

# POLICY PRIORITIES: SUPPORT JUSTICE- INVOLVED YOUTH



KANSAS APPLESEED

**Young people are our state's future. Supporting youth and their success leads to a strong outlook for Kansas.**

## DEBT FREE JUSTICE

Passing the Debt Free Justice for Youth Act legislation would end the practice of imposing unaffordable fines and fees on youth and their families.

- Fines and fees are imposed on youth at every stage of their interaction with the youth justice system, including: accessing courts, accessing defense counsel, docket fees, intervention program fees, law enforcement processing fees, testing fees, court-ordered custody and service fees, fines of up to \$1,000 for each offense, and collection agency surcharges.<sup>1</sup>
- Collection costs often outweigh revenue from juvenile fees
- Youth fines and fees create costly and counterproductive collateral consequences for families and communities facing stress under a pile of debt.



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## INVESTING FOR THE FUTURE

Protecting the 2016 youth justice reforms and the dedicated funding for continued investment in youth supports and programming are essential parts of moving Kansas's youth justice work forward.

- In 2021, \$21 million was removed from the fund dedicated to investing in these programs, but many future needs remain for our youth justice system.
- Communities still lack funding for important mentorship programs that support young people as well as vital resources like substance abuse treatment, mental health services, and quality legal defense.
- K.S.A. 75-52,164 makes clear that the funds in this evidence-based programs account should be used for "the development and implementation of evidence-based community programs and practices" and "for no other governmental purposes."



**“Shackling is a sentence.”**

**—Kansas probation officer on the impacts of youth shackling**

*via the National Juvenile Defender Center's report: "Limited Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas."*

## YOUTH SHACKLING

The United States Supreme Court has established a clear presumption against adult shackling,<sup>2</sup> but Kansas youth do not have the same protection.

- Shackling impedes the attorney-client relationship, runs counter to presumption of innocence, restricts one's ability to assist in their defense, and causes trauma to the youth being restrained.
- Kansas is one of 16 states that do not have laws, administrative rules, or court rulings establishing a presumption against youth shackling.<sup>3</sup>
- The National Juvenile Defender Center observed numerous court hearings in Kansas in which youth appeared in person and arrived at court from a detention center or other secure facility. In each observed instance, the young person was shackled when they were brought into the courtroom and remained shackled throughout the hearing.<sup>4</sup>

### Sources:

1. National Juvenile Defender Center. "Limited Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas." 2020.
2. *Deck v. Missouri*. 544 U.S. 622, 631-35 (2005); *Illinois v. Allen*. 397 U.S. 337, 344 (1970).
3. See MINN. STAT. ANN. § 260B.008: Use of Restraints (2021); GA. UNIFORM RULES JUV. CTS. 20: Physical Restraint of Juveniles in the Courtroom; MICH. CT. RULES 3.906: Use of Restraints on a Juvenile; National Juvenile Defender Center. "Eliminating Shackling in Juvenile Court: Continuing the Momentum." 2019.
4. "Limited Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas." National Juvenile Defender Center. 2020.