



February 2, 2021

To: Chair Prozanski, Vice Chair Thatcher, Members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation

From: Bridget Budbill, Legislative Director, Office of Public Defense Services

Re: Senate Bill 422 and National Juvenile Defense Center's Oregon Assessment 2020

Dear Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation:

The Office of Public Defense Services (OPDS) aims to provide helpful context within which to view [Senate Bill 422](#), in light of recent substantive recommendations suggesting best practices to adopt within Oregon's juvenile defense system. In "[Advancing Youth Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Oregon](#)," published September 2020, the National Juvenile Defense Center (NJDC) completed a comprehensive statewide assessment of Oregon's juvenile defense system, in which it urged Oregon to "make a statewide commitment" to "exempt youth from financial assessments and the lasting impacts of court-imposed debt."¹ Oregon court officials interviewed for the report estimated that, while between 90 to 99 percent of Oregon's youth and families involved in delinquency cases are indigent, the current system "allows juvenile courts to charge families for nearly every aspect of their child's involvement in the justice system."²

Under current Oregon law, youth and their families may be required to pay a fee for the court to determine whether they are eligible for court appointed counsel, and if so, they may still be required to pay for some or all of the costs of that representation. Youth in some jurisdictions decline appointment of counsel altogether because they cannot afford the fees associated with court-appointed counsel. Other fees and costs youth or their families may be required to pay include probation supervision, drug-testing, child support, medical and dental care, specialized treatment services, mental health evaluations, and polygraph fees.³

¹ NATIONAL JUVENILE DEFENSE CENTER, [ADVANCING YOUTH JUSTICE: AN ASSESSMENT OF ACCESS TO AND QUALITY OF JUVENILE DEFENSE COUNSEL IN OREGON](#), 68 (2020).

² *Id.* at 60.

³ *Id.* at 61, 64, 96.



The NJDC also raised a youth’s inability to pay court-imposed fees and costs and the attendant long-term impacts on the lives of court-involved youth and their families, noting that fees and costs “impose a heavy burden on impoverished families, extend and deepen children’s involvement in the juvenile court system, hinder youth and family success.”⁴ Unpaid fees can impact a youth long into adulthood in the form of collections, tax liens, civil judgements, and compounding late fees.⁵ Of the counties assessed in the NJDC report, not one jurisdiction reported that collection of the fees in question “provided any appreciable benefit to youth or the system.”⁶

The NJDC report also concluded that fees and costs disproportionately impact youth of color “because they are overrepresented in the court system and are thus more frequently at risk of financial sanctions.”⁷ Furthermore, due to the discretionary nature of juvenile fees and costs, the NJDC report noted that a youth’s geographic location played “a significant role in whether a youth or their family faces significant financial hardship from court involvement.”⁸

We have submitted the full NJDC report to the Oregon Legislative Information System for your reference, and we would be happy to provide any additional information you might find useful.

Thank you for your time,

Bridget Budbill

Bridget Budbill
Legislative Director
503-779-7329
bridget.budbill@opds.state.or.us

⁴ *Id.*

⁵ *Id.* at 66.

⁶ *Id.* at 67.

⁷ *Id.*

⁸ *Id.* at 65.