

Testimony of Ebby Stoutmiles on behalf of Juvenile Law Center
Virginia House Bill 658
Favorable
January 26, 2022

Good afternoon, Mr. Chairman, and members of the committee. Thank you for the opportunity to support House Bill 658. My name is Ebby Stoutmiles. I am the State Policy Advocate for Juvenile Law Center's Debt Free Justice Campaign. Juvenile Law Center strongly supports this bill.

- We support this bill because it ensures the important right to counsel for youth in the justice system.
- The right to an attorney is a fundamental Constitutional guarantee. More than fifty years ago, the United States Supreme Court established that a criminal defendant who cannot afford to hire a lawyer must be provided one at no cost because "lawyers in criminal courts are necessities, not luxuries." Just a few years later, the Court that ensuring the right to counsel for children in the justice system "is of the essence of justice." Research further confirms that youth are particularly in need of counsel because they may have trouble understanding the court process or making measured decisions, especially when under stress.
- In our national survey of public defenders and other professionals working with youth, numerous respondents noted that costs related to court appointed attorneys led youth to waive counsel, or to plead to delinquency charges.¹ In some cases, prosecutors used the threat of attorney fees to pressure youth to plead guilty.² Unique problems can arise when parents are liable for costs, as they may pressure their children to waive counsel, but the child, not the parent, suffers the legal consequences.
- Ultimately the purpose of the juvenile justice system is to get young people back on track and charging them and their families for the cost of counsel further destabilizes the financial and emotional health of families, making it harder for young people who are in trouble to grow into successful adults. The state of Virginia can and should pass this bill to ensure all young people who are in trouble have adequate counsel.

Juvenile Law Center is grateful to the Commonwealth of Virginia for taking up this important issue. We urge you to pass House Bill 658. Thank you for your leadership.

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Jessica Feierman et al., [The Price of Justice: The High Cost of "Free" Counsel for Youth in the Juvenile Justice System](#) (July, 25, 2018).

² *Id.*