

KANSAS APPLESEED POLICY PRIORITIES: SUPPORT JUSTICE INVOLVED YOUTH



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 have not been shown to have any positive impact on outcomes for youth, in fact, they have been shown to hurt outcomes and increase recidivism.¹
- 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.²
- Collection costs often outweigh revenue from juvenile fees.³
- Youth fines and fees create costly and counterproductive collateral consequences for families and communities facing stress under a pile of debt.⁴

Learn more at DebtFreeJusticeKS.org.

YOUTH SHACKLING

The United States Supreme Court has established a clear presumption against adult shackling, but Kansas youth do not have the same protection.⁵

- Shackling impedes the attorney-client relationship, runs counter to the presumption of innocence, restricts one's ability to assist in their defense, and causes trauma to the youth being restrained.⁶
- Kansas is one of 16 states that do not have laws, administrative rules, or court rulings establishing a presumption against youth shackling.⁷
- 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 brought into the courtroom and remained shackled throughout the hearing, regardless of the crime of which they were accused.⁸

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“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.”

INVESTING FOR THE FUTURE

Protecting youth justice reforms that reduce the use of incarceration and the dedicated funding for continued investment in youth support and programming are essential parts of moving Kansas's youth justice work forward. Communities need funding for important mentorship programs that support young people as well as vital resources like mental health services, substance abuse treatment, and quality legal defense.

No evidence exists to show that increasing lengths of detention for children will produce better outcomes. Detention and incarceration have been used to punish youth for decades, with detrimental results in terms of long-term success and outcomes. Positive behavior supports show the best success for changing young people's behaviors.⁹

If out-of-home placements must be used, keeping kids close to home yields the best results.¹⁰ Kansas should work to invest in making secure care options that have robust, therapeutic wraparound services regionally available so Kansas kids with high needs can remain closer to home.

1. Piquero, A. R., Baglivio, M. T., & Wolff, K. T. “A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity.” 2023. https://finesandfeesjusticecenter.org/content/uploads/2023/02/Piquero_et_al_Florida-juvenile-fees-study.pdf and “Youth Fines and Fees in Kansas”. www.debtfreejusticeks.org - 2023.
2. Kansas Appleseed review of state and other jurisdiction statutes - 2023.
3. “Youth Fines and Fees in Kansas”. www.debtfreejusticeks.org - 2023.; see also Jefferey Selbin et. al. “High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families in Alameda County, California.” 2016. https://lawcat.berkeley.edu/record/1127714/files/High_Pain_No_Gain.pdf.
4. “Youth Fines and Fees in Kansas”. www.debtfreejusticeks.org - 2023.
5. Deck v. Missouri. 544 U.S. 622, 631-35 (2005); Illinois v. Allen. 397 U.S. 337, 344 (1970)
6. The Gault Center (National Juvenile Defender Center). “Limited Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas.” October 2020. <https://www.defendyouthrights.org/wp-content/uploads/Kansas-Assessment-Web.pdf>
7. Anne Teigen. National Conference of State Legislatures. “States that Limit or Prohibit Juvenile Shackling and Solitary Confinement.” 2022. <https://www.ncsl.org/civil-and-criminal-justice/states-that-limit-or-prohibit-juvenile-shackling-and-solitary-confinement>
8. The Gault Center (National Juvenile Defender Center). “Limited Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas.” October 2020. <https://www.defendyouthrights.org/wp-content/uploads/Kansas-Assessment-Web.pdf>
9. Ibid.
10. Ibid.

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