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Opinions

Scrooge comes to Prince George's County

By **Stephen mercer** December 25

Juvenile courts have become real-life Scrooges to young adults trying to turn their lives around after troubled childhoods. The courts are imposing unnecessary administrative fees and subjecting those unable to pay to harsh collection penalties that disrupt families, schools and work. A juvenile court is responsible for the rehabilitation of youths, not preventing successful — but poor — young adults from moving forward.

Consider 19-year-old Jane R. of Prince George's County. Her childhood was defined by poverty and abuse. At 14, she was committed to the juvenile justice system for rehabilitation and treatment. To her credit, she succeeded after five challenging years. By the end of her commitment, she developed a strong work ethic, secured a reliable job and paid modest rent to live with family. She hoped that, after a few months, she could be promoted to manager, earn enough to pay off her debts and live independently. Her case manager described her as one of the “most responsible and mature youth” on her caseload and recommended that she be released from probation.

But [Judge Herman C. Dawson of the Prince George's County juvenile court](#) wouldn't be swayed. Why? Because Jane was too poor to pay \$465 to the court for “costs” that Dawson had assessed against her.

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Like a modern Scrooge, juvenile courts use their power and processes to assess costs and collect payment from young, poor adults who need money to buy food, clothing and perhaps a rare gift for family at Christmas. When Jane's case was transferred to Prince George's County, for example, Dawson assessed court costs without meaningful consideration of Jane's ability to pay. Because Jane could not pay her costs by the end of her treatment, the court extended her probation. Jane was required to return to court on three occasions with partial payments to demonstrate her willingness to pay and then to continue to report for probation until the balance was paid. Further reviews were scheduled to monitor her progress.

More court attendance meant more missed work and less family time for Jane. It's not just the time in court; it's the practical difficulty of getting to court and back home. An entire day is lost for the humiliation of a brief appearance in court to make an installment payment. The frequent court dates caused Jane to be demoted at work. She was nearly fired. Despite Jane scraping together enough of an initial payment to please the court, Dawson would not release her from probation or even consider her hardship. Sadly, a court with the duty to rehabilitate Jane instead cast a long shadow over her redemption.

Maryland law allows for "reasonable" court costs, and judges may waive those fees based on a juvenile's ability to pay or other factors. That is not, however, the reality. In Prince George's County, "[reasonable court costs equate to about \\$155 in nearly every case](#) (recently raised to \$185) — strong evidence that the court's assessment of a person's ability to pay is summary, at best. At worst, it reflects a distorted morality that poor children and young adults should be treated more harshly.

A court does not serve the individual or public interest when it disrupts family, school or work solely to collect fees assessed against someone who cannot afford to pay. It deepens class divisions based on arbitrary wealth. Children do not choose to be poor. Jane's path out of poverty is family, school and work. There is no place in a juvenile justice system for these abusive collection practices directed at the poor.

The [Justice Department's investigation of Ferguson](#), Mo., cited the predatory collection of fines and fees as contributing to racial tension and distrust. You don't have to travel to Missouri to appreciate that finding. While many communities are rethinking the role that these financial burdens play in our justice system, others legitimize them by dedicating the time and energy of judges, prosecutors and case managers to collect court fees owed by poor children and young adults.

This Christmas, juvenile courts should revisit their practices regarding the assessment and collection of costs from the poor and redeem the court's vital purpose: the rehabilitation of our children.

The writer is chief attorney for the forensics division of the Maryland Public Defender's Office.

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