



REIMAGINING RESTITUTION

New Approaches to Support Youth and Communities

Authored by:

Lindsey E. Smith, Nadia S. Mozaffar, Jessica Feierman, Juvenile Law Center

Lea Parker, Amanda NeMoyer, J.D., Ph.D., Dr. Naomi E. Goldstein,
Juvenile Justice Research and Reform Lab, Drexel University

Jonathan M. Hall Spence, Matthew C. Thompson, Vendarryl L. Jenkins,
Community Advocacy Lab at Columbia University

Juvenile Law Center

Fighting for the rights
and well-being of youth

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential amicus briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children's unique developmental characteristics and human dignity.

Juvenile Law Center is part of the Debt Free Justice Campaign, a national campaign to end fees and fines imposed on youth in the justice system. For more information about the Debt Free Justice Campaign, please visit <https://debtfreejustice.org/>.

The Juvenile Justice Research and Reform (JJR&R) Lab at Drexel University is an interdisciplinary, applied research group that works to promote best practices in the juvenile justice system by more closely aligning juvenile justice policies and procedures with adolescents' developmental capacities. For more than 20 years, the JJR&R Lab has conducted innovative research and partnered with public agencies to enact real-world, large-scale, systemic changes within and for the juvenile justice system to produce more just and equitable outcomes for youth and communities and to reduce youths' contact with the system.

Jonathan M. Hall Spence, Matthew C. Thompson, and Vendarryl L. Jenkins contributed to this report while students of the Community Advocacy Lab at Columbia University in Spring 2020. Community Advocacy Lab is a clinic at Morningside Heights Legal Services, Inc. at Columbia Law School focused on racial and economic justice, grounded in the needs of communities. Current students are working on criminal justice reform including advocacy related to fines and fees, public defense, and police abolition; civil justice reform including family law, public housing conditions, workers' rights, and consumer debt. The clinic's clients range from Harlem-based organizations to national advocacy campaigns. Through client representation, classroom curriculum, and personal supervision, students in this clinic become lawyers who promote social justice as problem solvers, creative researchers, and strategic planners who can employ an expansive range of lawyering strategies beyond litigation to create a more just legal system.

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ACKNOWLEDGEMENTS

The authors give special thanks to Marcía Hopkins for her partnership in the work to reimagine restitution, and to Chloe Alvarado, Marissa Lariviere, Susan Vivian Mangold, Katy Otto, Colleen F. Shanahan, and Rachel Feierman for their insights and assistance.

We are also grateful for the ongoing partnership of the National Center for Youth Law and the Berkeley Policy Advocacy Clinic, as well as all of our partners in the Debt Free Justice Campaign, and all the participants in the 2021 Reimagining Restitution for Youth convening. These partnerships and insights have been instrumental in shaping this publication and expanding our thinking about restitution.

Work on this project, and on our work to end fees, fines and other financial sanctions for youth nationwide, is possible thanks to support from Arnold Ventures and Schusterman Family Philanthropies. Points of view or opinions in this document are those of the authors and do not necessarily represent those of Arnold Ventures or Schusterman Family Philanthropies.

EXECUTIVE SUMMARY

*It's pay this restitution, take away my freedoms, or go to jail
Shoot, it feels like I'm already in hell.*

*They say it's fair and just for us to pay a fine,
But if we can't pay, what's fair about going away for months at a time?*

*How am I to learn from this act of makin' me financially deflated?
Is this how I am supposed to be rehabilitated?*

— Excerpted from the 2016 poem **The Cost of Our Struggle**
by Advocates for Youth Justice (formerly Juveniles for Justice),
a program of Juvenile Law Center

Across the country, juvenile courts impose restitution orders on youth too young to hold a job, still in full-time school, and often living in families already struggling to get by. This process doesn't work for anyone. Because children can't make restitution payments, people owed restitution often don't get paid or face long delays before they are compensated. Meanwhile, restitution is linked to higher recidivism rates for children, family stress, and deeper justice system involvement. In short, no one wins.

Restitution laws also heighten racial and economic disparities in the juvenile justice system. Most young people who make mistakes, including those who damage property, don't end up in the justice system at all. Instead, schools, families, and communities solve the problem in ways that work for everyone involved. Because of structural racism, discrimination, economic disparities, and persistent bias, however, certain groups of youth are disproportionately pulled into the justice system for the same types of mistakes. The risk of system involvement is particularly high for Black, Latinx, Indigenous, and other youth of color, young people in poverty, youth with disabilities, and LGBTQIA+ youth.¹ As described in this publication, young people then face a rigid and unforgiving set of restitution laws, including severe consequences for nonpayment.

This report provides an overview of the legal framework for restitution in juvenile court, examines the impact on youth, families, and people owed restitution, and highlights key recommendations as jurisdictions across the country begin to reimagine restitution.

A note on language: Although the term “juvenile justice system” does not reflect the injustice and harm done by this system or its labeling, we use the phrase throughout this report because it is widely recognized and understood. We do so at the recommendation of those on our team who themselves experienced the system and who valued, in this instance, using words that would be commonly understood.

This report also uses “Black, Latinx, and Indigenous youth and other youth of color,” unless citing social science research using different terminology. Nationally, Black, Latinx, and Indigenous youth are pulled into the child welfare and justice systems at much higher rates than their white peers and Asian American youth are involved in the justice and child welfare systems at lower rates than their white peers. Specific groups of Asian or Asian American youth, however, also face discrimination resulting in higher levels of system involvement, and these disparities may be particularly pronounced in some regions of the country.

Part A: Historical Use of Restitution

Part A of this report reviews the historical use of restitution. Courts began to order restitution starting in the 1960s to provide mostly white youth with less restrictive sanctions than probation or incarceration. Although researchers assessed the rate of compliance and effect on recidivism for these programs, their findings have limited value in determining the efficacy of modern restitution programs because of their narrow focus on wealthier white youth. Since that time, restitution has become widespread across the country, with a disproportionate impact on Black, Latinx, Indigenous, and other youth of color, and with serious negative consequences for youth already living in poverty.

Part B: Current Landscape of Restitution Imposed on Youth

Our research revealed that all juvenile courts have authority to order restitution and that youth who cannot pay face severe consequences. Further, victim compensation laws provide payment only in limited circumstances and are difficult for victims to access.

Restitution and Victim Compensation Statutes: Every state authorizes restitution in juvenile court. The statutes reveal a wide array of troubling approaches:

- Eleven states and territories mandate that judges impose restitution orders;
- Thirty-three states and territories do not require any consideration of a youth's ability to pay in setting restitution;
- Fourteen jurisdictions authorize restitution orders to third parties, such as insurance companies;
- Many states order children to pay restitution to victim compensation funds rather than directly to the person who was harmed;
- Nine states permit "joint and several liability," which means that each person involved in an offense is liable for the total amount of restitution, regardless of their specific role in the offense;
- Thirty-five states and territories permit the imposition of restitution on parents for the acts of their children;
- Thirty-one states and territories permit interest on restitution orders;
- While almost all states and territories have victim compensation funds, these funds only pay for limited types of harm from a narrow range of offenses, and often impose strict requirements on victims.

Consequences for Nonpayment: A wide array of consequences can be imposed on children for nonpayment of restitution, including:

- Arrest and incarceration;
- Denial of informal adjustment;
- Extended probation;
- Civil judgment and private collections, including wage garnishment;
- Prevention of sealing or expungement of juvenile records.

Part C: Restitution's Impact on Youth, Victims, and Communities

Research from the fields of criminology, sociology, and psychology reveals that restitution causes serious problems for youth, families, and for those waiting to be paid by youth. Much restitution goes uncollected, leaving children with ongoing debt and victims² with unsatisfied financial needs. At the same time, restitution imposed on youth can cause heightened family tension, increased recidivism, and economic distress. Restitution also exacerbates racial and economic disparities in the juvenile justice system and in the community.

Part D: Reimagining Restitution

The best restitution policies will emerge from deeper conversations with all stakeholders and experimentation in states and local jurisdictions. The following key themes—emerging from our legal research, secondary source research, and preliminary conversations with youth, advocates, and communities, including participants of the Reimagining Restitution for Youth Convening in November 2021—can inform these efforts.

- 1. Alternatives to restitution should prevent and limit justice system involvement.** Solving problems in community can help prevent juvenile justice system involvement entirely, better serving youth and community and reducing reliance on a system already rife with racial bias and negative outcomes for youth. Even once a child has been arrested, or entered the court system, restitution programs can and should divert youth from deeper system involvement.
- 2. Responses to youth should not rely on financial sanctions.** Young people, especially children, cannot pay restitution obligations and face major harms including incarceration for nonpayment. Facing impossible financial obligations undermines positive growth and makes young people more likely to face additional juvenile justice involvement.
- 3. Victims' financial needs would be better met by expanded compensation funds, separated from youth financial obligations.** Youth restitution statutes do not adequately meet victims' basic financial needs. Youth typically cannot pay or cannot pay promptly. At the same time, most states have victim compensation funds that are narrowly targeted, available only for limited expenses and violent crimes, and require those applying for funds to promptly report harm. Compensation funds should be expanded to compensate victims for any youth offenses that result in financial loss without requiring payment by a youth.
- 4. States should rely on alternative interventions that effectively address harm.** Pilot programs throughout the country restore community trust, repair harm, and improve relationships using strategies more appropriate for youth than monetary restitution. These programs, including highly effective restorative justice models, also often result in higher victim satisfaction.
- 5. Alternatives to restitution must be fair, developmentally appropriate, and culturally responsive.** Any interventions should be time-limited and short-term, use positive reinforcement, provide youth with full rights and protections, and treat youth fairly. Youth should also have the right to programs and interventions grounded in their own culture.

“When restitution is ordered, kids can’t eat healthy food, kids go unclothed. It is hard to find a job and housing with a family member that owes fines, fees and restitution.”

– Youth Panel, Reimagining Restitution for Youth Convening

PART A – HISTORICAL USE OF RESTITUTION

Juvenile courts began imposing restitution around 1960.³ Researchers generally considered it a less restrictive alternative to traditional sanctions, such as probation or incarceration,⁴ and courts typically offered restitution to white youth from middle-income backgrounds. In the 1970s and 80s, advocates began raising concerns that judges' perceptions about youths' ability to pay restitution would prevent them from using this less restrictive sanction for youth of color and youth from low-income backgrounds.⁵

In 1977, in the first national survey of juvenile court personnel regarding restitution, researchers found that 86% of juvenile courts imposed restitution.⁶ Survey respondents reported that the victims' loss was the primary criterion for determining the amount of restitution owed. Although respondents did not report ability to pay as a primary consideration, the highly skewed demographics of youth ordered to pay restitution (i.e., mostly white youth from middle-class backgrounds) suggest that judges regularly considered it.⁷ Advocates and researchers at the time shared this concern.⁸

New restitution models emerged in the 1980s. Some programs assisted justice-involved youth from families with low income with securing employment to better ensure they could make payments, while also including additional programs to provide victim support services.⁹ In contrast with this victim-centered approach, other models viewed restitution as a more therapeutic option for justice-involved youth and combined it with opportunities for counseling, education, and job training.¹⁰ Still other models emphasized the interaction between the justice-involved youth and the victim(s), focusing on supporting both parties, including the youth's responsibility to repair harm caused to both the victim and the local community.¹¹

Research studies evaluating restitution in the 1980s and 1990s included predominantly white samples,¹² with only one study including a sample that was "predominantly [B]lack."¹³ Under these demographically skewed circumstances, juvenile courts reported high rates of compliance, with 70% of courts reporting at least a 90% rate of restitution payment.¹⁴ In contrast, less than 2% of courts reported that the majority of youth in their jurisdiction did not pay their ordered restitution.¹⁵ Research investigating the reasons for nonpayment in two jurisdictions found that approximately 60% of youth who had not paid their restitution were unable to do so because of financial hardship, and about 40% of these youth attributed nonpayment to being rearrested.¹⁶

Restitution rarely reduces recidivism and may actually increase it. A meta-analysis of 18 articles evaluating restitution in the juvenile justice system between 1981 and 2000 found no meaningful link between restitution and recidivism.¹⁷ Of note, although overall effects of restitution on recidivism appear weak, certain factors related to how restitution is ordered may play a role in reducing rearrest rates. For example, a 1979 study of a youth restitution program in Tulsa, Oklahoma revealed that both victim contact and a restitution order of less than \$100 were related to reductions in recidivism.¹⁸ More recent research suggests that restitution orders result in higher recidivism rates for youth.¹⁹

PART B – CURRENT LANDSCAPE OF RESTITUTION IMPOSED ON YOUTH

Restitution is imposed in all 56 states and territories.²⁰ This section provides an overview of constitutional and statutory law²¹ on: the right to restitution; liability for restitution, including whether the law makes restitution mandatory or discretionary, caps amounts, or provides guidance on how to assess ability to pay; and consequences for nonpayment.

Every state provides juvenile court judges with the authority to impose restitution on youth. The sections below highlight a wide array of problems these laws create.

1. Right to Restitution for Victims

Some states codify a victim's right to restitution in their state's constitutions or statutes. While these laws have a laudatory purpose of making victims who have suffered loss whole, this "right" may often be meaningless and ultimately harmful to both the victim and the youth because young people typically lack the resources to pay, as described in Part C below.

In 23 states and one territory, victims have a constitutional right to restitution.²² An additional seven states and four territories establish the right to restitution through statutes.²³ The right may be limited to economic loss, such as in Pennsylvania, where the law specifies that victims have a right to be restored to their precrime economic status.²⁴ The U.S. Virgin Islands allow for broader financial compensation for "physical or emotional injuries" in addition to a right to restitution "for expenses or property loss."²⁵

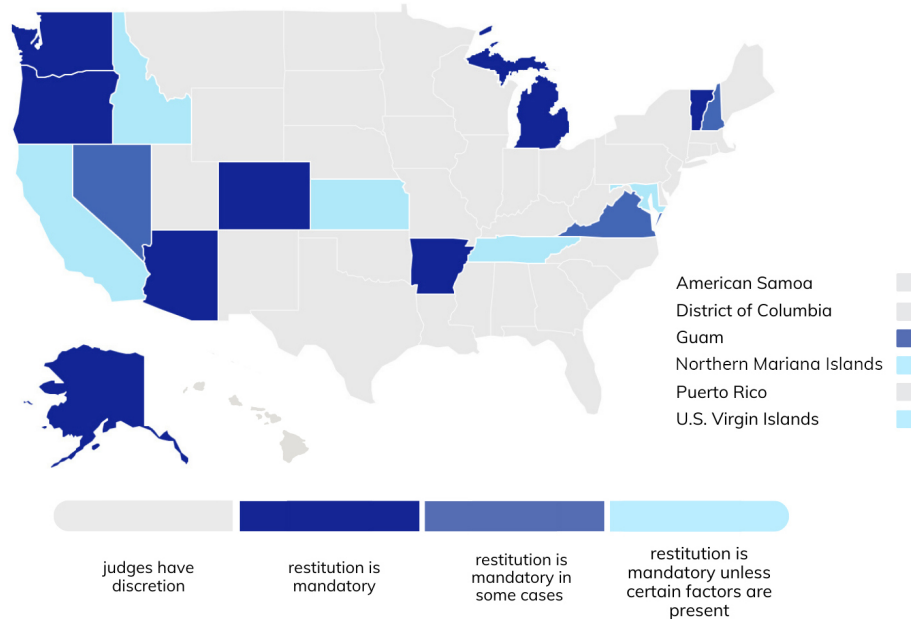
These right to restitution statutes can apply in juvenile court. California,²⁶ North Dakota,²⁷ Ohio,²⁸ Oregon,²⁹ and South Carolina³⁰ specifically grant victims the right to restitution from children or youth in juvenile court.³¹ Another set of states and territories, including Alabama,³² Tennessee,³³ Idaho,³⁴ Puerto Rico,³⁵ and Rhode Island,³⁶ have provisions which may or may not apply in juvenile court, referring to restitution from an "offender" or "person who committed" the act causing harm. In other states, victims only have the right to restitution from those who are "guilty," "accused," or "convicted" of crimes,³⁷ legal terms which exclude children in juvenile court.

Even in states that codify a right to restitution, judges may retain some discretion over whether to award restitution, or how much to award. For example, in Wisconsin, victims have both a constitutional and statutory right to restitution, but restitution orders in juvenile court must include a determination that a young person has an ability to pay, and youth under 14 may not be ordered to pay more than \$250.³⁸ In North Carolina, similarly, a victim has the constitutional right to restitution only "when ordered by the court," and in Georgia, the right is limited to "restitution as provided by law."³⁹

MAP 1: MANDATORY RESTITUTION

“Judges will [] order restitution be paid to victims even when third parties have already paid the bills.”

— Marissa Boyce, Youth Defender, Virginia



2. Mandatory Restitution

a. No Judicial Discretion

Judges in ten states and one territory are *required* to order restitution, at least in certain circumstances.⁴⁰ For example, in Alaska, the court “may not refuse to make an order of restitution” to the victim, although a dispute resolution service may be used to settle disputes regarding the amount of restitution and the manner of payment.⁴¹

Many of the remaining states limit judicial discretion in some way. Some have essentially created a presumption of restitution. In Kansas, courts are generally required to order restitution, but may decline to do so if they find “compelling circumstances that would render a plan of reparation or restitution unworkable.”⁴² Similarly, judges in California may decline to award restitution or reduce the amount if they find “compelling and extraordinary reasons” to do so.⁴³ In Ohio, statutes prohibit restitution for delinquent acts or juvenile traffic offenses that would be a minor misdemeanor if committed by an adult.⁴⁴

b. Limits on Modification

Although judges in some states may modify restitution awards, most statutes place strict parameters on that authority. For example, in Maine, youth may petition for a modification based on “substantial change” in circumstances that would create an “excessive financial hardship on the juvenile or the juvenile’s dependents.”⁴⁵ In Michigan, parents may petition the court to modify their portion of a restitution order if it will cause “manifest hardship.”⁴⁶ These limits on modifying restitution are at odds with the presumption in most juvenile courts that the judge has ongoing supervisory authority over a youth’s disposition with the goal of meeting the youth’s evolving rehabilitative needs.

c. Uncapped Restitution

Most states do not cap restitution, leaving youth at risk of restitution orders into the hundreds of thousands of dollars, with debts following them well into their adulthood.⁴⁷ In fact, only five states and three territories have an upper limit on how much restitution a youth may be ordered to pay based on an act they did as a child. The lowest cap in statute is Wisconsin’s restitution limit of \$250, which only applies to youth under 14.⁴⁸ Other states with caps include New York (\$1,500),⁴⁹ the U.S. Virgin Islands (\$2,000),⁵⁰

and Missouri (\$4,000).⁵¹ Maryland,⁵² Arkansas,⁵³ the District of Columbia,⁵⁴ and Guam⁵⁵ limit restitution to \$10,000, an amount that would make it almost inevitable that the debt will follow young people into adulthood. A number of states actually place a dollar limit on parental liability for restitution, while allowing children to face uncapped restitution liability.⁵⁶

Restitution may not even be capped at a victim's actual loss.⁵⁷ In Pennsylvania, for example, one court held that judges may order youth to pay restitution to a victim who has already been fully compensated for their financial loss, resulting in double compensation.⁵⁸

d. Ability to Pay: An Inadequate Reform

Juvenile justice system restitution statutes generally fail to account for the fact that young people typically have little access to money for restitution payments. In 29 states and one territory, statutes do not require judges to assess whether a young person has the means to pay before setting a restitution amount,⁵⁹ while in California⁶⁰ and the Northern Mariana Islands,⁶¹ laws explicitly prohibit courts from considering a youth's ability to pay when ordering restitution.

Requiring judges to consider a youth's "ability to pay" when ordering restitution does not sufficiently address the problem. Because youth, as a class, do not have the financial resources to pay restitution, lengthy and complex procedures to determine their financial circumstances are often futile. They also heighten existing racial disparities in the juvenile justice system and are applied inconsistently between individual youth as well as from one courtroom to the next.⁶² Ability-to-pay procedures also place a high burden of proof on young people, requiring them to present detailed documentation such as bank or tax statements not commonly in their possession. Often, these determinations take into account parents' earnings, regardless of whether the parent is willing to make the payment, yet the parent's decision not to pay can then have legal consequences for the child.⁶³ Some judges may even base restitution orders on a young person's potential future salary,⁶⁴ saddling them with bills that will follow them into adulthood and depend on earnings that may never come to fruition.

3. Determining Who Pays

Restitution statutes authorize restitution orders to be imposed on individuals who had minimal or no involvement in the activities that led to the harm or loss.

a. Joint-and-Several Liability

Nine states expressly hold young people liable for restitution jointly and severally with co-defendants,⁶⁵ while others have case law authorizing such liability.⁶⁶ Joint-and-several liability holds each young person fully financially responsible for all the harm or loss to a victim, regardless of their role in the harm and even if others were involved in or central to causing the loss. While designed to ensure that victims are fully compensated, this approach undermines the juvenile justice system's priority on responding to the individual circumstances and rehabilitative needs of each young person. In 2019, when Maine passed a comprehensive restitution reform bill, the legislature included a provision specifically prohibiting courts from ordering restitution on a joint and several basis.⁶⁷

b. Parental Liability

Thirty-two states and three territories allow juvenile courts to impose restitution on parents.⁶⁸ While some states limit parental liability either by setting a dollar limit,⁶⁹ permitting liability only when the parent "contributed to the delinquency,"⁷⁰ or requiring a determination of ability to pay,⁷¹ other statutes are more draconian. For example, in Arizona, the juvenile court can order parents to pay restitution and is expressly forbidden from considering a parent's ability to pay.⁷²

Parental liability for restitution is based on the premise that because parents are responsible for their children, they should be responsible for their debts or financial obligations as well. Imposing restitution on parents, however, ignores any connection between the financial obligation and the juvenile court's purported rehabilitative purpose.

Proponents of parental liability have also incorrectly touted the problematic and often racist idea that parents will not take responsibility for their children without financial consequences. Government officials have described that financial obligations “increase[] buy-in” from parents, keep their “skin in the game” and otherwise keep parents engaged with their children.⁷³ There is no basis for this assertion. In fact, as further described in Part C, costs from the justice system leave parents with anxiety, stress, and anger, and can undermine the relationship between parents and children.⁷⁴

4. Defining Third Parties as Victims

While the popular perception of restitution is that it goes directly to individuals who have suffered an actual loss or harm, many states use an expansive definition of victim that includes insurance companies, government agencies, and victim compensation funds. In fourteen states and the District of Columbia, statutes explicitly authorize restitution for third parties.⁷⁵

a. Insurance Companies

Many state statutes allow courts to order payments to reimburse insurance companies when they compensate victims.⁷⁶ The basic business model of an insurance company makes these payments unnecessary. By design, insurance companies receive payments or premiums from their customers in exchange for guaranteeing payments for uncertain future events such as financial loss or physical harm.⁷⁷ Insurance companies pay victims for medical expenses, stolen or damaged property, or other losses related to a juvenile adjudication from collected premiums from their insured pool. Allowing insurance companies to then receive restitution payments from young people with no earning capacity provides double compensation to the insurer. The practice is especially absurd given the astronomical profits that many insurance companies make; for example, in the second quarter of 2021, the five largest American health insurance companies reported more than eleven billion dollars in profits.⁷⁸

Authorizing insurance company restitution payments can motivate the companies to undertake cruel practices and policies to ensure financial compensation. One insurer in Phoenix, for example, forced parents to press charges against their fifteen-year-old son for damaging their car before they would reimburse them for the damage,⁷⁹ despite the obvious emotional damage this approach could cause.

b. Government Agencies

Government agencies may also be compensated through juvenile restitution orders. Colorado, for example, permits the government to receive restitution payments for public investigation costs; costs to clean up, store, or test controlled substances; and even wages for government employees.⁸⁰ In Maryland, the court can order restitution paid to the Maryland Department of Health, the Criminal Injuries Compensation Board, or any other governmental unit.⁸¹ In Alaska, restitution may be paid to public organizations that provide counseling, medical, or shelter services to victims or those injured.⁸² The purpose of government agencies is to provide services to the public; public funds appropriately cover these costs. Defining these as restitution costs improperly uses “victim” terminology for a public entity engaging in its work. It also disproportionately allocates the cost of a public system to Black, Latinx, Indigenous, and other communities of color who are disproportionately and unfairly pulled into the system.

c. Victim Compensation Funds

“People need to understand that children are, per se, indigent. While I understand why the Victims’ Rights laws were enacted, there should be more state assistance in covering losses. For example, the “Victim Rights Fund,” which is supported by a victim fee charged against delinquent youth, exists NOT to assist in paying losses, but rather to publicize the work of the prosecutors in getting restitution awards! On the other hand, a state compensation fund does exist to help victims pay medical costs not covered by insurance, but it is at the prosecutors’ discretion whether to request that assistance and prosecutors can sue children or their guardians for recovery of the funds that were expended.” – Youth Defender, Arizona

With the exception of the Northern Mariana Islands and American Samoa, every state and territory has a statutory victim compensation fund.⁸³ In many states, young people may be required to make restitution payments to such statutory funds, rather than directly paying costs to compensate the victim.⁸⁴ According to researchers, this indirect restitution “severs the link between [youth] and victim, thereby undermining the potential for restorative effects on both.”⁸⁵ Part D provides further detail on how victim compensation funds fall short of providing what victims need. Research shows that requiring young people to pay into general restitution funds also weakens any rehabilitative benefits.⁸⁶ Requiring payments to collective funds conflicts with a primary principle of restorative justice that has been found highly effective in repairing harm—the link between the victim and the justice-involved youth.⁸⁷ When the system severs links between youth and victims, restitution becomes solely retributive and punitive.⁸⁸

5. Consequences of Nonpayment

As described throughout, young people typically lack the funds or access to funds to make restitution payments. When they cannot pay, they face significant legal consequences.

a. Incarceration or Placement

In 35 states and three territories, young people risk incarceration for not paying restitution.⁸⁹ In New Hampshire, youth may be prosecuted for contempt if they do not pay restitution in full by their 18th birthday.⁹⁰ In Ohio, the court may revoke a child’s suspended sentence for nonpayment of restitution.⁹¹ Still other states permit probation departments to revoke a youth’s probation for nonpayment.⁹² While some states limit probation revocation to cases of “willful” nonpayment,⁹³ to older children,⁹⁴ or to a limited period of incarceration,⁹⁵ even these statutes place youth at risk of being pulled from their families and locked up simply because they have not made a payment. Just a few states—Arizona, North Dakota, South Dakota, and Utah— explicitly prohibit such incarceration.⁹⁶

b. Extended Probation and Court Cases

In 23 states and five territories, statutes permit extending probation for unpaid restitution.⁹⁷ In many of these states, restitution is a condition of probation, and nonpayment can result in extended probation.⁹⁸ Extended probation can then lead to higher costs for the young person in additional “supervision fees” for time on probation and costs for probation programming, drug testing, or other probation requirements. In South Carolina, these fees may be as high as \$120 per month.⁹⁹

Even without extended probation, a young person’s court case may be extended, requiring ongoing court appearances. The most striking example of this is Washington, in which the juvenile court may retain jurisdiction over a youth up to age 28 for the purposes of restitution, with the possibility of an additional ten-year extension of a restitution judgment for collections if deemed necessary.¹⁰⁰

c. Barriers to Sealing and Expunging Records

In 11 states,¹⁰¹ including Maryland, Montana, Oklahoma, and Vermont, young people cannot seal or expunge their records until all restitution is paid off. In an additional 11 states and the U.S. Virgin Islands, restitution may indirectly prevent or delay record-clearing by extending the underlying court case or probation.¹⁰² In ten states and two territories, restitution is not an absolute barrier to record sealing or expungement, but statutes leave space for judges to consider unpaid restitution in deciding whether to grant a youth’s request to clear their record.¹⁰³ For example, in Georgia, a youth must prove they have been rehabilitated to the court’s satisfaction in order to seal their case, and in Indiana, a judge may consider a youth’s disposition (which may include

“The restitution becomes a barrier to treatment because the child remains supervised until restitution is paid, making it more likely they will violate probation or pick up a new charge.”

*—Youth Defender,
Florida*

“Even though we got our freedom back and are home, we still feel like we have a weighted blanket over us. We’re free but not really free.”

– Adrian Vela, Underground GRIT

restitution) in evaluating an expungement petition.¹⁰⁴ Finally, in at least two states, Iowa and Nevada, certain information related to unpaid restitution is excluded from youth record-sealing.¹⁰⁵

d. Civil Judgment

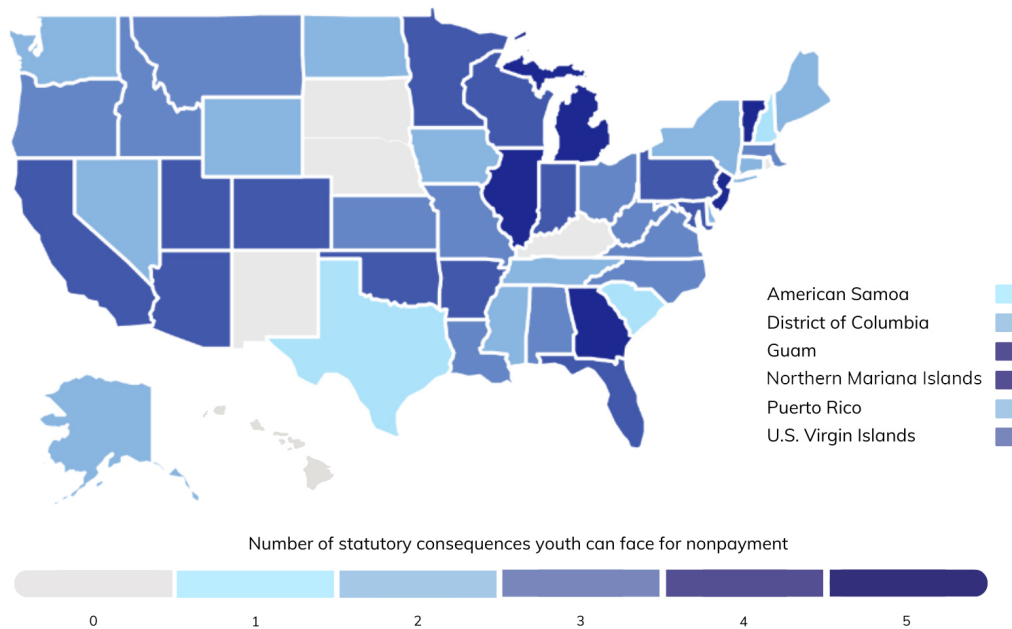
Twenty-eight states and three territories allow or require unpaid restitution to be converted into civil judgments.¹⁰⁶ In some states, like Nevada, the law stipulates that restitution may not be converted to a civil judgment until after a child reaches the age of 18.¹⁰⁷ While converting restitution orders to civil judgments does allow the juvenile court to close out cases, it also subjects young people to debt that follows them into adulthood. (See additional information about the harms of civil judgment in Part C.)¹⁰⁸

e. Mounting Interest and Fees

Twenty-eight states and three territories permit interest to be charged on unpaid restitution orders,¹⁰⁹ and only New Hampshire explicitly prohibits it.¹¹⁰ This means that youth who lack the financial resources to pay off their full restitution order immediately face harsher consequences—likely resulting in those youth with the least wealth paying the most in restitution over time. Some states, including Arizona, Idaho, and Oklahoma, specifically permit interest to accrue on restitution orders,¹¹¹ while others have generally applicable interest statutes that apply to all civil judgments that result in a similar consequence.¹¹² In Idaho, interest begins to accrue on the date the economic loss or injury takes place,¹¹³ which can mean that children owe large amounts of interest by the time they receive their court disposition.¹¹⁴ In Arizona, juvenile restitution orders accrue interest at a rate of 10% per year.¹¹⁵ In addition to interest, youth may be ordered to pay additional fees like collection costs, attorney’s fees for collections, administrative fees, and surcharges.¹¹⁶

MAP 2: STATUTORY CONSEQUENCES*

*Note: Some consequences are unclear in statute. If a consequence was not clearly outlined in statute, either as a direct or indirect result of unpaid restitution, it is not included in this map.



PART C – RESTITUTION’S IMPACT ON YOUTH, VICTIMS, AND COMMUNITIES

Restitution is not working for youth; not working for victims; and not working for community equality and safety. Youth, especially those involved in the juvenile justice system, do not have the money to pay off their restitution orders, leaving them in worse situations than when they began their court case, while victims do not receive timely or complete compensation. As young people involved in the juvenile justice system and victims are often from the same communities, the negative impacts reverberate throughout their communities as well, exacerbating racial and economic disparities and undermining public safety.

1. Impact on Youth and Families

The impact of imposing mounting debt on youth with little or no means of payment is predictable and devastating. Put simply, restitution makes it harder for youth to succeed. As described in section 3.a., the impact falls most heavily on Black, Latinx, Indigenous youth and other youth of color and their families and communities, heightening racial and economic disparities in the juvenile system and the community. Restitution orders substantially harm both youth and their families, forcing families to choose between paying for necessities and paying the court, straining relationships between youth and their parents and siblings, and providing an incentive for behaviors, such as crime, that appear to the youth to solve financial problems in the short term but ultimately add harm and costs to their family in the long run.¹¹⁷

Children, as a class, are generally unable to pay restitution.¹¹⁸ In many states, youth involved in the justice system are not legally old enough to work, or to work enough hours to pay off restitution orders.¹¹⁹ Research also shows that young people, Black and Latinx people, and poor communities were especially hard-hit by the COVID-19 pandemic, with low-wage workers experiencing the greatest increase in unemployment.¹²⁰ Although the job market has rebounded in 2022, not all youth have benefited equally: Bureau of Justice statistics showed that Black youth ages 16 to 24 had an unemployment rate more than twice that of white youth in March 2022 (15.4% versus 7%).¹²¹

Youth who do find jobs frequently struggle to maintain their grades and school attendance while working, sometimes leading to dropout¹²²—a prospect exacerbated by the profound educational loss young people experienced during the COVID-19 pandemic,¹²³ as well as the traumatic impact of long-term social disruption.¹²⁴ Research confirms that connections with school and extracurricular activities will benefit young people and their communities more in the long run.¹²⁵ Youth from families with low income who were already working often need to use their paychecks to contribute to household expenses, not pay the court.¹²⁶ The hours required to pay off restitution also interfere with positive family relationships, for example by preventing young people from being present for their siblings.¹²⁷

When young people cannot pay restitution, parents and other family members often end up footing the bill,¹²⁸ even in jurisdictions where a parent may not be directly liable for restitution payments. To avoid the harsh consequences of not paying restitution—like incarceration of a child—families will forego paying rent or other bills or buying groceries.¹²⁹ For families already experiencing financial hardship, this added financial burden can harm their ability to provide for their family’s basic needs,¹³⁰ and the conflict about whether or not to divert paychecks to the court for restitution can impact family relationships and dynamics.¹³¹ Justice-involved youth described fights with their parents about finances as well as the toll their justice involvement takes on their families.¹³²

“It’s absolutely ludicrous that restitution is ordered at all. I have had children as young as 14 ordered to pay restitution, when there is no way whatsoever that they can actually work to pay back that money.”

**– Marissa Boyce,
Youth Defender,
Virginia**

“It felt like I was trying to make it as an adult when I never got to be a kid. Children deserve to be children.”

**—Tyler Williams,
Progeny**

Restitution payments cause increased stress and anxiety, frustration with or anger at the court and justice system, and tension between parents, youth, and other family members.¹³³ For many, restitution does not provide a meaningful opportunity for restoration, but is merely one more of the many frustrating and confusing experiences youth and families have within the justice system.¹³⁴ Youth often cite a lack of transparency around restitution and the progress of their payments as particularly problematic.¹³⁵

Unpaid restitution also results in significant long-term financial consequences for young people, including the interest and fees that compound their restitution debts. The debt may also be garnished directly from bank accounts, wages, or tax refunds the young person relies on for basic subsistence, further pushing them into financial instability.¹³⁶ These practices harm youth in the community as well as those who are incarcerated. One particularly cruel practice is garnishment of youths’ commissary accounts while they are incarcerated or in secure out-of-home placements. Parents and other family members deposit money into their children’s account, supplementing the meager amounts earned by youth in facility jobs. Youth can then use those funds to buy food, hygiene items like tampons, or phone calls and emails to stay in touch with friends and family at home.¹³⁷ But in some states, if a young person owes restitution, the state will take a percentage of that hard-earned money, leaving the youth without access to these basic humane essentials.¹³⁸

Court debt converted to civil judgments creates additional barriers to success, interfering with a young person’s job opportunities, access to student loans, housing options, car loans, healthcare, and even basic utilities, which are increasingly sold and priced based on credit history.¹³⁹ Restitution debt may outlive statutes of limitation applicable to other types of debt¹⁴⁰ and may even survive bankruptcy, depending on the state.¹⁴¹

Compounding the unfairness, civil judgments from restitution are court records and thus may be searchable by the public.¹⁴² This means a child from a well-off family who can easily pay off restitution gets a clean slate as they leave the system, while a child from a poor family is stuck with a record of juvenile justice involvement for no reason other than poverty.

As discussed in Part B, a restitution order can also mean deeper penetration into the justice system if a youth or their family members are unable to pay.¹⁴³ This can have lasting negative effects. Incarcerating young people for nonpayment, for example, interrupts their education, makes it difficult to find work, increases the likelihood of recidivism, exacerbates mental health problems, and exposes them to violence and sexual abuse.¹⁴⁴ These conditions make it more likely that children will engage in suicide and self-harm,¹⁴⁵ and put them at risk of long-term negative health consequences.¹⁴⁶ Extending probation for nonpayment can also lead to subsequent harms: young people may miss school or be punished for “technical violations” like not meeting curfew or missing a drug test,¹⁴⁷ and parents may miss work to bring their children to probation hearings.

Unpaid restitution that prevents sealing or expungement of a youth’s record also subjects youth to myriad consequences that may follow them throughout their lifetime, including negative impacts on employment and education,¹⁴⁸ loss of access to financial aid and public housing, revocation of driver’s licenses, and inability to become a foster parent or adopt a child.¹⁴⁹

Many states have created community service options for youth unable to pay. Unfortunately, these have the problematic impact of keeping young people with less access to wealth under court supervision longer. Community service as an “alternative” to restitution is common. Thirty-two states and five territories have statutes authorizing community service or a work program in lieu of restitution.¹⁵⁰ Community service is often broadly defined and not tailored to youth’s enrichment needs or community connections, with the result that children too poor to pay may end up working off restitution via hours of labor picking up trash on the side of the road.¹⁵¹ These programs are structured differently in different states. Some states, local jurisdictions, or private organizations create a fund and pay the victim directly for the number of community service or work hours a young person completes.¹⁵² This work may be for a nonprofit organization or directly for the government, as in the litter example.¹⁵³ In other states, the court or probation runs a work crew in which the youth is ordered to work for a for-profit company, and the company pays the court for the youth’s time. These wages are then credited toward the youth’s restitution debt.¹⁵⁴ This approach often leads to much longer court involvement for poor youth because of low rates of compensation for work or service. In Missouri, for example, the court may order a child to work for compensation “not to exceed minimum wage” at a community service work site or for a private employer in order to pay off restitution.¹⁵⁵

Finally, some states authorize restitution by way of personal service to the victim,¹⁵⁶ or give the victim a role in approving community service.¹⁵⁷ However, there may be risks associated with placing a youth under direct control of a victim, rather than under the supervision of a court which legally must consider the youth’s best interests and rehabilitation.

2. Impact on Victims

The promise of restitution is that victims will be made whole in a timely manner for any losses incurred because of the criminal or delinquent behavior of others. Restitution in the juvenile justice system, however, fails to deliver on that promise. Because the burden of victim compensation rests on youth and families who struggle to pay, victims often do not receive meaningful, timely, or complete restoration.

Policymakers typically conceptualize victims as a distinct and separate group from youth involved in the justice system, setting them at odds when developing and operating restitution programs.¹⁵⁸ This dichotomy does not always reflect reality. In fact, victims and youth involved in the justice system often live in the same community and may even be family,¹⁵⁹ and studies show that poor people, young people, and people of color are more likely to be victims of crime than other groups.¹⁶⁰ While these connections can create complex situations and relationships, they can also shape opportunities for reform.¹⁶¹

Victims also represent a diverse set of perspectives with unique needs and desires regarding reparation of harm they experienced. In an evaluation of victim-offender conferencing in Hawai’i, where victims were given the opportunity to have a voice in deciding what reparations would meet their needs, three out of every four victims sought solely symbolic reparations (e.g., an apology) or a service (e.g., counseling) for the justice-involved youth.¹⁶² Only 7% of the engaged victims asked that the justice-involved youth pay monetary restitution.¹⁶³ This is consistent with other research highlighting that most victims interviewed understand that youth cannot pay and, therefore, do not usually view monetary restitution as the highest priority—instead, they want youth to focus on their rehabilitation and take responsibility for their actions.¹⁶⁴

“When I was in prison and owed restitution, money was taken out from my commissary account that my family put in. Out of \$100 they put in, I only would get \$42. Stuff is not cheap when you are locked up so every dollar mattered.”

— Adrian Gonzalez, Underground GRIT

In any case, juvenile restitution is largely unsuccessful at meeting victims' material needs because of low collection rates and delayed payments. Although data is limited, most restitution orders are not collected either in part or in full, leading to low rates of payment disbursement to victims.¹⁶⁵ In 2017, the Alabama Juvenile Justice Task Force found that just "15 percent of restitution [is] eventually collected by the court" in juvenile matters.¹⁶⁶ From 2012 to 2015 in Idaho, restitution collection in juvenile cases averaged just 28.25% of what had been ordered.¹⁶⁷ Iowa's data on adult restitution shows a similarly low rate, with only 17% of restitution paid eight years after it was ordered.¹⁶⁸ According to North Dakota's 2020 Juvenile Court Annual Report, "[r]estitution collection from youth is challenging with young people as some cannot work due to age or placement out of the home. In some cases, victims elect to pursue a civil action against parents as a more viable means of being repaid for losses."¹⁶⁹ Moreover, the cost to states in running these unsuccessful restitution programs may be substantial.¹⁷⁰

Studies of victims' experiences reinforce these concerns. One study found that nearly 77% of assessed restitution goes unpaid to victims,¹⁷¹ and another found that only 33% of crime victims were satisfied with the amount of restitution they received.¹⁷² In a recent series of interviews, some victims who were to receive monetary restitution shared that they were frustrated by limits set on how much restitution could be ordered, as those limits often fell below the full amount of their expenses.¹⁷³

Other studies have found that even when restitution orders are paid in full, the process can take many years.¹⁷⁴ One study found only 37% of crime victims were satisfied with the timeliness of restitution payments.¹⁷⁵ Only one state, Utah, regularly publishes data on the timeliness of collections from youth in juvenile cases, though it is not broken down by type of financial obligation. As of Q1 FY2021 in Utah, 26.5% (\$155,352.58) of the total fines, fees and restitution owed by youth to the juvenile court had been outstanding for more than one year, and 10.9% (\$64,193.34) had been outstanding for more than three years.¹⁷⁶

3. Impact on Communities

a. Heightened Racial and Economic Disparities

Restitution obligations land especially heavily on Black, Latinx, and Indigenous youth who are most targeted by racist policing, prosecution, and punishment systems and their families. At the same time, courts often impose restitution without regard for a youth's ability to pay, and then punish youth who do not and often cannot comply.¹⁷⁷ Together, these practices result in youth of color owing more system-related debt than white youth¹⁷⁸ and youth from lower socioeconomic backgrounds pushed deeper into the juvenile justice system.¹⁷⁹ These practices heighten social and economic disparities not only within the justice system but also within the community at large.

Black, Latinx, and Indigenous youth are overrepresented at all stages of the juvenile justice system and tend to receive harsher dispositions regardless of conduct.¹⁸⁰ This means they are more likely than white youth to be ordered to pay restitution in juvenile court. In 2019, for example, Black youth made up just 15% of youth in the United States, yet they accounted for 35% of cases referred to juvenile court, 40% of youth detained, 40% of case petitions, 37% of adjudicated cases, 35% of adjudicated cases resulting in probation, and 43% of adjudicated cases resulting in placement.¹⁸¹

Indigenous and Latinx youth are also treated more harshly in the juvenile system. In 2019, Indigenous youth were detained at a rate 4.1 times that of white youth, and Latinx youth at a rate 1.9 times that of white youth.¹⁸² Post-adjudication, these disparities continue: adjudicated Indigenous youth were 3.3 times as likely as white youth to be sent to residential placement (excluding tribal facilities), while Latinx youth were 1.3 times as likely.¹⁸³

Youth of color are also likely to have it worse when it comes to restitution. One study found that Black youth who have been ordered to pay restitution are more likely to still owe restitution—and owe more restitution—upon case closing than their white counterparts.¹⁸⁴

Though research specific to race and juvenile restitution is limited,¹⁸⁵ studies on related issues shed light on the topic. For instance, a study of over 3,000 cases in Washington found that Hispanic defendants were assessed significantly higher fines, fees, and restitution than white defendants after controlling for legal factors like offense.¹⁸⁶ Data from Iowa showed that in 2017, the average restitution amount imposed was \$6,063 for Hispanic defendants, \$3,446 for Black defendants, and \$2,721 for white defendants, though this data does not control for offense or any other factor.¹⁸⁷ That report found that Black defendants had the highest median amounts imposed between 2010 and 2017, and the lowest collection rate.¹⁸⁸ A study of Philadelphia courts between 1994 and 2000 found that restitution was significantly more likely to be ordered where the victim was white.¹⁸⁹

Black youth, in particular, are also often viewed as older or more culpable for their actions than white children, depriving them of the presumption of childhood innocence.¹⁹⁰ This phenomenon of “adultification” of Black and Latinx children in particular has been documented in research. A 2014 study found that participants overestimated the age of Black boys who were described as “felony suspects” by an average of 4.53 years, compared to only about 2.5 years for white and Latino boys. Black children were perceived as legal adults by about age 13-and-a-half.¹⁹¹ Participants perceived Black children as most culpable for their actions; and white children as least culpable.¹⁹² The study was replicated with police officer participants with strikingly similar results.¹⁹³

A 2017 study found, similarly, that Black girls were perceived as needing less nurturing, protection, support, and comfort than white girls of the same age, and as being more independent and knowing more about adult topics like sex.¹⁹⁴ The authors observed that adultification is a form of dehumanization that “contributes to a false narrative that Black youths’ transgressions are intentional and malicious, instead of the result of immature decision-making.”¹⁹⁵

Because restitution is driven by the idea of youth accountability for harm, these cognitive biases likely increase the likelihood that judges or prosecutors may demand children of color pay restitution at a higher rate than white children. They may also impose restitution on Black youth at younger ages, as has been documented in Hennepin County, Minnesota,¹⁹⁶ imposing financial obligations on youth who then face even greater obstacles to employment because of their young age.

This approach to restitution emerges from and reinforces deep social and economic disparities in the community. Centuries of enslavement, genocide, and discrimination have meant that Black, Brown, and Indigenous youth tend to be from poorer backgrounds than white youth,¹⁹⁷ exposing them more frequently to the harsh consequences of nonpayment. Young adults of color in particular are significantly more likely than the national average to be living in poverty: one in five Black and Indigenous young people in the United States are in poverty, compared to one in six Hispanic young adults and one in nine white young adults.¹⁹⁸ The pandemic has led these young people to experience brutal unemployment rates, topping out at 53% for Hispanic young adults in 2020.¹⁹⁹ The negative impact of restitution, in turn, makes it even more difficult for youth to reach financial stability,²⁰⁰ and pulls yet more resources from communities of color.

“Children of color are perceived as less honest when contesting restitution. Disparities in policing and diversion also funnel more children of color into the court system where they are subject to restitution.

“Children of color may be kicked out of the community service work program for the same behaviors that are perceived as less threatening from white youth.”

**— Katherine Badrick,
Youth Defender,
Arizona**

Youth in the child welfare system may have an especially difficult time paying due to a disconnect from familial resources. As one youth defender said, “Children in the child welfare system have very limited ability to pay restitution. They have no family to help pay, and they are often in restrictive placements where they cannot work. If they can work, they usually have pressing money needs already for necessities like clothing and hygiene items and saving money for when they become 18.”

– Katherine Badrick, Youth Defender, Arizona

Meanwhile, youth from more affluent backgrounds will often rely on familial financial support to pay their restitution orders, allowing them to complete this requirement quickly without further repercussions.²⁰¹

b. Undermining Public Safety

Criminology research shows that simply owing fines, fees, and restitution leads directly to heightened recidivism rates for youth. A 2016 study of over 1,000 juvenile cases found that youth who had restitution imposed were more likely to be adjudicated for a new offense than youth who did not, even when controlling for age, race, gender, and type of offense.²⁰² The more they owed, the greater the increase in recidivism.²⁰³ Similarly, a 2018 study found that court debt, including restitution, actually drives people to commit further offenses to gain money and pay off this debt.²⁰⁴

This impact on public safety is unsurprising, given the myriad ways restitution debt destabilizes youth’s lives and forecloses opportunities for employment and education. Placing children and families in financially impossible situations is counterproductive for youth wellbeing, family stability, and community safety.

PART D – REIMAGINING RESTITUTION

Reimagining restitution for youth requires looking beyond the current system to identify effective, and developmentally and culturally appropriate forms of restorative justice that repair rather than create harm. How do we stop restitution-related harms to youth and communities, and at the same time meet both victims' material and emotional needs and a community's need for repaired trust?

Pilot programs throughout the country, as well as youth, advocates, and developmental researchers, are taking on this question. Over 80 individuals gathered at the Reimagining Restitution for Youth Convening in November 2021 to share their experiences and envision new approaches to youth restitution. Based on our research as well as the input of these researchers and advocates in the field, we identified five major principles to guide future restitution reforms.

This Part describes each of these themes in more detail, identifies positive emerging practices, and flags possible problem areas with restitution reforms. Our work in this area is preliminary; more discussions, research, and pilot programs are needed to fully reimagine restitution for youth.

1. Alternatives to Restitution Should Prevent and Limit Justice System Involvement.

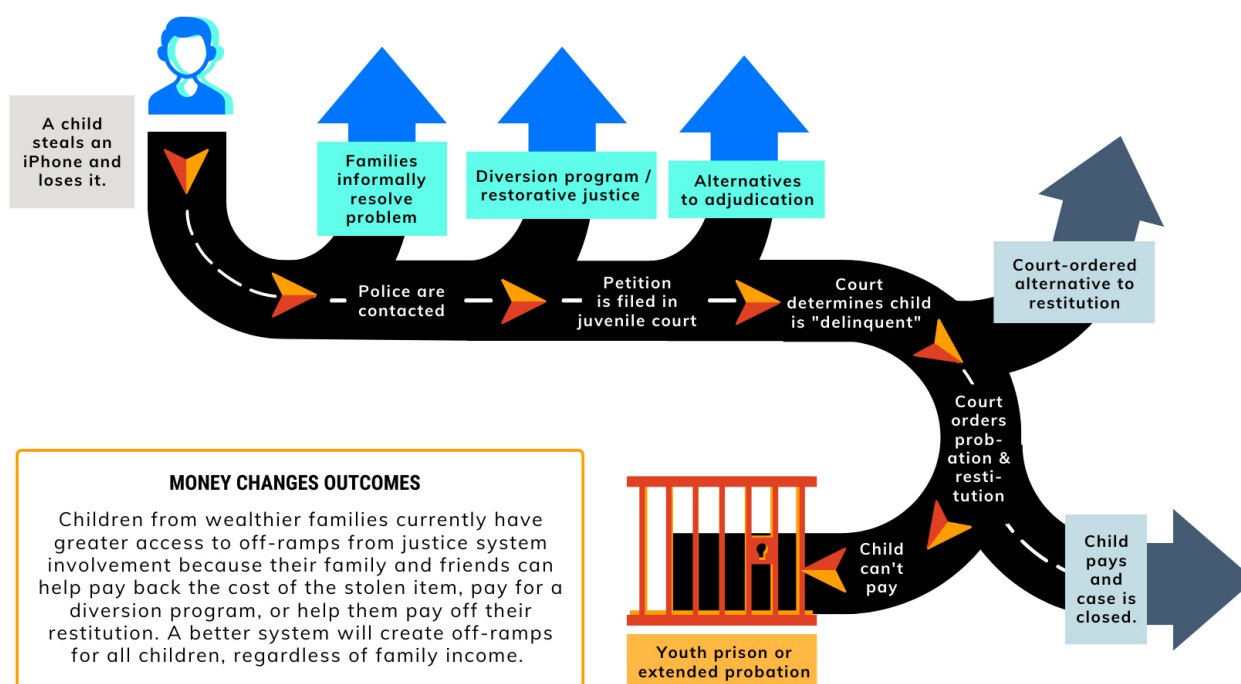
As described in Part C, involvement in the juvenile justice system risks causing harm to youth, families, and communities. Rethinking restitution creates opportunities to circumvent the system entirely and replace justice system involvement with community-based restorative programs with better outcomes.

There is no reason to make the juvenile justice system the default intervention for young people, or even young people who have caused harm.

“We must create space for young people who have lived experience in these systems. We have to give them space in every room where decisions are being made for our futures.”

– Jazmine Rogers, Progeny

ALTERNATIVES TO RESTITUTION CREATE OFF-RAMPS FROM THE JUSTICE SYSTEM



First, communities can prevent harm. Young people do better when they have access to positive activities and adequate economic resources—yet youth are often denied access to resources unless they are brought into the system. To prioritize community safety, states should invest in education, extracurricular programs and activities, and social safety nets like food stamps, rental assistance, and health care. Bringing families out of poverty and ensuring youth have a space for structured and positive activity will go a long way toward preventing harm.

Moreover, communities already regularly repair harm themselves in ways that meet the needs of all parties, especially when they have access to adequate resources. People solve problems in families, in schools, in churches, mosques and synagogues, and in community centers—all without relying on police or the justice system. This approach also centers important priorities often left out of restitution, like rebuilding community trust and strengthening and repairing relationships. Too often, the justice system undermines these important community-based approaches. Indeed, a single childhood arrest reduces a child’s likelihood of graduating from high school and enrolling in college and is correlated with lower adult wages.²⁰⁵

To the extent that states wish to further invest in community problem-solving, they can support programs like the Wodakota Program, funded and run by the Spirit Lake Tribal Court, which conducted peacemaking circles and worked with first-time youth involved in the justice system before an arrest or law enforcement involvement of any kind. Similarly, school-based restorative justice programs show great promise for reducing system involvement and addressing harm in productive ways that benefit all involved parties. A pilot program in West Oakland, for example, showed an 87% reduction in suspensions when the school replaced its “zero-tolerance” program with a restorative justice approach.²⁰⁶

Even after police or prosecution are involved, effective diversion programs can prevent further court involvement. A youth may be referred to one of these programs either by the police before booking, by the prosecutor before charges are filed, or by a probation officer at intake. Restorative Community Pathways, an initiative that began out of a collaboration between CHOOSE 180, Creative Justice, Community Passageways, and Collective Justice in King County, Washington, for example, provides a pretrial diversion restorative justice option for youth before they enter the juvenile justice system, focused on healing rather than punishment.²⁰⁷ The program sets forth guiding principles that create a bold alternative to the current system as a post-arrest diversion intervention, including: (1) center and focus on restoration and healing, not punishment; (2) center and resource those who are most impacted in building and implementing the program, including both people who have been harmed and those with criminal legal experience; (3) break down the “victim-perpetrator” dichotomy, in recognition of the fact that many victims and youth come from the same communities and have often both experienced significant harm;²⁰⁸ and (4) divest from the current criminal legal system and invest resources in community. In its first year, the program reduced the number of youth entering the juvenile justice system in King County by 40%.²⁰⁹ The restorative justice program in Alameda County similarly reduced criminalization by diverting 102 youth away from the justice system before the prosecutor filed charges in juvenile court, although the program is limited by a provision that gives the prosecutor complete discretion to divert or not divert an individual youth.²¹⁰

Raphah Institute, in Nashville, Tennessee, leads a pre-charge restorative justice diversion initiative, working with felony cases in the juvenile justice system. In certain predetermined cases instead of the district attorney filing a petition, the case is diverted to Raphah Institute. Raphah works with both the person who has been harmed and the youth responsible for the harm. They explore with the youth what it looks like to account for the harm they caused and with the person harmed what healing and justice looks like for them. Then the participants meet in a community restoration conference, supported by restorative justice facilitators to talk about the harm, its impact, and what meaningful repair looks like. Once the repair agreement is complete, the case is resolved and no charges are ever filed. From July 2018 through December 2021, 45 youth completed the process with only 2 youth

(4%) convicted on a new charge. Nearly 90% of the persons harmed who complete the initiative express satisfaction with the process and its outcomes.

Finally, even once a petition has been filed in juvenile court, the court may use post-charge diversion, deferred adjudication, or other similar mechanisms to create opportunities for youth to avoid deeper system involvement. Several county-specific programs in California provide diversion opportunities for youth under a deferred entry of judgment model, including the Restorative Resources teen program in Sonoma and Community Justice Conferencing in Fresno.²¹¹ Youth who successfully complete the requirements will avoid having a formal adjudication as well as the negative consequences of a juvenile record.

2. Responses to Youth Should Not Rely on Financial Sanctions.

Restitution is intended to impress upon a young person the seriousness of the harm caused, and to give the young person an opportunity to repair the harm to both the individual victim and to their community. As described throughout this report, restitution fails to accomplish these goals.

Alternatives, whether outside of the juvenile justice system or within, should focus on what youth need for development, and as described below, separately address the economic needs of victims.

To the extent that restitution takes place within the juvenile justice system, the fundamental purpose of that system is to treat children like children, not adults. Youth in this system are entitled to rehabilitation, competency development, and support.²¹² A number of jurisdictions make clear in statute or case law that the goal of juvenile restitution is not victim restoration, but youth rehabilitation.²¹³

The approach to restitution in the Manhattan Family Court in New York City has proven that juvenile courts need not rely on economic sanctions. Although state statute authorizes judges to order restitution of up to \$1,500,²¹⁴ Manhattan judges, youth attorneys and advocates, and prosecuting attorneys recognized the inherent problems in imposing restitution on youth with no ability to pay and developed an alternative.

Instead of financial restitution, Manhattan youth participate in diversion programs. According to the Law Department, the prosecuting entity in juvenile court, it recommends diversion programs based on the individual needs of the youth, including mental health, and incorporates positive influences from the community and peers.²¹⁵ These programs incorporate restorative justice, community service or work programs, and therapeutic options.²¹⁶

With these programs in place, Manhattan Family Court had only 11 cases with restitution orders from May 2018 to October 2019.²¹⁷ Even when restitution is ordered the amount is nominal, typically not approaching the state's \$1,500 maximum.²¹⁸ These programs have allowed Manhattan Family Court, serving a borough of 1.6 million people, to abandon monetary restitution almost entirely.

3. Victims' Financial Needs Would Be Better Met by Expanded Compensation Funds, Separated From Youth Financial Obligations.

Eliminating financial restitution for youth should not mean leaving victims without compensation. Many victims come from the same poor communities as the youth ordered to pay, and badly need compensation for losses.²¹⁹ Rather, states should ensure the immediate material needs of victims are met, without seeking reimbursement from youth who cannot pay.

“Restitution should be eliminated from all juvenile cases. We passed legislation recently that significantly curtailed the frequency and the amount of restitution in delinquency proceedings. We need to revisit this legislation to take it a step further.”

**—Youth Defender,
Maine**

One effective model would expand existing restitution funds for victims harmed by juvenile offenses. Giving victims direct access to compensation funds, separately from the proceedings of a juvenile case, has many potential benefits: faster compensation,²²⁰ fewer administrative burdens of collection,²²¹ and less burden on the victim themselves to participate in a juvenile case. It also would ensure compensation for victims of crimes without an identified perpetrator, or where a victim experienced harm but did not want the justice system involved.²²²

Victim compensation funds, called “VOCA funds,” already exist in almost every state and territory.²²³ The federal Victims of Crime Act of 1984 (“VOCA”) established ongoing grants to the states and territories to operate compensation programs, funded by criminal fines, bail forfeitures, penalties, and, more recently, funds from deferred prosecution and non-prosecution agreements.²²⁴ These funds, however, are strictly limited by statute: they typically only reimburse victims of violent crime for economic losses resulting from physical injury or death.²²⁵ The Department of Justice estimated that violent offenses made up only 6.3% of arrests of children in 2019, the most recent year for which data is available.²²⁶ State statute may also require victims to report the crime to the police within a time frame as short as 72 hours and cooperate fully with the prosecution in order to receive compensation.²²⁷ Some VOCA funds, including in California, Iowa, Delaware, Florida, and the U.S. Virgin Islands, also require a youth to reimburse the fund for any expenditures it makes to victims.²²⁸

The federal VOCA statute should be amended to encompass reimbursement of all victims and types of losses in juvenile cases, including for property crimes and a broader range of economic losses, and to prohibit states from seeking reimbursement in juvenile cases. This amendment would acknowledge the reality that children cannot pay restitution and victims should not be asked to rely on children as a source of compensation. The funding exists; the federal VOCA Fund had a balance of nearly \$2.9 billion as of February 2022,²²⁹ yet paid out just \$400 million in compensation to victims in 2019, the most recent dates for which this data is available.²³⁰

In response to current VOCA restrictions, some states, counties, and individual district attorneys’ offices have expanded their compensation funds to cover a wider range of losses and offenses. Arizona,²³¹ Idaho,²³² Iowa,²³³ Louisiana,²³⁴ Nevada,²³⁵ and Pennsylvania²³⁶ all have statutes authorizing juvenile case-specific compensation funds that cover a broader range of losses than their VOCA funds. Only Louisiana has explicit charge-based restrictions in statute, limiting this compensation to felony-level offenses;²³⁷ the others seem to permit compensation regardless of offense or type of injury, with Iowa permitting restitution to all victims of “delinquent acts”²³⁸ and Nevada permitting restitution to any “victim of an unlawful act committed by a child.”²³⁹ More research is needed to determine whether these statutes result in broad repayment meeting the needs of victims in these states.

Other states could build on these models and establish juvenile-specific victim compensation funds without limits on the types of offense and harm covered. An ideal fund would automatically compensate a victim following a judicial determination of the amount of damage and would be funded via general appropriations and would not seek repayment from the youth through a fine, fee, or restitution order. These funds would thus decouple the victim’s compensation from the rehabilitative disposition for the youth, ensuring a victim’s needs are met and a youth’s disposition is appropriate and not dependent on ability to pay.²⁴⁰

Private organizations have also created funds to pay off youth restitution and fill this gap. The Antonia J. Daley Foundation in Maine and the Shift Fund in Pennsylvania, for example, pay off juvenile justice fines, fees, and restitution to support youth who otherwise would not be able to move on from system involvement.²⁴¹ These are good models to help alleviate the burden while states work toward more sustainable policies.

Restorative justice programs, too, can separate financial obligations from youth accountability. The Restorative Community Pathways program described above, for example, operates a restitution

fund to ensure that people who have experienced harm can get financial support from the fund immediately and provides victim services such as counseling. At the heart of this approach is a commitment to breaking down the “victim-perpetrator” dichotomy in recognition that the young person and the individual harmed often come from the same community.²⁴²

Finally, even in states without comprehensive victim compensation funds, victims can obtain compensation from insurers or even sue the young person and their family in civil court—a process which at least has the advantage of not exposing a youth or family to criminal consequences for being poor.

4. States Should Rely On Alternative Interventions That Effectively Address Harm.

Alternative interventions can provide what youth restitution falsely promises: a meaningful opportunity to make amends, restore trust, and prevent future harm. By dealing with victim financial compensation separately, juvenile courts and youth organizations can focus on developing an individualized plan for restoration based on each case. A recent study found that youth and families generally had positive perspectives on alternatives to restitution, including community service, letters of apology, and restorative options such as victim-offender mediation. However, they stressed that these alternatives must be voluntary and timely for them to be effective in teaching accountability.²⁴³ As described further below, these alternatives can be provided outside of the justice system, and without overly burdening youth, families, or victims.²⁴⁴

a. Restorative Justice

Restorative justice programs show particular promise as alternatives to restitution. Restorative justice is a process through which all “parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.”²⁴⁵ Important tenets of restorative justice include accountability, “equalizing power dynamics between parties, increasing transparency in the process, and considering all people’s voices.”²⁴⁶ In the words of one organization that runs a restorative justice program for youth, “While the traditional justice system looks to punish “offenders” by asking: *What laws have been broken? Who did it? What do they deserve?* Restorative justice looks at the needs created by the harmful offense and asks: *Who has been harmed? What are their needs? Whose obligations are these?*”²⁴⁷

Pilot programs around the country have shown that restorative justice can result in better outcomes for youth and victims. A restorative justice pilot program launched in Alameda County in 2008, for example, provided an organized, facilitated dialogue between a youth and victim to create a plan for repair, sometimes including other community members, family members, and other stakeholders.²⁴⁸ The plan may include writing a paper, sharing the youth’s experience of being arrested, participating in afterschool activities or household chores, or experiencing a day in the life of the person harmed.²⁴⁹ The prosecutor, who has the discretion to refer or deny youth access to the program, then dismisses the case after the youth has completed the plan. The pilot reduced criminalization by diverting youth away from the justice system, reduced recidivism within one year by 44% compared to a control group and reduced the cost to courts by over three-fourths compared to a year of probation.²⁵⁰ Participants also had overwhelmingly positive responses to the program, with 91% of victims and 93% of youth reporting they would recommend the program, and 75% of youth reporting a positive impact on their family relationships.²⁵¹

These programs can separate victim compensation from youth responsibility to pay, as described above. Moreover, even without separate funding streams, these programs often create opportunities for youth to respond through age-appropriate approaches that don’t rely on monetary obligations. In many programs, for example, youth are not required to pay monetary sanctions if the victim feels satisfied with an apology or other restorative action. And one study found that three out of four victims involved in a restorative justice process sought only symbolic reparations, such as an apology or engaging in services like counseling.²⁵²

Some statutes already incorporate restorative justice as either a concrete dispositional alternative or as a value the government seeks in juvenile proceedings. Tennessee law, for example, requires courts to “identify whether a restorative justice program addressing loss resulting from a delinquent act is available and may be utilized appropriately in the place of financial restitution,”²⁵³ and in Vermont, courts may “refer the manner of performance” of an ordered restitution amount “to a restorative justice panel.”²⁵⁴ In New Jersey, a dispositional order shall “foster[] interaction and dialogue between the [responsible youth], victim and community,” reflecting some of the values of restorative justice.²⁵⁵ At least one territory, American Samoa, incorporates a culturally specific form of restorative justice, ifoga (defined in statute as “the Samoan custom of public apology”), in determining the length of a criminal sentence.²⁵⁶ The Family Court Rules for the Superior Court of Guam take a holistic approach that includes “community responsibility for juvenile delinquency,” requiring the judge to report to government officials if a child’s delinquency “is attributable in whole or in part to the existence of deleterious, degrading, or deteriorating conditions, practices, or influences” within the community.²⁵⁷ While these statutes may create opportunities for effective restorative approaches, they should also be scrutinized closely, as the most effective restorative practices are rooted in culture and community and performed by trusted leaders with expertise in restorative practices.

b. Alternative Programming and Positive Youth Development

Some cities and counties have launched programs that directly link alternative programming to victim compensation. These programs typically pay off a youth’s restitution in a juvenile case in exchange for the youth completing some form of programming.

As long as monetary restitution continues to be ordered in juvenile court, these pilot programs provide an important lifeline for youth who have no other way to pay. While they are inequitable in that they apply only to youth who cannot otherwise pay, they typically impose shorter and less onerous requirements than traditional community service, which can drag on for months or years at a minimum wage rate. For example, Briarpatch Youth Services in Madison, Wisconsin pays youth for activities that build on their strengths, including, during the pandemic, giving youth wage credits for things they could do at home like helping their parents or grandparents, doing hair for other children in the neighborhood, and making social justice videos on YouTube.²⁵⁸ In San Francisco, the AFTER Program (“Aims to Foster Transformation & Ensure Restitution”) pairs youth who owe restitution with Huckleberry Youth Programs, which identifies an appropriate program for the young person to complete within six months, including restorative justice conferences, workshops, community service, or job opportunities.²⁵⁹ The victim receives compensation from AFTER’s fund, so long as the harm is not covered by the state VOCA fund or private insurance.²⁶⁰ Positive youth development programming typically reduces problem behaviors and promotes prosocial behaviors, including academic achievement, psychological adjustment, and social-emotional skills.²⁶¹

An ongoing research project in Philadelphia seeks to assess whether simply having restitution paid off by a third party (i.e. from a separate restitution fund), will result in positive outcomes for youth, victims, and the community.²⁶² The court in these cases already has access to a wide array of disposition options for youth, including programming.

Further research should consider the implications of the limits to the scope of these restitution alternatives, often due to limited funding, which may result in inequitable access for youth. In King County, for example, young people who owe \$1,000 or less and are not accused of a felony or repeat offense are eligible for the Restorative Community Pathways program.²⁶³

As noted in Part B, some state constitutions and statutes give victims the right to restitution from the person who caused them harm. Strict adherence to these laws may pose a barrier to reform because the above pilot programs use state, county, or charity funds to compensate victims,²⁶⁴ although broader readings may permit youth to engage in alternative programming. In fact, because youth are

generally unable to pay, using a different source for restitution may have the effect of better meeting the victim's needs and the spirit of the law.

5. Alternatives to Restitution Must Be Fair, Developmentally Appropriate, and Culturally Responsive.

Alternative interventions, including restorative and other programs, should meet the following basic guidelines, based on fundamental fairness, brain research, and practical evidence.

a. Programs Must Not Treat Youth Differently Based on Wealth

Alternatives to restitution should ensure that youth receive similar treatment regardless of their economic status. An intervention should not be offered as an alternative to paying monetary restitution, allowing youth from well-off families to “buy” their way out of programming.

Additionally, to the extent that jurisdictions continue to rely on community service, they should, at a minimum, provide basic workplace protections, if not heightened protections in light of youth's vulnerabilities. In New York, for example, any youth community service placement must meet labor laws, including wages and workers' compensation.²⁶⁵ Particularly troubling practices in some states explicitly limit workplace protections. New Hampshire, for example, prohibits children performing community service from receiving benefits from the employer and absolves the employer of liability for any injury to the child absent gross negligence,²⁶⁶ and Guam indemnifies itself from any liability for injuries a child incurs while performing community service.²⁶⁷

b. Programs Must Be Developmentally Appropriate

Extensive research shows that the ability to delay gratification and work toward long-term goals develops throughout adolescence, and that adolescent brains are most sensitive to brief, targeted interventions.²⁶⁸ As described above, restorative programs or diversion opportunities provided outside of the justice system will often meet these goals.

As described above, most jurisdictions link restitution payments to a young person's community service obligations. If jurisdictions continue to use these approaches, they should ensure that such service is appropriate for the specific youth's development and individualized needs, strictly time-limited, sets forth clear achievable expectations, supports skill development, builds on youth strengths and interests, and leaves time for a young person's school obligations.

Some states and territories place restrictions on community service to avoid some of these problems. For example, American Samoa, Kentucky, Maine, South Dakota, and Wisconsin statutes include language requiring that community service be constructive, appropriate for the age and ability of the youth, promote rehabilitation, and not conflict with the youth's education.²⁶⁹ In New Mexico, children get to keep at least half of their work earnings in a restitution program, which provides a positive incentive and concrete benefit to the young person.²⁷⁰ While some states and territories do set time limits, these are usually too long to be developmentally appropriate.²⁷¹

For cases in the juvenile justice system, an alternative to the traditional community service model is to award restitution payments for prosocial activities like complying with school attendance when youth have not previously done so, participating in after-school activities, or engaging in clubs or service. Developmental research shows that such positive youth programming reduces problem behaviors and promotes academic achievement, psychological adjustment, and the development of social-emotional skills.²⁷²

c. Programs Must Be Culturally Responsive

Culturally grounded programming is important for all youth; American Indian organizations provide clear examples of this approach, creating youth restorative justice programs that address harm in accordance with specific cultural values, philosophies, and beliefs typically not present in the juvenile justice system.

American Indian Development Associates (“AIDA”) in Pueblo and Albuquerque, New Mexico develops programs and supports community-based resources and funding for youth who have engaged in harmful behavior and those who have been harmed.²⁷³ AIDA incorporates Pueblo values, like building systems based on love and caring; infusing programs with cultural processes and practices, with a focus on “practice-based evidence” that reflects centuries of culture; and focusing on social justice issues that impact tribes. It also brings in people from other cultural traditions to work with youth who were arrested far from home, embracing as a core value that children have a right to their culture and a right to love.

AIDA also incorporates the tribal concept of distributive justice, which gives blame and accountability to everyone involved in raising the child and tries to determine why a child has not learned that their behavior is wrong. This requires a more holistic approach to harm than paying a monetary debt to the state, while recognizing that the Native community, which has been in the same place for 500 years, has a strong sense of needing to heal the whole community after harm has been done.

The Native American Rights Fund’s Indigenous Peacemaking Advisory Committee (“IPAC”), based in Denver, Colorado, engages in similar work. IPAC was established in the 1990s to support tribal nations in developing alternatives to the adversarial justice system.²⁷⁴ Instead of focusing on a youth’s harmful act, IPAC focuses on the root cause of the act using elders, language, medicine, cultural tradition, and community to identify what led to the act and what can be done differently. They maintain a goal of healing the community and not an individual, in recognition of the cultural value of the circle of life and how it led to this situation.

In the Wodakota program described above, elders, including relatives with a relationship with the young person, would sit and talk with the youth in a peacemaking circle, offering a teaching, and asking about accountability, relying on input from the youth and the family, resulting in a peacemaking compact focused on actions. The compacts never included restitution because of the burden it puts on family members, who would end up going hungry or not getting medicine that month as they tried to pay.²⁷⁵

CONCLUSION

This report examines how our current model of restitution fails youth, families, victims, and communities. It also highlights innovative approaches already emerging across the country that can set the stage for widespread change.

Truly reimagining restitution to meet the needs of all involved will require a fundamental restructuring of the juvenile justice system, a reexamination of how we repair harm, and a commitment to economic justice sufficient to ensure that young people and their families have the resources they need to thrive and communities have what they need to be safe and to be made whole. The programs and policies highlighted here, however, make clear that these changes are not only needed, but also within reach. Transforming restitution offers us an opportunity to fight for a system that is healing, restorative, and equitable.

ENDNOTES

- 1 Alex R. Piquero, *Disproportionate Minority Contact*, 18 *Future Child*. 59, 62-63 (2008); Rachel Thampapillai, *The Colourful Truth: The Reality of Indigenous Overrepresentation in Juvenile Detention in Australia and the United States*, 7 *Am. Indian L. J.* 230, 238 (2018), <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1193&context=oilj>; U.S. Dep't. Just., Off. Juv. Just. & Delinq. Prevention, *Tribal Youth in the Juvenile Justice System* 2-3 (2016), https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/tribal_youth_in_the_juvenile_justice_system.pdf; Tamar R. Birckhead, *Delinquent by Reason of Poverty*, 38 *Wash. U. J. L. & Pol'y* 53, 58-59, 70-96 (2012), https://openscholarship.wustl.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1015&context=law_journal_law_policy; Mary Magee Quinn et al., *Youth with Disabilities in Juvenile Corrections: A National Survey*, 71 *Exceptional Child*. 339, 339-40 (2005); Angela Irvine & Aisha Canfield, *Reflections on New National Data on LCBQ/GNCT Youth in the Justice System*, 7 *LGBTQ Pol'y J.* 27, 28, 30 (2017), <https://lgbtq.hkspublications.org/wp-content/uploads/sites/20/2017/06/LGBTQ-2017-interior-final.pdf>.
- 2 In this report, we use the word “victim” to refer to people owed restitution for ease of reading and clarity. We note that there are multiple ways to refer to people owed restitution; that many people are both “victims” and “offenders” in the criminal and juvenile justice systems, and this either/or distinction may not reflect the complexity of communities; that the word “victim” is limited to actions imposed on someone rather than their own actions; and that no individual is defined by a single experience.
- 3 Anne Larson Schneider & Jean Shumway Warner, *The Role of Restitution in Juvenile Justice Systems*, 5 *Yale L. Pol'y Rev.* 382, 392 (1987); Peter R. Schneider et al., *Inst. Pol'y Analysis, Two-Year Report on the National Evaluation of the Juvenile Restitution Initiative: An Overview of Program Performance* (1982); Anne L. Schneider, *Restitution and Recidivism Rates of Juvenile Offenders: Results from Four Experimental Studies*, 24 *Criminology* 533 (1986).
- 4 Anne L. Schneider & Peter R. Schneider, *An Overview of Restitution Program Models in the Juvenile Justice System*, 31 *Juv. Fam. Ct. J.* 3, 3 (1980).
- 5 Schneider & Warner, *supra* note 3, at 399; Anne L. Schneider, *Evaluating Restitution*, in *Guide to Juvenile Restitution* 121, 125 (Anne L. Schneider ed., 1985), <https://files.eric.ed.gov/fulltext/ED262324.pdf>.
- 6 Peter R. Schneider et al., *Restitution Requirements for Juvenile Offenders: A Survey of the Practices in American Juvenile Courts*, 28 *Juv. Just.* 43, 46 (1977).
- 7 *Id.* at 47.
- 8 Schneider, *Evaluating Restitution*, *supra* note 5, at 125; Schneider & Warner, *supra* note 3, at 399.
- 9 Schneider & Schneider, *An Overview of Restitution Program Models in the Juvenile Justice System*, *supra* note 4, at 8.
- 10 *Id.* at 8-9.
- 11 *Id.*; see generally *Guide to Juvenile Restitution* (Anne L. Schneider ed., 1985), <https://files.eric.ed.gov/fulltext/ED262324.pdf>.
- 12 Nancy Beck-Zierdt, *Minn. Crime Control Planning Bd., Tri-County Juvenile Restitution Program* 4 (1980), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/tri-county-juvenile-restitution-program-0>; Sudipto Roy, *Two Types of Juvenile Restitution Programs in Two Midwestern Counties: A Comparative Study*, 57 *Fed. Prob.* 48, 50 (1993); Schneider et al., *Two-Year Report on the National Evaluation of the Juvenile Restitution Initiative*, *supra* note 3, at 31; Anne Larson Schneider & Peter R. Schneider, *Inst. Pol'y Analysis, The Impact of Restitution on Recidivism of Juvenile Offenders: An Experiment in Clayton County, Georgia* 11 (1984), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/impact-restitution-recidivism-juvenile-offenders-experiment-clayton>.
- 13 Schneider, *Restitution and Recidivism Rates of Juvenile Offenders*, *supra* note 3, at 546.
- 14 Schneider et al., *Restitution Requirements for Juvenile Offenders*, *supra* note 6, at 48-49.
- 15 *Id.*
- 16 Roy, *supra* note 12, at 50.
- 17 David B. Wilson, Ajima Olaghere & Catherine S. Kimbrell, *U.S. Dep't. Just., Off. Juv. Just. & Delinq. Prevention, Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis* 30 (2017), <https://www.ojp.gov/pdffiles1/ojjdp/grants/250872.pdf>.

- 18 Leonard Joel Guedalia, *Predicting Recidivism of Juvenile Delinquents on Restitutionary Probation: Selected Background, Subject, and Program Variables* 64, 67 (1979) (Ph.D. dissertation, American University).
- 19 Alex R. Piquero & Wesley G. Jennings, *Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 *Youth Violence & Juv. Just.* 325, 334 (2017).
- 20 This report uses “states” to include both states and territories throughout.
- 21 Our review does not generally include case law. However, we include some case citations below where appropriate to illustrate the scope of a particular provision of law, or when necessary to show that adult criminal provisions apply to juvenile court in a particular jurisdiction.
- 22 Alaska (Alaska Const. art. 1, § 24); Arizona (Ariz. Const. art. II, § 2.1(A)(8)); California (Cal. Const. art. I, § 28(b)(13)(B)); Connecticut (Conn. Const. art. I, § 8(b)(9)); Florida (Fla. Const. art. I, § 16(b)(9)); Idaho (Idaho Const. art. 1, § 22(7)); Illinois (Ill. Const. art. 1, § 8.1(a)(12)); Kentucky (Ky. Const. § 26A); Michigan (Mich. Const. art. 1, § 24(1)); Missouri (Mo. Const. art. 1, § 32.1(4)); Nevada (Nev. Const. art. 1, § 8A(1)(l)); New Mexico (N.M. Const. art. 2, § 24(A)(8)); North Carolina (N.C. Const. art. I, § 37(1a)(c)); North Dakota (N.D. Const. art. 1, § 25(1)(n)); Northern Mariana Islands (N. Mar. I. Const. art 1, § 11); Ohio (Ohio Const. art. I, § 10a(A)(7)); Oklahoma (Okla. Const. art. II, § 34(A)); Oregon (Or. Const. art. I, §§ 42(1)(d), (6)(b)); Rhode Island (R.I. Const. art. I, § 23); South Carolina (S.C. Const. art. I, § 24(A)(9)); Tennessee (Tenn. Const. art. I, § 35); Texas (Tex. Const. art. I, § 30(b)(4)); Virginia (Va. Const. art. I, § 8-A(5)); Wisconsin (Wis. Const. art. 1, § 9m).
- 23 Alabama (Ala. Code § 15-18-65); American Samoa (Am. Samoa Code Ann. § 46.2001(a)(3), (a)(4)); District of Columbia (D.C. Code Ann. § 23-1901(b)(6)); Georgia (Ga. Code Ann. § 17-17-1); Maryland (Md. Code Ann., *Crim. Proc.* § 11-603(b)); Minnesota (Minn. Stat. Ann. § 611A.04(1)(a)); New Hampshire (N.H. Rev. Stat. Ann. § 21-M:8-k(II)(j)); Pennsylvania (18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6)); Puerto Rico (P.R. Laws Ann. tit. 25, § 973a(q)); South Dakota (S.D. Codified Laws § 23A-28C-1(9)); U.S. Virgin Islands (V.I. Code Ann. tit. 34, § 203(d)). California, Illinois, New Mexico, North Carolina, Oregon, and Wisconsin have statutory rights to restitution in addition to their constitutional provisions. Cal. Welf. & Inst. Code § 730.6(a)(1); 725 Ill. Comp. Stat. Ann. 120/4(a)(10); N.M. Stat. Ann. § 31-26-4(H); N.C. Gen. Stat. Ann. § 15A-834; Or. Rev. Stat. Ann. § 419C.450(1)(a); Wis. Stat. Ann. § 950.04(1v)(q).
- At least one state, New Jersey, gives victims the right to “be compensated” for loss, rather than to receive restitution as such, which may better serve victims’ needs than trying to obtain restitution from children. N.J. Stat. Ann. § 52:4B-36(i).
- 24 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6).
- 25 V.I. Code Ann. tit. 34, § 203(d).
- 26 Cal. Welf. & Inst. Code § 730.6(a)(1) (“It is the intent of the Legislature that a victim . . . who incurs an economic loss as a result of [a] minor’s conduct” for which that minor is placed under juvenile court jurisdiction “shall receive restitution directly from that minor”).
- 27 N.D. Const. art. 1, § 25(1)(n) (right to restitution “from each offender for all losses suffered by the victim as a result of the criminal or delinquent conduct”).
- 28 Ohio Const. art. I, § 10a(A)(7) (right to restitution “from the person who committed the criminal offense or delinquent act against the victim”).
- 29 Or. Const. art. I, §§ 42(1)(d), (6)(b) (“[V]ictims . . . in juvenile court delinquency proceedings” have “[t]he right to receive prompt restitution from the convicted criminal who caused the victim’s loss or injury,” and “convicted criminal” is defined to include “a youth offender in juvenile court delinquency proceedings”); see also Or. Rev. Stat. Ann. § 419C.450(1)(a) (statutory right to restitution from “adjudicated youth” in juvenile court).
- 30 S.C. Const. art. I, § 24(A)(9) (right to restitution from “the person convicted of criminal conduct that resulted in loss or injury including juveniles”).
- 31 Compare the Kentucky Constitution, which specifically notes that restitution may only be ordered from youth in the juvenile justice system “taking into consideration the best interests of the juvenile offender.” Ky. Const. § 26A.
- 32 Ala. Code § 15-18-65 (“perpetrator[] of criminal activity”).
- 33 Tenn. Const. art. I, § 35(7) (“offender”).
- 34 Idaho Const. art. 1, § 22(7) (“person committing the offense that caused the victim’s loss”).

- 35 P.R. Laws Ann. tit. 25, § 973a(q) (“person liable for the crime”).
- 36 R.I. Const. art. I, § 23 (“perpetrator of the crime”).
- 37 E.g., Alaska Const. art. 1, § 24 (“the accused”); Ariz. Const. art. II, § 2.1(A)(8) (person “convicted of . . . criminal conduct”); D.C. Code Ann. § 23-1901(b)(6) (person “convicted of . . . criminal conduct”); Fla. Const. art. I, § 16(b)(9) (“convicted offender”); N.M. Const. Art. 2, § 24(A)(8) (“person convicted of the criminal conduct”).
- 38 Wis. Stat. Ann. § 938.34(5).
- 39 N.C. Const. art. I, § 37(1a)(c); Ga. Code Ann. § 17-17-1.
- 40 Arizona (Ariz. Rev. Stat. Ann. § 8-344(A)); Alaska (Alaska Stat. Ann. § 47.12.120(b)(4)(A)); Colorado (Colo. Rev. Stat. Ann. § 19-2-918(1)); Guam (9 Guam Code Ann. §§ 80.53 (adult); 80.91 (applying section to juvenile cases)); Michigan (Mich. Comp. Laws Ann. §§ 712A.30(2); 780.766(2); 780.794(2)); Nevada (Nev. Rev. Stat. Ann. § 62E.560(1), (2)); New Hampshire (N.H. Rev. Stat. Ann. §§ 169-B:19(I)(b); 169-B:45(IV)); Oregon (Or. Rev. Stat. Ann. § 419C.450(1)(a)); Vermont (Vt. Stat. Ann. tit. 33, § 5235(a)); Virginia (Va. Code Ann. § 16.1-278.8(B)); Washington (Wash. Rev. Code Ann. § 13.40.190(1)(a)).
- 41 Alaska Stat. Ann. § 47.12.120(b)(4)(A).
- 42 Kan. Stat. Ann. § 38-2361(d)(1).
- 43 Cal. Welf. & Inst. Code § 730.6(a)(2), (h)(1).
- 44 Ohio Rev. Code Ann. § 2152.20(A)(3).
- 45 Me. Rev. Stat. Ann. tit. 15, § 3314-C(6)(B).
- 46 Mich. Comp. Laws Ann. § 712A.30(17).
- 47 See, e.g., N.C. Gen. Stat. Ann. § 7B-2506(4), (22); see also *Debtors’ Prison for Kids*, Juv. L. Ctr, <https://debtorsprison.jlc.org/#!/map> (last visited Apr. 19, 2022) (interactive map to explore statutes on restitution, fines, and fees by state).
- 48 Wis. Stat. Ann. § 938.34(5).
- 49 N.Y. Fam. Ct. Act § 353.6(1)(a).
- 50 V.I. Code Ann. tit. 5, § 2524(b)(13).
- 51 Mo. Ann. Stat. § 211.185(9). This cap covers both parental and youth restitution liability for one case.
- 52 Md. Code Ann., Crim. Proc. § 11-604(b).
- 53 Ark. Code Ann. § 9-27-331(e). Arkansas’s cap applies per victim, so restitution in an individual case could easily surpass \$10,000.
- 54 D.C. Code Ann. § 16-2320.01(c)(1).
- 55 9 Guam Code Ann. §§ 80.50 (adult); 80.91 (applying section to juvenile cases). Guam’s cap is based on degree of charge, with the highest cap of \$10,000 applying to acts that would be a first- or second-degree felony in adult court.
- 56 E.g., N.H. Rev. Stat. Ann. § 169-B:45(V) (\$10,000); N.M. Stat. Ann. § 32A-2-27(A) (\$4,000); S.D. Codified Laws § 25-5-15 (\$2500); Utah Code Ann. § 80-6-610(1)-(2) (\$2,000-\$5,000).
- 57 E.g., Kan. Stat. Ann. § 38-2361(d)(2). By contrast, Delaware and Maine limit restitution to out-of-pocket loss. Del. Code Ann. tit. 10, § 1009(c)(5); Me. Rev. Stat. Ann. tit. 15, § 3314-C(3)(B)(3); see also *Debtors’ Prison for Kids*, *supra* note 47.
- 58 *In re B.T.C.*, 868 A.2d 1203, 1205-06 (Pa. Super. Ct. 2005).
- 59 Alabama (Ala. Code §§ 15-18-68 (adult); 12-15-215(a)(4) (applying section to juvenile cases)); Alaska (Alaska Stat. Ann. § 47.12.120(b)(4)(C)); Colorado (not mentioned in statute); Delaware (not mentioned in statute); Hawai’i (Haw. Rev. Stat. Ann. § 571-48(11)); Illinois (730 Ill. Comp. Stat. Ann. 5/5-5-6 (adult); 705 Ill. Comp. Stat. Ann. 405/5-710 (applying section to juvenile cases)); Indiana (Ind. Code Ann. § 31-37-19-5); Iowa (Iowa Code Ann. § 232.52(2)(a)(2)); Kansas (Kan. Stat. Ann. § 38-2361(d)(1)); Kentucky (Ky. Rev. Stat. Ann. § 635.060(1)); Louisiana (La. Child. Code Ann. art. 897(B)(2)(c); 899(B)(2)(c)); Maryland (Md. Code Ann., Crim. Proc. § 11-605(a) (adult); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-28 (applying section to juvenile cases)); Massachusetts (Mass. Gen. Laws Ann. ch. 119, §§ 58B; 62); Michigan (Mich. Comp. Laws Ann. §§ 712A.30(10), (12); 780.766(10), (12);

780.794(10), (12)); Minnesota (Minn. Stat. Ann. § 260B.198(1)(a)(5)); Mississippi (Miss. Code Ann. § 43-21-605(1)(e)); Montana (Mont. Code Ann. § 41-5-1521(1)(b)); Nebraska (Neb. Rev. Stat. Ann. § 43-286(1)(a)); Nevada (Nev. Rev. Stat. Ann. § 62E.560(3), (4)); New Hampshire (N.H. Rev. Stat. Ann. §§ 651:63(I) (adult); 651:62(IV) (applying adult statute to delinquent acts)); New Mexico (N.M. Stat. Ann. §§ 32A-2-2(A); 32A-2-31(A)); New York (N.Y. Fam. Ct. Act § 353.6); North Dakota (N.D. Cent. Code Ann. § 27-20.4-20(1), (2)(b)); Ohio (Ohio Rev. Code Ann. § 2152.20(C), (D)); Oregon (Or. Rev. Stat. Ann. § 419C.450(3)(a)); Tennessee (Tenn. Code Ann. § 37-1-131(b)(1)); Texas (Tex. Fam. Code Ann. § 54.041(b)); U.S. Virgin Islands (V.I. Code Ann. tit. 5, § 2524(b)(13)); Virginia (Va. Code Ann. § 16.1-278.8(a)(10)); Washington (Wash. Rev. Code Ann. § 13.40.190(1)(d), (5)); Wyoming (Wyo. Stat. Ann. § 14-6-247(a)(v)).

60 Cal. Welf. & Inst. Code § 730.6(h)(1).

61 6 N. Mar. I. Code §§ 4109(d) (adult); 5137(b) (applying section to juvenile cases).

62 Theresa Zhen, *(Color)Blind Reform: How Ability-to-Pay Determinations Are Inadequate to Transform A Racialized System of Penal Debt*, 43 N.Y.U. Rev. L. & Soc. Change 175, 178 (2019); Leigh R. Shapiro, *The Crippling Costs of the Juvenile Justice System: A Legal and Policy Argument for Eliminating Fines and Fees for Youth Offenders*, 69 Emory L.J. 1305, 1317 (2020).

63 E.g., Fla. Stat. Ann. § 985.437(2)(c); Tenn. Code Ann. § 37-1-131(b)(1). But see Ariz. Rev. Stat. Ann. § 8-344(A), (C) (court may not consider parents' ability to pay in setting restitution).

64 E.g., Cal. Welf. & Inst. Code § 730.6(d)(2) (consider youth's "future earning capacity"); Me. Rev. Stat. Ann. tit. 15, § 3314-C(3)(B)(5)(d) (considering youth's "potential future earning capacity").

65 Arkansas (Ark. Code Ann. § 9-27-330(h)); California (Cal. Welf. & Inst. Code § 730.6(h)(2)); Colorado (Colo. Rev. Stat. Ann. §§ 18-1.3-603(5) (adult); 19-2.5-1104(1) (applying section to juvenile cases)); Idaho (Idaho Code Ann. §§ 19-5304(8) (adult); 20-520(3) (applying section to juvenile cases)); Illinois (730 Ill. Comp. Stat. Ann. 5/5-5-6(c) (adult); 705 Ill. Comp. Stat. Ann. 405/5-710 (4) (applying section to juvenile cases)); Georgia (Ga. Code Ann. §§ 17-14-7(c) (adult); 17-14-5(b) (applying section to juvenile cases)); New Jersey (N.J. Stat. Ann. § 2A:4A-43(b)(9)); North Carolina (N.C. Gen. Stat. Ann. § 7B-2506 (4), (22)); Washington (Wash. Rev. Code Ann. § 13.40.190(1)(d)-(f)).

66 E.g., *J.C.W. v. State*, 880 P.2d 1067, 1072-73 (Alaska Ct. App. 1994); *S.S. v. State*, 122 So. 3d 499, 501 (Fla. Dist. Ct. App. 2013); *R.S. v. Commonwealth*, 423 S.W.3d 178, 188-89 (Ky. 2014).

67 Comm. Amend. to H.R. 1304, 129th Leg., 1st Reg. Sess. (Me. 2019); see also Me. Rev. Stat. Ann. tit. 15, § 3314-C(3)(B)(4).

68 Alabama (Ala. Code § 12-15-215(a)(4)); Alaska (Alaska Stat. Ann. § 47.12.120(b)(4)); Arizona (Ariz. Rev. Stat. Ann. § 8-344(C)); Arkansas (Ark. Code Ann. § 9-27-330(a)(7)(A)); California (Cal. Welf. & Inst. Code § 730.7(a)); Colorado (Colo. Rev. Stat. Ann. § 19-2-919(2)(a), (b)); Connecticut (Conn. Gen. Stat. Ann. §§ 46b-140(d); 52-572); District of Columbia (D.C. Code Ann. § 16-2320.01(b)); Florida (Fla. Stat. Ann. § 985.437(2)); Idaho (Idaho Code Ann. §§ 20-520(3); 6-210(1)); Delaware (Del. Code Ann. tit. 10, § 1009(c)(7)); Georgia (Ga. Code Ann. § 17-14-5(e), (f)); Guam (9 Guam Code Ann. § 34.60); Hawai'i (Haw. Rev. Stat. Ann. § 571-48(13)); Illinois (705 Ill. Comp. Stat. Ann. 405/5-710(4); 740 Ill. Comp. Stat. Ann. 115/5); Kentucky (Ky. Rev. Stat. Ann. § 635.060(1)); Maryland (Md. Code Ann., Crim. Proc. § 11-603(a), (c)); Michigan (Mich. Comp. Laws Ann. §§ 712A.30(15)-(17); 712A.31(1); 780.766(15)-(17); 780.794(15)-(17); 780.795(1)); Minnesota (Minn. Stat. Ann. § 260B.335(3)(c)(5)); Mississippi (Miss. Code Ann. § 43-21-619(2)); Missouri (Mo. Ann. Stat. § 211.185.1); Montana (Mont. Code Ann. §§ 41-5-1512(1)(d); 41-5-1513(1)(a); 41-5-1521(1)(c); 41-5-1304(1)(d)); Nevada (Nev. Rev. Stat. Ann. §§ 62E.550(1)(a); 62E.560(3); 62E.705(1)); New Hampshire (N.H. Rev. Stat. Ann. § 169-B:45(V)); New Jersey (N.J. Stat. Ann. § 2A:4A-43(b)(19)); North Dakota (N.D. Cent. Code Ann. §§ 27-20.4-20(1), (2); 27-20.4-20(4)); Northern Mariana Islands (6 N. Mar. I. Code § 5137(b)); Oklahoma (Okla. Stat. Ann. tit. 10A, § 2-2-503(C)(7)(c)); Rhode Island (R.I. Gen. Laws Ann. § 14-1-32.1(b); R.I. R. Juv. P. 11(a)(5)); Tennessee (Tenn. Code Ann. § 37-1-131(b)(1)); Texas (Tex. Fam. Code Ann. § 54.041(b)); Utah (Utah Code Ann. § 80-6-610(1)-(3), (5)); West Virginia (W. Va. Code Ann. § 49-4-715(a)(2)); Wisconsin (Wis. Stat. Ann. § 938.45(1r)); Wyoming (Wyo. Stat. Ann. §§ 14-6-247(a)(v); 14-2-203(a)).

69 See, e.g., N.D. Cent. Code Ann. § 27-20.4-20(1), (2) (allowing court to order a parent or guardian pay up to \$5,000 in restitution on behalf of a youth); Wyo. Stat. Ann. §§ 14-6-247(a)(v); 14-2-203(a) (allowing court to order a parent or guardian pay up to \$2,000 in restitution for property damages).

- 70 See, e.g., Mo. Ann. Stat. § 211.185.1 (allowing court to order restitution on parents if they failed to exercise “reasonable parental discipline or authority” to prevent a victim’s loss); N.J. Stat. Ann. § 2A:4A-43(b)(19) (allowing restitution on parents if they fail to exercise “reasonable supervision or control” over their child).
- 71 See, e.g., D.C. Code Ann. § 16-2320.01(b) (court may order restitution on parents, but must consider parent’s ability to pay); Ga. Code Ann. § 17-14-5(e), (f) (same).
- 72 Ariz. Rev. Stat. Ann. § 8-344(C).
- 73 Eli Hager, *Your Kid Goes to Jail, You Get the Bill*, Marshall Project (March 2, 2017), <https://www.themarshall-project.org/2017/03/02/your-kid-goes-to-jail-you-get-the-bill>.
- 74 Leslie Paik & Chiara Packard, *Impact of Juvenile Justice Fines and Fees on Family Life: Case Study in Dane County, WI 10-13* (2019), <http://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>.
- 75 Alaska (Alaska Stat. Ann. § 12.55.045(a) (adult); *D.S. v. State*, No. A-13410, 2020 WL 9179604, at *1 (Alaska Ct. App. Apr. 8, 2020) (unpublished) (applying statute to juvenile cases)); Colorado (Colo. Rev. Stat. Ann. §§ 18-1.3-602(3)(d) (adult); 19-2.5-1104(1) (applying section to juvenile cases)); District of Columbia (D.C. Code Ann. § 16-2320.01(a)(4)); Idaho (Idaho Code Ann. §§ 19-5304(1)(e) (adult); 20-520(3) (applying section to juvenile cases)); Illinois (730 Ill. Comp. Stat. Ann. 5/5-5-6(b) (adult); 705 Ill. Comp. Stat. Ann. 405/5-710(4) (applying section to juvenile cases)); Maryland (Md. Code Ann., Crim. Proc. § 11-606(a)(3)(i) (adult); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-28 (applying section to juvenile cases)); Michigan (Mich. Comp. Laws Ann. §§ 712A.30(8); 780.766(8); 780.794(8)); Missouri (Mo. Ann. Stat. § 211.185.2(3)); New Hampshire (N.H. Rev. Stat. Ann. §§ 651:62(V) (adult statute describing restitution as owed to “a victim” or to “any collateral source subrogated” to the victim), (IV) (applying section to juvenile cases)); Oregon (Or. Rev. Stat. Ann. §§ 137.103(4)(d) (adult); 419A.004(29) (applying section to juvenile cases), but see Or. Rev. Stat. Ann. § 419A.004(37) (victim is a person who has suffered direct harm as a result of youth’s act)); South Dakota (S.D. Codified Laws § 23A-28-2(5); *People ex rel. K.K.*, 793 N.W. 2d 24 (2010) (applying section to juvenile cases)); Texas (Tex. Code Crim. Proc. Ann. art. 42.037(f)(1) (adult); *In re M.S.*, 985 S.W.2d 278 (Tex. Ct. App. 1999) (applying section to juvenile cases)); Washington (Wash. Rev. Code Ann. § 13.40.190(1)(g)); West Virginia (W. Va. Code Ann. § 61-11A-4(4)(e) (adult); *State v. Kristopher G.*, 500 S.E.2d 519, 521 (1997) (courts rely on adult statute for instruction where juvenile statute is silent)).
- 76 See, e.g., Idaho Code Ann. §§ 19-5304(1)(e) (adult); 20-520(3) (applying section to juvenile cases).
- 77 See, e.g., Brian Beers, *A Brief Overview of the Insurance Sector*, Investopedia (Apr. 16, 2021), <https://www.investopedia.com/ask/answers/051915/how-does-insurance-sector-work.asp>.
- 78 Amanda Holpuch, *Pandemic Profits: Top US Health Insurers Make Billions in Second Quarter*, Guardian (Aug. 6, 2021), <https://www.theguardian.com/us-news/2021/aug/06/us-healthcare-insurance-covid-19-coronavirus>.
- 79 Eli Hager, *Punishing Kids with Years of Debt*, Marshall Project (June 11, 2019), <https://www.themarshallproject.org/2019/06/11/punishing-kids-with-years-of-debt>.
- 80 Colo. Rev. Stat. Ann. §§ 18-1.3-602(3)(d) (adult); 19-2.5-1104(1) (applying section to juvenile cases).
- 81 Md. Code Ann., Crim. Proc. § 11-606(a)(2) (adult); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-28 (applying section to juvenile cases).
- 82 Alaska Stat. Ann. § 12.55.045(a) (adult); *D.S.*, 2020 WL 9179604, at *1 (unpublished) (applying statute to juvenile cases).
- 83 Alabama (Ala. Code § 15-23-2 et seq.); Alaska (Alaska Stat. Ann. § 18.67.101); Arizona (Ariz. Rev. Stat. Ann. § 8-346); Arkansas (Ark. Code Ann. §§ 16-90-717; 16-90-703(10)); California (Cal. Gov’t Code §§ 13950; 13974.5); Colorado (Colo. Rev. Stat. Ann. §§ 24-4.1-102(4)(a); 24-4.1-105); Connecticut (Conn. Gen. Stat. Ann. §§ 54-215; 54-201(2)); Delaware (Del. Code Ann. tit. 11, §§ 9002, 9005); District of Columbia (D.C. Code Ann. §§ 4-501; 4-515); Florida (Fla. Stat. Ann. §§ 960.03; 960.05); Georgia (Ga. Code Ann. §§ 17-15-1; 17-15-2); Guam (34 U.S.C. § 20103(a)(6); 8 Guam Code Ann. §§ 161.10; 161.50); Hawai‘i (Haw. Rev. Stat. Ann. §§ 351-1; 351-2); Idaho (Idaho Code Ann. § 20-539); Illinois (740 Ill. Comp. Stat. Ann. 45/2; 45/6.1); Indiana (Ind. Code Ann. § 5-2-6.1); Iowa (Iowa Code Ann. §§ 915.94; 915.80(9); 232A.2); Kansas (Kan. Stat. Ann. §§ 74-7317; 74-7301(m)); Kentucky (Ky. Rev. Stat. Ann. §§ 49.480; 49-280(5)); Louisiana (La. Child. Code Ann. art. 811.2; 811.3); Maine (Me. Rev. Stat. Ann. tit. 5, §§ 3360(3); 3360-B; 3360-H; 3360-S); Maryland (Md. Code Ann., Crim. Proc. §§ 11-810; 11-819); Massachusetts (Mass. Gen. Laws Ann. ch. 258C, §§ 1; 2); Michigan (Mich. Comp. Laws Ann. §§ 18.351; 18.353); Minnesota (Minn. Stat. Ann. §§ 611A.52; 611A.53; 611A.54); Mississippi (Miss. Code Ann. § 99-41-23); Missouri (Mo. Ann. Stat. § 595.010 et seq.); Montana (Mont. Code Ann. § 53-9-103 et seq.); Nebraska (Neb. Rev.

Stat. Ann. § 81-1801 et seq.); Nevada (Nev. Rev. Stat. Ann. §§ 217.010 et seq.; 217.070(2)(b)); New Hampshire (N.H. Rev. Stat. Ann. § 21-M:8-f et seq.); New Jersey (N.J. Stat. Ann. § 52:4B-1 et seq.); New Mexico (N.M. Stat. Ann. § 31-22-1 et seq.); New York (N.Y. Exec. Law § 620 et seq.); North Carolina (N.C. Gen. Stat. Ann. § 15B-1 et seq.); North Dakota (N.D. Cent. Code Ann. § 54-23.4-01); Ohio (Ohio Rev. Code Ann. § 2743.51 et seq.); Oklahoma (Okla. Stat. Ann. tit. 21, § 142.1 et seq.); Oregon (Or. Rev. Stat. Ann. § 147.005 et seq.); Pennsylvania (72 Pa. Stat. and Const. Stat. Ann. § 1792-A; 18 Pa. Stat. and Cons. Stat. Ann. § 11.701 et seq.); Puerto Rico (P.R. Laws Ann. tit. 25, § 981 et seq.; tit. 34, § 2224(b)(5)); Rhode Island (R.I. Gen. Laws Ann. §§ 12-25-26(a); 12-25-20); South Carolina (S.C. Code Ann. §§ 16-3-1290; 16-3-1270; 16-3-1170); South Dakota (S.D. Codified Laws §§ 23A-28B-40; 23A-28B-1); Tennessee (Tenn. Code Ann. § 29-13-101 et seq.); Texas (Tex. Code Crim. Proc. Ann. art. 56B.003); U.S. Virgin Islands (V.I. Code Ann. tit. 34, §§ 171; 162; 203(d)(2)); Utah (Utah Code Ann. §§ 63M-7-526; 63M-7-501 et seq.); Vermont (Vt. Stat. Ann. tit. 13, §§ 5359; 5351(3), (7)(a); tit. 33, § 5235(g)); Virginia (Va. Code Ann. §§ 19-2-368.1; 19-2-368.2); Washington (Wash. Rev. Code Ann. §§ 7.68.070; 7.68.020(16); 13.40.190(2)); West Virginia (W. Va. Code Ann. §§ 14-2A-4; 14-2A-3(k)); Wisconsin (Wis. Stat. Ann. § 949.03); Wyoming (Wyo. Stat. Ann. § 1-4-106).

84 E.g., Mich. Comp. Laws Ann. §§ 712A.30(8) (if victim does not want restitution, state treasurer collects it); Or. Rev. Stat. Ann. §§ 137.103(4)(c) (adult; restitution may be ordered to compensation fund); 419A.004(29) (applying section to juvenile cases).

85 Karin D. Martin & Matthew Z. Fowle, *Restitution Without Restoration? Exploring the Gap Between the Perception and Implementation of Restitution*, 63 Soc. Persp. 1015, 1016 (2020).

86 Mark S. Umbreit, *Holding Juvenile Offenders Accountable: A Restorative Justice Perspective*, 46 Juv. & Fam. Ct. J. 31, 36 (1995).

87 Martin & Fowle, *supra* note 85, at 1016.

88 *Id.*: Umbreit, *supra* note 86, at 31-34.

89 Alabama (Ala. Code §§ 12-15-215(a)(2); 12-15-117(c), (d)); Arkansas (Ark. Code Ann. § 9-27-339(e), (f)); California (Cal. Welf. & Inst. Code § 730.6(m)); Colorado (Colo. Rev. Stat. Ann. §§ 16-18.5-105(3)(d)(II) (adult); 19-2.5-1104(1) (applying section to juvenile cases)); Connecticut (Conn. Gen. Stat. Ann. §§ 46b-140(c); 46b-140a(c), (e)); Delaware (Del. Code Ann. tit. 10, § 1009(c)(13); tit. 11, § 4218(a)(3), (f) (adult); tit. 10, § 1009A (applying statute to juvenile cases)); Florida (Fla. Stat. Ann. §§ 985.435(2)(a); 985.439(4)(d)); Georgia (Ga. Code Ann. §§ 15-11-608(f)(3); 15-11-601(10); 17-14-3(b) (adult); 17-14-5(b) (applying section to juvenile cases)); Guam (9 Guam Code Ann. §§ 80.54(b); 80.56(a), (b); 80.60; 80.62(b)(9); 80.66(a)(2) (adult); 80.91 (applying section to juvenile cases); 19 Guam Code Ann. § 5105(c); Idaho (Idaho Code Ann. §§ 20-538(2); 20-520(1)(f)); Illinois (705 Ill. Comp. Stat. Ann. 405/5-715(2)(I); 405/5-720(4)); Louisiana (La. Child. Code Ann. art. 897(B)(2)(c); 899(B)(2)(c); 914(A)(5), (C)); Maine (Me. Rev. Stat. Ann. tit. 15, §§ 3314-C(7); 3314(7)); Maryland (Md. Code Ann., Crim. Proc. §§ 11-607(c)(3); 11-607(a)(1)(iii) (adult); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-28 (applying sections to juvenile cases)); Massachusetts (Mass. Gen. Laws Ann. ch. 119, §§ 62; 59; 58; ch. 127, § 145(e)); Michigan (Mich. Comp. Laws Ann. §§ 712A.30(14); 780.794(14)); Minnesota (Minn. Stat. Ann. §§ 260B.198(8); 260B.175(1)(c); 260B.421); Mississippi (Miss. Code Ann. §§ 43-21-605(1)(c), (1)(I); 43-21-613(1)); Montana (Mont. Code Ann. §§ 41-5-1431(3); 41-5-1432; 41-5-1524(1)(b)); New Hampshire (N.H. Rev. Stat. Ann. §§ 651:67(II); 651:63(II) (adult); 651:62(IV) (applying section to juvenile cases)); New Jersey (N.J. Stat. Ann. §§ 2A:4A-43(b), (b)(9); 2A:4A-43(b)); New York (N.Y. Fam. Ct. Act §§ 353.6(1)(a); 353.2(2)(f); 360.3(6)); North Carolina (N.C. Gen. Stat. Ann. §§ 7B-2510(a)(12), (e); 7B-2506(20)); Northern Mariana Islands (6 N. Mar. I. Code §§ 5115(b); 5137(a)(4); 4105(c); 4109(i) (adult); 5137 (applying section to juvenile cases)); Ohio (Ohio Rev. Code Ann. §§ 2152.02(E)(2); 2152.19(3); 2152.20(3)); Oklahoma (Okla. Stat. Ann. tit. 10A, § 2-2-503(A)(7)(g), (G)); Oregon (Or. Rev. Stat. Ann. §§ 419C.453(1)(b); 419C.450(2); 419C.446(2)); Pennsylvania (42 Pa. Cons. Stat. §§ 6352(a)(3); 9728(h); 9730(b)(2)); Puerto Rico (P.R. Laws Ann. tit. 34, §§ 2224(b)(3); 2233); South Carolina (S.C. Code Ann. §§ 63-19-1410(A)(3); 63-19-1440(F)(3)); Texas (Tex. Fam. Code Ann. § 54.05(j); Tex. Code Crim. Proc. Ann. art. 42.037(h) (adult); *In re J.R.*, 907 S.W.2d 107, 109 (Tex. Ct. App. 1995) (applying adult restitution statutes to juvenile cases)); U.S. Virgin Islands (V.I. Code Ann. tit. 5, §§ 2524(b)(13), (14); 2525(a), (c)(2), (f)); Vermont (Vt. Stat. Ann. tit. 33, §§ 5232(b)(4); 5262(b)(2); 5269); Virginia (Va. Code Ann. §§ 16.1-278.8(10); 16.1-291(B), (C)(2)); Washington (Wash. Rev. Code Ann. § 13.40.200(3)); West Virginia (W. Va. Code Ann. §§ 49-4-715(a)(2); 49-4-718(d)(3); 61-11A-4(g) (adult); *Kristopher G.*, 500 S.E.2d at 521 (courts rely on adult statute for instruction where juvenile statute is silent)); Wisconsin (Wis. Stat. Ann. § 938.34(3), (5), (16)); Wyoming (Wyo. Stat. Ann. §§ 14-6-232(c); 14-6-229(d); 14-6-247(a)(iii); 14-6-309(b)(iii)).

90 N.H. Rev. Stat. Ann. § 651:67(II).

91 *In re J.F.*, 902 N.E.2d 19, 22 (Ohio 2009) (“A court may order a juvenile to serve a previously suspended commitment after probation supervision has been terminated when the juvenile violates a separate, unexpired condition of community control.”).

92 See, e.g., Ala. Code §§ 12-15-215(a)(2); 12-15-117(c), (d); Conn. Gen. Stat. Ann. §§ 46b-140(c); 46b-140a(c), (e); Fla. Stat. Ann. §§ 985.435(2)(a); 985.439(4)(d); see also *Debtors’ Prison for Kids*, *supra* note 47.

93 Mich. Comp. Laws Ann. §§ 712A.30(14); 780.794(14); Cal. Welf. & Inst. Code § 730.6(m).

94 E.g., Me. Rev. Stat. Ann. tit. 15, § 3314-C(7).

95 Wash. Rev. Code Ann. § 13.40.200(3).

96 Ariz. Rev. Stat. Ann. §§ 8-341(A); 8-344; N.D. Cent. Code Ann. §§ 27-20.4-17(3); 27-20.4-18(9); S.D. Codified Laws §§ 26-8c-14; 26-8c-15(4); Utah Code Ann. § 80-6-703(3)(d).

97 American Samoa (Am. Samoa Code Ann. §§ 45.0352(a)(1), (6); 45.0352 (applied to juvenile cases by § 45.0350); 45.0303(b); 46.2205(a)(2); 45.0363); Arizona (Ariz. Rev. Stat. Ann. § 8-341(B)); Arkansas (Ark. Code Ann. § 9-27-339(e), (f)); California (Cal. Welf. & Inst. Code § 730.6(m)); Colorado (Colo. Rev. Stat. Ann. §§ 16-18.5-105(3)(d)(III) (adult); 19-2.5-1104(1) (applying section to juvenile cases)); Connecticut (Conn. Gen. Stat. Ann. §§ 46b-140(c); 46b-140a(a), (e)); Delaware (Del. Code Ann. tit. 10, § 1009(c)(3); tit. 11, § 4218(a)(3), (f) (adult); tit. 10, § 1009A (applying statute to juvenile cases)); Florida (Fla. Stat. Ann. §§ 985.435(2)(a); 985.439(4)(c)); Georgia (Ga. Code Ann. §§ 15-11-608(f)(1); 17-14-3(b) (adult); 17-14-5(b) (applying section to juvenile cases)); Guam (9 Guam Code Ann. §§ 80.56(a), (b); 80.54(b); 80.62(b)(9); 80.66(d) (adult sections); 80.91 (applying sections to juvenile cases)); Illinois (705 Ill. Comp. Stat. Ann. 405/5-715(2)(I); 405/5-720(4)); Indiana (Ind. Code Ann. § 31-30-2-5); Louisiana (La. Child. Code Ann. art. 897(B)(2)(c); 899(B)(2)(c); 914(A)(4)); Massachusetts (Mass. Gen. Laws Ann. ch. 119, §§ 59; 62); Michigan (Mich. Comp. Laws Ann. § 712A.18(9)); Minnesota (Minn. Stat. Ann. § 260B.198(8)); Mississippi (Miss. Code Ann. §§ 43-21-605(1)(c); 43-21-613(1)); Montana (Mont. Code Ann. § 41-5-1432); New Jersey (N.J. Stat. Ann. §§ 2A:4A-43(b), (b)(9); 2A:4A-43(b)(3)); New York (N.Y. Fam. Ct. Act §§ 353.6(1)(a); 353.2(2)(f); 360.3(6)); North Carolina (N.C. Gen. Stat. Ann. § 7B-2510(a)(12), (c), (e)); Northern Mariana Islands (6 N. Mar. I. Code §§ 5115(b); 4109(j) (adult); 5137 (applying statute to juvenile cases)); Ohio (Ohio Rev. Code Ann. §§ 2152.02(E)(2); 2152.19(A)(4); 2152.20(3)); Puerto Rico (P.R. Laws Ann. tit. 34, §§ 2224(b)(3); 2229); U.S. Virgin Islands (V.I. Code Ann. tit. 5, §§ 2524(b)(13), (14); 2525(a), (f)); Utah (Utah Code Ann. § 80-6-712(4)(a)(v)); Vermont (Vt. Stat. Ann. tit. 33, §§ 5232(b)(1); 5262(b)(2); 5269); Virginia (Va. Code Ann. §§ 16.1-278.8(10); 16.1-291(B)); Wyoming (Wyo. Stat. Ann. §§ 14-6-232(c); 14-6-309(b)(iii)).

98 See, e.g., Fla. Stat. Ann. §§ 985.435(2)(a); 985.439(4)(c).

99 Mack Finkel, *New Data: Low Incomes-But High Fees-For People on Probation*, Prison Pol’y Initiative (Apr. 9, 2019), https://www.prisonpolicy.org/blog/2019/04/09/probation_income/.

100 Wash. Rev. Code Ann. § 13.40.190(1)(d); *State v. Bennett*, 963 P.2d 212, 213 (Wash. Ct. App. 1998); see also Ala. Code §12-15-117(c) (court retains jurisdiction until restitution paid in full).

101 Arizona (Ariz. Rev. Stat. Ann. § 8-349(B)(5)); Kansas (Kan. Stat. Ann. § 38-2312(e)(2)); Maine (Me. Rev. Stat. Ann. tit. 15, § 3308-C(C)(2)); Maryland (Md. Code Ann., Crim. Proc. § 3-8A-27.1(c)(9)); Montana (Mont. Code Ann. § 41-5-216(4)); Oklahoma (Okla. Stat. Ann. tit. 10A, § 2-6-109(A)(4)); New Jersey (N.J. Stat. Ann. §§ 2C:52-2(a); 2C:52-3(a); but see N.J. Stat. Ann. § 2C:52-4.1(b)(1)); Utah (Utah Code Ann. § 80-6-1004(2)(c)(i)(c)); Vermont (Vt. Stat. Ann. tit. 33, § 5119(m)); Washington (Wash. Rev. Code Ann. § 13.50.260(1)(d)-(f)); Wisconsin (Wis. Stat. Ann. § 938.355(4m)).

102 Georgia (Ga. Code Ann. §§ 15-11-701(b)(1); 15-11-608(f)(1); 17-14-3(b) (adult); 17-14-5(b) (applying section to juvenile cases); Illinois (705 Ill. Comp. Stat. Ann. 405/5-915(1); 405/5-715(2)(I); 405/5-720(4)); Indiana (Ind. Code Ann. §§ 31-39-8-3.5; 31-30-2-5); Louisiana (La. Child. Code Ann. art. 918(D); 313(A)(5); 897(B)(2)(c); 899(B)(2)(c); 914(A)(4)); Massachusetts (Mass. Gen. Laws Ann. ch. 276, §§ 100B; 100G; 100I; 100J; Mass. Gen. Laws Ann. ch. 119, §§ 59; 62); Michigan (Mich. Comp. Laws Ann. §§ 712A.18e(3); 712A.18(9)); Missouri (Mo. Ann. Stat. §§ 211.321(5); 211.041); North Carolina (N.C. Gen. Stat. Ann. §§ 7B-3200(b)(2); 7B-1600--7B-1604; 7B-2510(a)(12), (c), (e)); Ohio (Ohio Rev. Code Ann. §§ 2151.356(C)(1); 2152.02(E)(2); 2152.19(A)(4); 2152.20(3)); Pennsylvania (18 Pa. Cons. Stat. § 9123(a); 42 Pa. Cons. Stat. § 6352(a)(5), (6)); U.S. Virgin Islands (V.I. Code Ann. tit. 5, §§ 2531(a)(1); 2524(b)(13), (14); 2525(a), (f)); Virginia (Va. Code Ann. §§ 16.1-306(A); 19.2-305.1(F)(3)).

103 American Samoa (Am. Samoa Code Ann. § 45.0142(c)(3)); Georgia (Ga. Code Ann. § 15-11-701(b)(3)); Idaho (Idaho Code Ann. § 20-525A(5)); Indiana (Ind. Code Ann. § 31-39-8-3(e)); Minnesota (Minn. Stat. Ann. § 260B.198(6), (6)(b)(7)); Nebraska (Neb. Rev. Stat. Ann. § 43-2,108.04(5)); Nevada (Nev. Rev. Stat. Ann. § 62H.130(4), (5)); Northern Mariana Islands (6 N. Mar. I. Code § 5173(c)); Ohio (Ohio Rev. Code Ann. § 2151.356(C)(2)(e)); South Dakota (S.D. Codified Laws § 26-7A-115(3)); Tennessee (Tenn. Code Ann. § 37-1-153(f)(1)); Wyoming (Wyo. Stat. Ann. § 14-6-241(a)).

104 Georgia (Ga. Code Ann. § 15-11-701(b)(3)); Indiana (Ind. Code Ann. § 31-39-8-3(e)).

105 Iowa Code Ann. § 232.150(1)(a), (c); Nev. Rev. Stat. Ann. § 62H.130(6).

106 Alabama (Ala. Code §§ 15-18-78 (adult); 12-15-215(a)(4) (applying section to juvenile cases)); Alaska (Alaska Stat. Ann. § 47.12.170(a)); Arizona (Ariz. Rev. Stat. Ann. § 8-344(F)); Arkansas (Ark. Code Ann. § 9-27-330(e)); California (Cal. Welf. & Inst. Code § 730.6(i)); Colorado (Colo. Rev. Stat. Ann. §§ 18-1.3-603(4)(a)(l) (adult); 19-2.5-1104(1) (applying section to juvenile cases)); District of Columbia (D.C. Code Ann. § 16-2320.01(f)); Florida (Fla. Stat. Ann. § 775.089(5)); Georgia (Ga. Code Ann. §§ 17-14-13 (adult); 17-14-5(b) (applying section to juvenile cases)); Guam (9 Guam Code Ann. §§ 80.56(c) (adult); 80.91 (applying section to juvenile cases)); Idaho (Idaho Code Ann. § 19-5305(1)); Illinois (730 Ill. Comp. Stat. Ann. 5/5-5-6 (adult); 705 Ill. Comp. Stat. Ann. 405/5-710(4) (applying section to juvenile cases)); Indiana (Ind. Code Ann. § 35-50-5-3(b)); Iowa (Iowa Code Ann. § 915.28); Kansas (Kan. Stat. Ann. § 38-2361(d)(2)); Maryland (Md. Code Ann., Crim. Proc. § 11-608(a)(b); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-28 (applying section to juvenile cases)); Michigan (Mich. Comp. Laws Ann. §§ 712A.30(13); 780.766(13); 780.794(13)); Minnesota (Minn. Stat. Ann. § 611A.04(3)); Missouri (Mo. Ann. Stat. § 211.185); Nevada (Nev. Rev. Stat. Ann. § 62B.420(1), (3)); New Jersey (N.J. Stat. Ann. § 2A:4A-47(c)); North Dakota (N.D. Cent. Code Ann. § 27-20.4-20(4)); Northern Mariana Islands (6 N. Mar. I. Code §§ 4109(g), (h) (adult); 5137 (applying section to juvenile cases)); Oklahoma (Okla. Stat. Ann. tit. 10A, § 2-2-503(7)(c)(5); but see Okla. Stat. Ann. tit. 22, § 991f(B) (restitution is not a debt and is enforceable by the court until satisfied)); Oregon (Or. Rev. Stat. Ann. § 419C.450(4)); Pennsylvania (42 Pa. Cons. Stat. §§ 6352(a)(5); 9728); Tennessee (Tenn. Code Ann. § 37-1-131(b)(2)(A)); Utah (Utah Code Ann. § 80-6-709(8)(c)); Vermont (Vt. Stat. Ann. tit. 33, § 5235(k)(1)); West Virginia (W. Va. Code Ann. § 61-11A-4(h) (adult); Kristopher G., 500 S.E.2d at 521 (courts rely on adult statute for instruction where juvenile statute is silent)); Wisconsin (Wis. Stat. Ann. § 895.035(2m)(a)).

107 Nev. Rev. Stat. Ann. § 62B.420(1); see also Mo. Ann. Stat. § 211.185(11) (no execution on civil judgment until youth reaches age 18).

108 Some states prohibit restitution orders from being converted to civil judgment. See, e.g., *United Bldg. Centers v. Ochs*, 781 N.W.2d 79, 85-86 (S.D. 2010) (“Nothing in [its] statutory scheme permits a victim to convert a restitution order into a civil judgment and thereby change the terms of the original order.”).

109 Alabama (Ala. Code § 8-8-10(a)); Alaska (Alaska Stat. Ann. § 09.30.070(a)); Arizona (Ariz. Rev. Stat. Ann. § 8-344(F)); Arkansas (Ark. Code Ann. § 16-65-114); California (Cal. Civ. Proc. Code § 685.010); Colorado (Colo. Rev. Stat. Ann. § 18-1.3-603(b), (b.5)(l)(B)); District of Columbia (D.C. Code Ann. § 28-3302(c)); Florida (Fla. Stat. Ann. § 55.03(2)); Georgia (Ga. Code Ann. § 7-4-12(a), (c)); Guam (18 Guam Code Ann. § 47106); Idaho (Idaho Code Ann. § 19-5304(4)); Illinois (730 Ill. Comp. Stat. Ann. 5/5-5-6 (adult); 705 Ill. Comp. Stat. Ann. 405/5-710 (4) (applying section to juvenile cases)); Indiana (Ind. Code Ann. § 24-4.6-1-101(2)); Iowa (Iowa Code Ann. § 535.3); Kansas (Kan. Stat. Ann. § 16-204); Maryland (Md. Code Ann., Crim. Proc. § 11-616(e)(2) (adult); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-28 (applying section to juvenile cases)); Michigan (Mich. Comp. Laws Ann. § 600.6013); Minnesota (Minn. Stat. Ann. § 611A.04(3)); Missouri (Mo. Ann. Stat. § 408.040); Nevada (Nev. Rev. Stat. Ann. §§ 62B.420(1), (3); 17.130(2)); New Jersey (N.J. Ct. R.R. 4:42-11); North Dakota (N.D. Cent. Code Ann. §§ 27-20.4-20(4); 28-20-34); Northern Mariana Islands (6 N. Mar. I. Code §§ 4109(b)(10) (adult); 5137(b) (applying section to juvenile cases)); Oklahoma (Okla. Stat. Ann. tit. 12, § 727.1); Oregon (Or. Rev. Stat. Ann. § 82.010(2)(a)); Pennsylvania (42 Pa. Cons. Stat. § 8101); Tennessee (Tenn. Code Ann. § 47-14-121); Utah (Utah Code Ann. § 15-1-4(3)); Vermont (Vt. Stat. Ann. tit. 9, § 41a; but see Vt. Stat. Ann. tit. 13, § 7043(e)(1) (interest does not accrue on adult restitution judgments)); West Virginia (W. Va. Code Ann. § 56-6-31(a)); Wisconsin (Wis. Stat. Ann. § 815.05(8)).

110 N.H. Rev. Stat. Ann. §§ 651:64(1) (adult); 651:62(IV) (applying section to juvenile cases). Vermont’s adult criminal law provides that “interest shall not accrue on a restitution judgment,” but there is no comparable exception in the juvenile statute. Vt. Stat. Ann. tit. 13, § 7043(e)(1).

111 Ariz. Rev. Stat. Ann. § 8-344(F); Idaho Code Ann. § 19-5304(4); Okla. Stat. Ann. tit. 12, § 727.1.

112 E.g., N.D. Cent. Code Ann. §§ 27-20.4-20(4); 28-20-34 (restitution entered as civil judgment, and civil judgments carry a standard interest rate of 12%); Or. Rev. Stat. Ann. § 82.010(2)(a) (restitution is entered as a judgment, and law authorizes interest on judgments generally).

113 Idaho Code Ann. § 19-5304(4).

114 Family Law Caseflow Management Plan for Idaho's Seventh District 2, https://assets-global.website-files.com/5fb9550a8b057e416615c08e/601632e0bd4407d7985b3d2a_7thDistrictFamilyLawCMPlan.pdf (last visited Apr. 29, 2022).

115 Ariz. Rev. Stat. Ann. § 8-344(F).

116 Alaska Stat. Ann. § 47.12.170(a) (interest not permitted, but youth may have to pay collection costs and attorney's fees); N.H. Rev. Stat. Ann. § 651:63(V) (adult statute authorizing 17% fee); N.H. Rev. Stat. Ann. § 651:62(IV) (applying adult statute to delinquent acts); Ohio Rev. Code Ann. § 2152.20(A)(3) (5% surcharge).

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119 Anwen Parrott, *Paying Unpayable Debts: Juvenile Restitution and its Shortcomings in Hennepin County, Minnesota*, 39 Minn. J. L. & Ineq. 387,395-96 (2021), https://lawandinequality.org/wp-content/uploads/2021/05/Paying-Unpayable-Debts_-Juvenile-Restitution-and-Its-Shortcomings.pdf; Vanessa Patino Lydia et al., Dolores Barr Weaver Pol'y Ctr., *Assessing the Impact of Court Costs and Fees on Juveniles and Families* 3 (2017), <https://www.seethegirl.org/wp-content/uploads/2019/05/Assessing-Impact-Court-Costs.pdf>.

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151 Restitution Fund, Cumberland Cnty., Pa., <https://www.ccpa.net/4369/Restitution-Fund> (last visited Apr. 22, 2022); see also Community Restitution, Yuma Cnty, Ariz., <https://www.yumacountyaz.gov/government/courts/adult-probation/probation-services/community-restitution> (last visited May 6, 2022); Community Services/Restitution, Juv. Prob. Seneca Cnty., Ohio, <http://www.senecajpcourt.com/communityServices.php> (last visited May 6, 2022); Supervised Work Crews, Washington Cnty., Or., https://www.co.washington.or.us/Juvenile/Programs_and_Services/CommunityService/supervised-work-crews.cfm (last visited May 6, 2022).

152 These include, for example Minnesota (Community Work Service, Dakota Cnty., Minn., <https://www.co.dakota.mn.us/LawJustice/RestorationPrograms/JuvenilePrograms/Pages/community-work-service.aspx> (last visited May 6, 2022); Juvenile Services, Otter Tail Cnty., Minn., <https://ottertailcountymn.us/content-page/juvenile-services/> (last visited May 6, 2022)); Missouri (Restitution Services: Community Restitution Diversion Program (CRDP), 16th Cir. Ct. Jackson Cnty., Mo., <https://www.16thcircuit.org/restitution-services> (last visited May 6, 2022); Pennsylvania (Restitution Fund, *supra* note 151; Lycoming County: Establishment of Juvenile Restitution Fund; Administrative Order, 40 Pa. Bull. 2743 (May 29, 2010)), <http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol40/40-22/981.html>; Rhode Island (R.I. Gen. Laws Ann. § 14-1-32.2 (“The family court... shall process and make all payments to children who are required to perform community restitution in lieu of other public or private employment pursuant to § 14-1-32.1”)).

153 Some examples include the DeKalb County and Kane County, Illinois Community Restitution Services (CRS) Programs (Community Restitution Services, Dekalb Cnty., Ill., <https://dekalbcounty.org/departments/court-services/community-restitution-services/> (last visited May 6, 2022); Probation Services, Kane Cnty, Ill., <http://court-services.countyofkane.org/Pages/Probation-Services.aspx> (last visited May 6, 2022)).

154 Some examples include programs in California (Free Venture Program, Joint Venture Program, <https://joint-ventureprogram.calpia.ca.gov/free-venture-program/> (last visited May 6, 2022)) and Arizona (Juvenile Community Offender Restitution and Public Service (JCORPS), Jud. Branch Ariz., <https://superiorcourt.maricopa.gov/juvenile-probation/jcorps/> (last visited May 6, 2022)). Relatedly, Rhode Island provides a tax credit to employers of young people whose wage is going towards paying restitution (R.I. Gen. Laws Ann. § 14-1-32.1(c)).

155 Mo. Ann. Stat. §§ 211.185(10); 211.085; 211.188(1). Other examples include Arizona (Ariz. Rev. Stat. Ann. § 41-2825, paid at “a rate deemed reasonable by the director”). Maine, on the other hand, requires that compensation for community service be paid at a rate set by the court and “no less than the minimum wage.” Me. Rev. Stat. Ann. tit. 15, § 3314-C(6)(B).

156 Alabama, Hawai'i, Idaho, Maine, and Oregon provide for this in statute. Ala. Code §§ 15-18-66(3) (adult); 12-15-215(a)(4) (applying section to juvenile cases); Haw. Rev. Stat. Ann. § 571-48(11); Idaho Code Ann. § 20-538(1); Me. Rev. Stat. Ann. tit. 15, § 3314(1)(B); Or. Rev. Stat. Ann. § 419C.465 (youth's consent required).

157 Del. Code Ann. tit. 10, § 1009(c)(8) (community service in lieu of restitution permitted only if victim does not

- object); Wash. Rev. Code Ann. § 13.40.190(1)(d) (victim has the right to decide the nature of the community service when practicable); Iowa Code Ann. § 232.52(2)(a) (work assignment must be “of value to the victim”); Mich. Comp. Laws Ann. § 712A.30(6) (victim consent needed for community service in lieu of restitution); Miss. Code Ann. § 43-21-605(1)(e) (same); 42 Pa. Cons. Stat. § 6352(a)(6) (same); Wis. Stat. Ann. § 938.34(5g)(am) (same).
- 158 Paik, *supra* note 134, at 253; Schneider & Schneider, *An Overview of Restitution Program Models in the Juvenile Justice System*, *supra* note 4, at 4-10.
- 159 Paik, *supra* note 134, at 253; R. Barry Ruback, *The Benefits and Costs of Economic Sanctions: Considering the Victim, the Offender, and Society*, 99 Minn. L. Rev. 1779, 1789-90 (2014).
- 160 All. for Safety & Just., *Crime Survivors Speak: The First-Ever National Survey of Victims' Views on Safety and Justice* 8 (2016), <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>.
- 161 Paik, *supra* note 134, at 254-55.
- 162 Lorenn Walker, *Conferencing— A New Approach for Juvenile Justice on Honolulu*, 66 Fed. Prob. 38, 40 (2002).
- 163 *Id.*
- 164 Paik, *supra* note 134, at 257.
- 165 Karin D. Martin, Sandra Susan Smith & Wendy Still, U.S. Dep't Just., Nat'l Inst. Just., *Shackled to Debt: Criminal Justice Financial Obligations and the Barrier to Re-entry They Create* 12-13 (2017), <https://www.ojp.gov/pdffiles1/nij/249976.pdf>. In our outreach to states for this report, we found that data is often only recorded at the county level, if it is recorded at all, and is not centrally aggregated, making access and analysis difficult.
- 166 Ala. Juv. Just. Taskforce, *Final Report* 10 (2017), <https://web.archive.org/web/20210408142644/http://lsa.state.al.us/PDF/Other/JJTF/JJTF-Final-Report.pdf>. The time frame for this analysis was not specified in the report.
- 167 *Idaho Supreme Court Annual Report Appendix* 124-25 (2015), https://isc.idaho.gov/annuals/2015/ISC_Annual_Report_Appendix_2015.pdf.
- 168 Iowa Dep't Hum. Rts., *SFY-2010 - SFY 2017: Iowa Restitution Paid* 11 (2018), https://www.iowaattorney-general.gov/media/documents/RestitutionPaidReport2018_1_9F3168E_3C8303513521D.pdf.
- 169 N.D. Juv. Ct., *2020 Annual Report* (2020), <https://www.ndcourts.gov/Media/Default/Trial%20Courts/Juvenile%20Court/juvenile-court-annual-report-2020.pdf>.
- 170 The data for the jurisdictions above does not analyze the resources expended in collections, but our previous research suggests that these costs may be significant, as young people may have additional court hearings, remain on probation longer, and even end up in costly juvenile placements for failure to pay – in addition to the actual cost of administering restitution programs. Feerman et al., *supra* note 117, at 23-24; see Matthew Menendez et al., Brennan Ctr for Just., *The Steep Costs of Criminal Justice Fees and Fines: A Fiscal Analysis of Three States and Ten Counties* 9 (2019), https://www.brennancenter.org/sites/default/files/2020-07/2019_10_Fees%26Fines_Final.pdf.
- 171 Parrott, *supra* note 119, at 389 n.12 (citing Alexis Harris, Heather Evans & Katherine Beckett, *Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States*, 115 Am. J. Socio. 1753, 1774 (2010)).
- 172 Stacy Hoskins Haynes, Alison C. Cares & R. Barry Ruback, *Reducing the Harm of Criminal Victimization: The Role of Restitution*, 30 Violence & Victims 450, 459 (2015) (citing Robert C. Davis, Barbara Smith & Susan Hillenbrand, *Restitution: The Victim's Viewpoint*, 15 Just. Sys. J. 746, 753 (1992)).
- 173 Paik, *supra* note 134, at 255-56.
- 174 Tori Sullivan Lavoie, *Footing the Bill for Juvenile Justice: The Legal Impacts of Financial Obligations on Washington Youth*, 19 Seattle J. for Soc. Just. 579, 606 (2021), <https://digitalcommons.law.seattleu.edu/cgi/view-content.cgi?article=2034&context=sjsj>.
- 175 Hoskins Haynes, Cares & Ruback, *supra* note 172, at 459 (citing Davis, Smith & Hillenbrand, *supra* note 172, at 752).
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- 214 N.Y. Fam. Ct. Act § 353.6.
- 215 Interview with Manhattan Borough Chief, Borough Cmty. Diversion Coordinator & Victims Advoc., Fam. Ct. Div., N.Y.C. L. Dep't, in N.Y.C, N.Y. (Nov. 20, 2019) (on file with authors).
- 216 *Id.*
- 217 *Id.*; Telephone Interview with Dir. Fam. Ct. Div., Safe Horizon (Oct. 29, 2019) (on file with authors).
- 218 Interview with Manhattan Borough Chief, *supra* note 215.
- 219 All. for Safety & Just., *supra* note 160, at 8.
- 220 Even restitution funds may have restrictions that victims cannot be compensated until the youth completes, for example, community service hours. See, e.g., Idaho Code Ann. § 20-538.
- 221 See Menendez et al., *supra* note 170, at 9.

222 Administering the second type of program may be complicated, but is worth exploring further in the future because it could give families and communities feasible options to deal with harm outside the juvenile justice system.

223 The exceptions are American Samoa and the Northern Mariana Islands. Both receive victim assistance grants, but not compensation grants. 34 U.S.C. § 20103(a)(5)(B).

224 OVC Fact Sheet: Victims of Crime Act Victims Fund, Off. for Victims Crime Archive (July 1999), https://www.ncjrs.gov/ovc_archives/factsheets/cvfvca.htm; H.R.1652 - VOCA Fix to Sustain the Crime Victims Fund Act of 2021, Congress.gov (2021), <https://www.congress.gov/bill/117th-congress/house-bill/1652>; 34 U.S.C. § 20101 et seq.

225 E.g., Ala. Code § 15-23-3(2) (defining “criminally injurious conduct”).

226 Charles Puzzanchera, U.S. Dep’t Just., Off. Juv. Just. & Delinq. Prevention, *Juvenile Arrests*, 2019 3 (May 2021), <https://ojjdp.ojp.gov/publications/juvenile-arrests-2019.pdf>.

227 E.g., Ala. Code § 15-23-12(a)(4), (c).

228 U.S. Dep’t Just., Off. for Victims Crime, *New Directions from the Field: Victims’ Rights and Services for the 21st Century* 335-36 (1998), https://www.ncjrs.gov/ovc_archives/directions/pdf/txt/chap14.pdf; Del. Code Ann. tit. 11, § 9014; Fla. Stat. Ann. § 960.17; V.I. Code Ann. tit. 34, § 170; see Mich. Comp. Laws Ann. § 712A.30(8) (authorizing restitution to be ordered to the victim compensation fund).

229 FY 2007 – FY 2022 Crime Victims Fund End of Year Balance (\$ millions), Off. for Victims Crime (2022), <https://ovc.ojp.gov/about/crime-victims-fund/fy-2007-2022-cvf-balance.pdf>.

230 U.S. Dep’t Just., Off. for Victims Crime, *Victims of Crime Act Victim Compensation Formula Grant Program: Fiscal Year 2019 Data Analysis Report 9* (2021), <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/fy-2019-voca-compensation-performance-report.pdf>.

231 Ariz. Rev. Stat. Ann. § 8-346. However, Arizona’s program only pays out victims based on money earned by the youth’s participation in a community service program, tying compensation to youth action.

232 Idaho Code Ann. § 20-539.

233 Iowa Code Ann. § 232A.2.

234 La. Child. Code Ann. art. 811.2; 811.3 (felony-grade offenses only).

235 Nev. Rev. Stat. Ann. § 62E.175; see Nev. Rev. Stat. Ann. § 62E.550.

236 72 Pa. Stat. and Cons. Stat. Ann. § 1792-A.

237 La. Child. Code Ann. art. 811.2; 811.3 (felony-grade offenses only).

238 Iowa Code Ann. § 232A.2.

239 Nev. Rev. Stat. Ann. § 62E.175; see Nev. Rev. Stat. Ann. § 62E.550.

240 Some states, including Arizona and Rhode Island, as well as individual counties, run programs where the state compensation fund pays youth a specified hourly rate for community service, and that payment goes directly to the youth’s restitution balance. R.I. Gen. Laws Ann. § 14-1-32.2 (“The family court...shall process and make all payments to children who are required to perform community restitution in lieu of other public or private employment pursuant to § 14-1-32.1”); *Restitution Fund*, *supra* note 152; *Lycoming County: Establishment of Juvenile Restitution Fund; Administrative Order*, *supra* note 152; *Juvenile Services*, *supra* note 152. This type of program does provide a possible route for youth to pay off restitution when they do not have any other options, but has the same problems as other types of community-service-in-lieu-of-restitution programs, described in more detail at Part C above. These problems include justice-by-income, impossibly long obligations, and a lack of developmentally appropriate options.

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- 246 Paik, *supra* note 134, at 249; Mara F. Schiff, *Restorative Justice Interventions for Juvenile Offenders: A Research Agenda for the Next Decade*, 1 W. Criminology R. 1 (1998), <https://westerncriminology.org/documents/WCR/v01n1/Schiff/Schiff.html>; Umbreit, *supra* note 86, at 31-34.
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- 252 Walker, *supra* note 162, at 40.
- 253 Tenn. Code Ann. § 37-1-131(b)(1).
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- 256 Am. Samoa Code Ann. § 46.1910.
- 257 Guam Fam. Ct. Rule 36, http://www.guamsupremecourt.com/Rules-of-Procedure/images/Family_Court_Rules.pdf.
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- 259 *AFTER Program: Aims to Foster Transformation & Ensure Restitution* (program brochure on file with the authors).
- 260 *Id.*
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273 Ada Melton, President, Am. Indian Dev. Assocs., Presentation at Reimagining Restitution for Youth Convening (Nov. 4-5, 2021).

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275 *Id.* Ms. Gourd previously served as director of the Spirit Lake Tribal Court.

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