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To: Chairperson Bosn and Members of the Judiciary Committee

From: Katie Nungesser, Policy Coordinator for Voices for Children in Nebraska

**RE: Support for LB 65- Exempt individuals under nineteen years of age from payment of certain court costs and fees and change provisions of the Nebraska Juvenile Code**

LB 65 speaks to an urgent matter that touches the very core of justice and fairness within our state that impacts some of the most important Nebraskans, youth. In this state, we strive to uphold the values of a justice system that aims to be blind to wealth, race, or social class. However, our youth justice system is currently tarnished by the discriminatory and harmful practice of court debt, particularly court costs imposed on system-involved youth and their families.

Up front, I want us all to be on the same page about what exactly we are talking about. Court costs are broken down into fines, fees, and restitution. Court fees are basically "user-fees,"; they are flat fees charged by the court and they have no relation to the crime, the victims, or the harm that was done. This is the largest category of concern for LB 65.

Fines, on the other hand, are penalties for crimes, sometimes in place of detention time or other carceral consequences that may otherwise be charged to youth for their crime. LB 65 explicitly excludes restitution, a court-imposed cost upon a youth to compensate the victim of their crime. In this way, LB 65 ensures that the only costs youth have attached to their cases are those costs that hold them accountable. Instead of funding judges' retirements, court automation, or the Nebraska Supreme Court Education Fund, youth will be enabled to pay their restitution, the only costs that are actually related to the impact of their crime.

We started working closely on this issue in 2022, when we had heard from community partners and youth themselves that there were youth who were having issues with their probation after not being able to pay court costs. A major concern was youth unsuccessfully completing probation and not having their juvenile cases sealed automatically due to their inability to pay court costs. I met more in depth with over a dozen Nebraska youth impacted by this issue.

One of those young people shared her story of court costs stacking up. A week before she was to finish probation, she was informed she had to pay off her balance to successfully complete. She was unable to do so and even though she successfully completed all other aspects of her probation, she was found to have unsuccessfully completed because of the unpaid court costs. She spoke about not being allowed to work while on probation as she had to prioritize school and her therapy. I remember her asking me multiple times, "What did they court think it was teaching me by showing me my hard work did not matter to probation unless I had the money to pay the court?"

Another youth living in rural Nebraska was navigating juvenile court without stable housing or his basic needs met. He said "We already depended on state programs to keep a roof over our head and scrape together enough food to feed our family. Court costs made it hard to trust that the system cared about my well-being. The fees were too much for us and it honestly just felt hopeless and like I was stuck in this cycle forever."

Here in Nebraska, the numbers speak volumes: according to data received from the Administrative Office of the Courts, over \$760,000 in fines, fees, and restitution were imposed on youth in Nebraska from 2019 to 2022<sup>1</sup>. These dollar amounts may not be much in the full context of the state budget, but they create a significant impact on individuals and families.

What makes this practice more concerning is the cost burden is not equitably distributed. There is also an urban-rural divide in how court costs are imposed, with Nebraska youth living in rural areas at greater risk for being assigned fees and judgments than their peers in our larger cities. This is true both for the number of fees assigned per case, which we have expressed as a rate in the issue brief – AND for the total dollar amounts paid by youth and families. For example, youth in Dodge County are nine times more likely to have court-imposed costs than youth in Douglas County. A child's location in our state should not equate to them shouldering more costs.

Most of the Separate Juvenile Court judges were not assessing these court costs at all, presuming these youth were unable to pay, while many smaller county courts were charging youth without any pay analysis or considering whether or not they could afford these costs in the first place.

LB 65 is a sound policy for Nebraska that would make a meaningful difference for families in lower income brackets without significantly impacting our state and county bottom lines. We would like to thank Vice Chair DeBoer for continuing to lift up this issue and for bringing LB 65. We urge this Committee to support it. The time is now to eliminate administrative fines and fees in Nebraska's juvenile court system, ensuring that Nebraska's justice does not just work for some-it works for everyone.

Respectfully,

Katie Nungesser

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<sup>1</sup> According to data received the Administrative Offices of the Courts and Probation. Analyzed and published by Voices for Children in Beware the Fine Print; the Cost of Fines and Fees in Juvenile Court. February 2024. Available at [https://voicesforchildren.com/wp-content/uploads/2024/02/FinesAndFees\\_IssueBrief\\_12624.pdf](https://voicesforchildren.com/wp-content/uploads/2024/02/FinesAndFees_IssueBrief_12624.pdf) 1