole family suffers from the impact, from economic burdens to emotional strain.

Many families struggle to pay for basic needs because of court costs. In one study, one-in-three low-income families reported having to choose between purchasing food and paying legal costs and fees accrued in juvenile cases. Just. for Families & DataCenter, *supra*, at 28. The financial burden can

keep siblings from getting school clothes and pursuing other extracurricular activities—potentially harming a sibling’s ability to pursue college. *See Debtors’ Prison for Kids, supra*, at 7.

Other families take on debt or face other direct deprivations to manage the financial burden. In one survey, one in five families reported needing to take out a loan to pay legal costs, driving them further into debt. *Just. for Families & DataCenter, supra*, at 28. Another survey found that over half of respondents (51.9 percent) saw “added financial hardships” due to costs associated with court-appointed counsel. *The Price of Justice, supra* note 2, at 11. Of those that reported hardships, 57 percent went into debt to pay off these fees and 23.1 percent of respondents reported loss of housing, transportation difficulties, loss of utilities, delaying entry into jobs programs or the military, and even the severing of family relationships. *Id.*

Families also face mental and emotional harm that can further lead to a deterioration of family relationships. Having a child involved in the juvenile justice system leads to feelings of “shame, helplessness, and indignation . . . as well as the internalization of the stigma of involvement with the juvenile justice system.” *Just. for Families & DataCenter, supra*, at 29. These stresses are heightened by anxiety created by legal costs. *See Leslie Paik & Chiara Packard, Impact of Juvenile Justice Fines and Fees on Family Life: Case*

Study in Dane County, WI 10-11 (2019), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>. This, in turn, contributes to disillusionment with the courts and created even more anger and frustration over the lack of care given to their circumstances and financial hardship. *Id.* at 11. These feelings of anger and stress can also end up directed toward the youth and impact family relationships. *See Campos-Bui et al., supra*, at 10-11 (quoting an LA County youth stating that he worried about fee bills every day and thus caused tensions and arguments with his single mother, and an Alameda County father who stated the stress of legal fees would strain his relationship with his son and build resentment for the financial hardships they were enduring).

By increasing the cost of pursuing a youth's best defense through an expert witness the court increases the risk of these and similar harms to the youth. This directly counters the system's stated goal of supporting a child's welfare. Iowa Code Ann. § 232.1 (stating that Iowa's juvenile justice statutes shall be construed "to the end that each child under the jurisdiction of the court shall receive, preferably in the child's own home, the care, guidance and control that will best serve the child's welfare and the best interest of the state").

C. Justice System Costs Imposed On Youth Exacerbate Racial And Economic Disparities

Justice system fees are more likely to be imposed on Black youth than white youth because of the drastic overrepresentation of Black youth at each decision point in Iowa’s justice system. Moreover, the issue is particularly pertinent to waiver hearings, as Black youth in Iowa are almost 10 times more likely to have their cases waived to adult court than white youth. Iowa Dep’t of Hum. Rts., *Racial Disparities—An Analysis of Three Decision Points in Iowa’s Juvenile Justice System 2* (2020), <https://humanrights.iowa.gov/sites/default/files/media/Racial%20%20Disparities%20-%203%20Decision%20Points%20in%20JJ%2011%2023%2C%202020.pdf> (explaining juvenile system recidivism rate from data collected from 2015-2019). As a result, Black youth are significantly more likely to face court fees than their white peers.

At the same time, fees imposed on Black families are particularly likely to cause harm, given the income gap between Black and white families. In 2019, the median income in Black households in Iowa was \$35,548 compared to the overall median income of \$61,691. State Data Ctr. of Iowa & Iowa Comm’n on the Status of African-Americans, *African Americans in Iowa: 2022 2* (2022), <https://www.iowadatatcenter.org/application/files/6816/4925/5499/AfricanAmericanStatus2022.pdf>. Black Iowans also had a poverty rate

of 27.3 percent while the overall poverty rate for Iowa was 11.2 percent. *Id.* These disparities harm families: 30.6 percent of Black Iowan families with children under 18 were below the poverty line in 2019 while the corresponding rate for all Iowa families was only 11.7 percent. *Id.*

Research on juvenile justice system fees and fines bears this out: Black youth typically must pay more in fees than their white peers. Campos-Bui et al., *supra*, at 12-13. They also face heightened risks of negative consequences for non-payment. Piquero & Jennings, *supra*, at 334.

Requiring youth like K.C. to pay burdensome fees will exacerbate this income inequality and may deepen the disparities in the justice system, and in the rates of waiver to the adult system in particular.

D. These Negative Consequences May Prevent Youth From Fully Engaging In Their Defense

The threat of economic harm may lead a young person to forego adequate representation, either because they fear the economic risk themselves or because they face pressure from family members. The consequences are particularly momentous in the context of transfer to adult court. Juvenile court in Iowa offers clear advantages over adult court. The Iowa juvenile legal system is meant to provide responses that “best serve the child’s welfare and the best interest of the state.” Iowa Code Ann. § 232.1.

Youth facing prosecution in Iowa’s District Courts also face higher fines and fees⁴ than youth in juvenile court and high rates of recidivism.⁵

1. Youth May Be Deterred by the Risk of Court Debt

Youth may make decisions against their own interests when faced with the risk of incurring more legal debt. In one study, more than a third of survey respondents (34.6 percent) reported that “[counsel] costs [led] youth to waive counsel” to avoid the financial hardships that may come with the cost of counsel. *See The Price of Justice, supra* note 2, at 11.

These waivers raise serious questions about the adequacy of proceedings. Youth often lack full appreciation or understanding of the implications of waivers of counsel. Indeed children are regularly found to make legal decisions without adequate consideration of the long-term impacts or implications of waiving rights, accepting certain plea deals, or choosing

⁴ From 2019-2021, youth were assessed about \$1.7 million in District Court fines and fees in only four counties. In the same three-year span, youth in juvenile courts statewide were assessed rough \$720,000 in fines and fees. Moreover, the District Court collects at a significantly higher rate—63 percent to a mere 9.45 percent in Juvenile Court. State Ct. Admin., Iowa Jud. Branch, *Response Data-Youth in District Court* (on file with National Center for Youth Law) (received July 28, 2022; last accessed Aug. 3, 2023).

⁵ According to the Iowa Department of Human Rights, Iowa youth waived into adult court saw a two-year recidivism rate of 68.7 percent. Cheryl Yates & Laura Roeder-Grubb, Iowa Dep’t of Hum. Rts., *Updated Profile of Youth Charged in Adult Court, SFY 2015 to SFY 2021* 4 (2022), <https://humanrights.iowa.gov/sites/default/files/media/Youth%20in%20Adult%20Court%20Report%20-%20SFY2015thru2021.pdf>.

against pursuing a reasonable defense due to legal costs. Jean J. Cabella & Shawn C. Marsh, *Swing and a Miss: Reflections on the “Voluntariness” of Pleas in Juvenile Court*, 117 Child. & Youth Servs. Rev. 1, 3 (2020) (“Adolescents’ tendency to emphasize immediate consequences and discount future consequences affects their legal decision-making. Evidence suggests that adolescents lack understanding of the immediate and future consequences of pleading guilty and make short-sighted decisions to waive their *Miranda* rights or confess during an interrogation. Adolescents could also emphasize immediate consequences when making plea decisions by overweighing their desire to end the legal process without consideration of long-term consequences.” (citations omitted)).

The problem is rooted, in part, in the developmental differences between youth and adults. During adolescence, the areas of the brain implicated in decision making are still developing, leading to differences between youth and adults during stressful contexts. See Nat’l Rsch. Couns., *Reforming Juvenile Justice: A Developmental Approach 2* (Richard J. Bonnie et al. eds., 2013) (reporting that adolescent development makes youth different from adults and thus should be considered when decisions are made around juvenile legal reform, as part of a report requested by the Office of Juvenile Justice and Delinquency Prevention and produced by the National

Research Council). Adolescents have less ability to regulate emotion, are more susceptible to external influences, and have less ability to make decisions with long-term implications in mind than adults. *Id.* (“First, adolescents have less capacity for self-regulation in emotionally charged contexts, relative to adults. Second, adolescents have a heightened sensitivity to proximal external influences, such as peer pressure and immediate incentives, relative to children and adults. Third, adolescents show less ability than adults to make judgments and decisions that require future orientation.”). Thus youth may opt for the immediate benefit of saving money without fully appreciating the long-term consequences of appearing in court without full and adequate representation. The specter of legal debt thus becomes a strong deterrent for youth seeking a full and adequate defense.

2. Court Debt Can Create Conflict Between Family Members’ Financial Needs and Youth Legal Interests

The financial consequences of taking on increased debt can place a family’s priorities at odds with a youth’s priorities and lead to troubling legal outcomes for youth. *See Cabella & Marsh, supra*, at 4 (according to a review of psychological studies on the voluntariness of juvenile guilty pleas there are clear concerns that parents and guardians can be unduly influential because of a youth’s developmental likelihood to seek compliance and conformity to parental wishes). For example, parents may persuade a youth to plead guilty

to avoid the logistical difficulties of system involvement and subsequent court costs. *See id.* (acknowledging that parent's interests are typically aligned with their child's but there are instances where inter-personal tensions, insufficient legal knowledge, or even influence on their child's counsel and other legal actors call into question the independence of youth decision making in the juvenile legal system). They may also pressure youth and their counsel against pursuing expert testimony, like in this case, because of the potential to incur debt—regardless of the necessity of the testimony to the youth's defense. By pushing legal fees for necessary expert testimony onto a youth or family, the court pits a family's financial interests against the youth's best interests.

III. ELIMINATING FEES FOR YOUTH IS SOUND POLICY SUPPORTED BY A BROAD BIPARTISAN MOVEMENT

Judges, legislators, and other policy makers around the country are changing their policies and practices in recognition of the harms associated with assessing youth costs for their juvenile justice employment. In requiring K.C. to assist with the cost of his legal expert, the juvenile court disregards the growing bi-partisan movement.

In 2018, the National Council of Juvenile and Family Court Judges passed a resolution encouraging juvenile courts to work towards reducing and eliminating fines, fees and costs. Nat'l Council of Juv. & Fam. Ct. Judges, *Resolution Addressing Fines, Fees, and Costs in Juvenile Courts 2* (2018),

https://www.ncjfcj.org/wp-content/uploads/2019/10/ExXIII_FinesFeesCosts_Resolution.pdf. In recent years, at least 20 states have passed legislation eliminating some or all fees and fines in the juvenile system, including Montana, Texas, Arizona Louisiana, and Oklahoma. *See Our Impact*, Debt Free Justice, <https://debtfreejustice.org/our-impact> (last visited Aug. 10, 2023). Most recently for example, neighboring Illinois passed one of most comprehensive bills eliminating fees and fines imposed against youth and their families, including youth transferred to adult court or excluded for juvenile court jurisdiction. The bill also discharges outstanding debt and cancels all collection efforts on previously assessed costs. S.B. 1463, 103rd Gen. Assemb. (Ill. 2023).

The movement has support at the federal level as well. In April 2023, the Department of Justice also released a Dear Colleague Letter urging jurisdictions to presume children are indigent and unable to pay fees and fines in the justice system. U.S. Dep't of Just., *Dear Colleague 7* (2023), https://www.justice.gov/d9/press-releases/attachments/2023/04/20/doj_fines_and_fees_dear_colleague_letter_final_with_signatures_0.pdf. The letter cautions that the imposition of such costs on children may violate the Constitution including the Eighth Amendment's prohibition on unjust fees and fines and

the Fourteenth Amendments Right to Equal Protection and Due Process. *Id.*
at 4-14.

By requiring K.C. to pay for his own expert assistance, the juvenile court set a harmful precedent that will unconstitutionally limit the rights of young people and their families.

CONCLUSION

Wherefore, *amici curiae* respectfully requests that this Honorable Court reverse the juvenile court's decision and find that all of K.C.'s experts costs are reasonable and should be borne by the State.

Sincerely,

/s/ Jami J. Hagemeyer
Jami J. Hagemeyer (AT0003183)
300 Walnut, Suite 295
Des Moines, IA 50309
Telephone: (515) 244-1172
Fax: (515) 244-4370
jhagemeyer@youthlawcenter.org

/s/ Marsha L. Levick
Marsha L. Levick*
**Pro hac vice pending*
JUVENILE LAW CENTER
1800 JFK Blvd, Ste. 1900B
Philadelphia, PA 19103
Telephone: (215) 625-0551
Fax: (215) 625-2808
mlevick@jlc.org

Counsel for Amici Curiae

Dated: August 14, 2023

**CERTIFICATE OF COMPLIANCE WITH TYPEFACE
REQUIREMENTS AND TYPE-VOLUME LIMITATION**

This brief complies with the typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.903(1)(d) and 6.903(1)(g)(1) because this brief has been prepared in a proportionally spaced typeface using Times New Roman in size 14 and contains 4,410 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1).

/s/ Jami J. Hagemeyer
Jami J. Hagemeyer

Dated: August 14, 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2023, I electronically filed this document with the Supreme Court Clerk using the EDMS system, which will serve it electronically on all counsel of record.

I further certify that, in order to maintain confidentiality, the parents of minor child K.C. have been served via U.S. Mail by counsel for K.C.

/s/ Jami J. Hagemeyer
Jami J. Hagemeyer