

XIX. SUPERVISION FEES

A. Code Section: O.C.G.A. §15-11-71

B. Uniform Juvenile Court Rule: None

C. Procedure

1. Statutory Limits. In 1990, the Georgia Legislature created a new mechanism to help local courts fund community treatment programs from the earnings of consumers of court services. Any delinquent or unruly child who receives supervision under an informal adjustment agreement or under a probation supervision order may be required to pay an initial supervision fee of \$10.00 to \$200.00, and a subsequent monthly fee of \$2.00 to \$30.00. The court may, after observing due process requirements, make the child and each parent, guardian, or legal custodian of the child (but not the Department of Human Resources) jointly and severally liable for the payment of the fee and may enforce the order as provided in O.C.G.A. §15-11-8.

2. Preference for Child to Pay Fee Personally. Whenever possible, the court should try to structure the fee to assure that it actually comes from the earnings of the child. Some courts have encouraged parents of young children to allow them to do extra chores at home to earn the money to pay fees. The child should be able to make the intellectual connection between the fee and the extra labor he or she is doing. Payment of the fee may be seen by the child as a consequence of the child's behavior, an investment in the development of community resources, and incentive for the child to derive some benefit from the resources he or she is partially helping to provide, etc. If the court offers incentives to children to earn their early release from supervision because of good behavior, the relief from payment of supervision fees may be an easily understood incentive.

3. Creation of Supplemental Juvenile Services Fund. Your court should arrange with your county treasurer or similar office to establish a supplemental juvenile services fund. Supervision fees should be paid to your clerk of the court who should forward it to the county treasurer for deposit into the supplemental juvenile services fund. Thereafter, the court shall exercise discretion in spending the money for community based services, submitting invoices to the county to pay for specific services. Money remaining in the fund shall not revert to any other fund at the end of the fiscal year, but shall continue in the county supplemental juvenile services fund. The supplemental fund shall not be used to replace any other funding of services.

4. Statutory Limitations on Use Of Fund. The Code section lists a relatively narrow range of allowable expenditures but many judges have found the funds to be invaluable in purchase of innovative services for children in supervision. A few of the programs funded since 1990 include Anger Management Groups, Law Related Education Groups, Mediation programs, and the purchase of a trailer and yard tools for group restitution projects. One court pays very young children a stipend from supervision fees to do volunteer work. The child then uses that money to pay monetary restitution to a victim who has been financially harmed by the child.

5. Enforcement of Order to Pay Supervision Fee. Failure to pay supervision fees may be enforced by contempt of court as provided in O.C.G.A. §15-11-5.