

ARTICLES

REFORM'S OVERSIGHT: THE LIMITS OF YOUTH RESTITUTION

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Over the past decade, dozens of state and local jurisdictions across the country and political spectrum have ended fines and fees in juvenile courts. One monetary sanction, however, is routinely left out of reform efforts: victim restitution. Unlike most fines and fees, youth restitution—paid to victims or harmed parties for economic loss or injury—continues to enjoy wide support, under the assumption that it promotes youth rehabilitation, deters harmful behavior, and makes harmed persons whole. But does restitution, particularly in juvenile court, deliver on its promises?

This Article illustrates how restitution functions in practice and, in doing so, sheds light on an often-overlooked corner of the juvenile system. Analyzing original data, composed of hundreds of records gathered from public record requests sent to 117 entities that handle youth restitution orders in California's fifty-eight counties, including juvenile courts, this Article finds no evidence that youth restitution achieves any of its purported goals. First, imposing restitution burdens youth with insurmountable debt, which undercuts opportunities for accountability and rehabilitation. Second, ordering youth to pay restitution exacerbates harm and incen-

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tivizes harmful behavior, particularly for low-income and Black and brown youth, rather than deterring crime. Third, because virtually none of the youth ordered to pay restitution can do so, the people they harm do not receive timely or adequate compensation. Building on these findings, this Article offers a path forward that focuses on policy reforms that better address harm and promote healing of both harmed parties and system-involved youth.

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INTRODUCTION

In 2008, a Bay Area, California, teen took the keys to another person's car, driving it around the block before running into a pedestrian crossing pole.¹ A juvenile court judge ordered the teen to serve sixty-nine days in a juvenile detention facility and to pay \$8,398 in restitution to cover the cost of towing and junking, a new driver's license, and replacement of the car.² When the young person turned eighteen, the juvenile court sent their family a copy of the restitution order and an abstract of judgment outlining the amount of restitution still due, nearly all of which had yet to be paid. Meanwhile, the court told the car-owning family they could pursue collection on their own, hire a private collection agent, or use the county collection agency (which would take 30% of any amount collected to cover their costs).³

The court's order was both financially devastating for the teen and ineffective for the victims/harmed family.⁴ The young person entered adulthood with over \$9,000 in debt as the amount grew due to the accumulation of interest.⁵ The car-owning family lived without a vehicle for

1. Memorandum to the Court re: Determination of Restitution (Cal. Super. Ct. Mar. 16, 2009) (on file with the *Columbia Law Review*) [hereinafter Memorandum re: Determination of Restitution].

2. *Id.* Towing and junking totaled \$345, a new driver's license \$28, and replacement of the vehicle based on its Kelly Blue Book value was \$8,025. *Id.* The young person and their family were also charged \$150 for representation by a public defender, \$52 for service of process, \$125 for probation investigation, \$7.50 per day for each day the young person was on electronic monitoring, and \$12.64 per day for each day the youth was in juvenile hall. The family was ordered to pay \$1,118.28 per month. Petition and Order to Pay (Cal. Super. Ct. Jan. 15, 2013) (on file with the *Columbia Law Review*).

3. Letter from Alameda Cnty. Cent. Collections Recs. re: Restitution (on file with the *Columbia Law Review*).

4. This Article strives to use people-first language focused on actions and consequences ("person harmed" or "person who caused harm") rather than language that essentializes a person based on what they have done or experienced, such as "victim" or "offender." Commonly used terminology such as "victim" perpetuates a false dichotomy that fails to recognize that people impacted by restitution—both those who are ordered to pay and those who seek restitution—often share similar demographics, come from the same communities and even households, and are impacted by many of the same socioeconomic drivers of crime and victimization.

5. See Cal. Civ. Proc. Code § 685.010 (2025) (authorizing the accrual of interest at 10% per annum on the unpaid principal of a civil judgment).

over a year, with the parents struggling to make it to work or drop off and pick up their kids from school and childcare. Further, the harmed family ultimately received nothing in compensation, since the young person did not have any income or assets that would have allowed them to pay the amount ordered.

This situation is from one case, but it has played out numerous times across the country. Nationally, it's estimated that approximately 500,000 young people⁶ and their families face the potential consequences of restitution each year, as all states and territories authorize the imposition of restitution against youth whose actions result in economic loss or injury.⁷ In California alone, approximately 12,200 youth annually are ordered to pay restitution for harm caused.⁸

Analyzing original data, composed of hundreds of records gathered from public records requests sent to 117 entities, including juvenile courts, that handle youth restitution orders in California's fifty-eight counties, this Article is the first critical examination of whether youth restitution achieves its purported goals. Using California as a case study, the Article finds that the system of youth restitution is not just broken but likely failing to meet all three of its purported objectives: rehabilitation, deterrence, and victim reparation.

Young people ordered to pay restitution and their families are tied to insurmountable and continually growing debt—often for the rest of their lives—that only exacerbates and prolongs the collateral consequences of system contact. Under California law, payment of restitution is a condition of probation.⁹ When left unpaid, the debt can turn into a civil judgment,¹⁰ enforceable through wage garnishment, tax refund intercept, and bank levy.¹¹ Unlike other types of debt, restitution does not benefit from any fair

6. See Estimated Number of Youth Arrests, Off. of Juv. Just. & Delinq. Prevention (July 8, 2022), <https://ojjdp.ojp.gov/statistical-briefing-book/crime/faqs/qa05101> [<https://perma.cc/4ZG6-AMDF>] (showing that law enforcement agencies in the United States made an estimated 424,300 arrests of persons under age eighteen in 2020, an estimated 684,230 arrests in 2019, and an estimated 721,630 arrests in 2018).

7. See Lindsey E. Smith, Nadia S. Mozaffar, Jessica Feierman, Lea Parker, Amanda NeMoyer, Naomi E. Goldstein, Jonathan M. Hall Spence, Matthew C. Thompson & Vendarryl L. Jenkins, Juv. L. Ctr., *Reimagining Restitution: New Approaches to Support Youth and Communities* 4, 7 (2022), <https://debtorsprison.jlc.org/documents/JLC-Reimagining-Restitution.pdf> (on file with the *Columbia Law Review*) (“Every state authorizes restitution in juvenile court.”).

8. Based on data compiled from Public Records Act requests to California juvenile courts (on file with the *Columbia Law Review*).

9. Cal. Welf. & Inst. Code § 730.6(b)(1) (2025).

10. *Id.* § 730.6(c).

11. Through its Interagency Intercept Collection Program, the Franchise Tax Board (FTB) intercepts personal income tax refunds, lottery winnings, and unclaimed property disbursements. Interagency Intercept: Collections for Other Agencies, State Cal. Franchise Tax Bd., <https://www.ftb.ca.gov/pay/collections/interagency-intercept/index.html> [<https://perma.cc/G77F-ELC6>] (last updated Sep. 24, 2025). Through its Court-Ordered Debt Program, the FTB can garnish wages (up to 25% of disposable earnings for each pay period).

collection protections, including prohibitions against deceptive or misleading representations in the collection of such debt, and the application of a statute of limitations on collection “varies by jurisdiction.”¹² Restitution is also not dischargeable in bankruptcy¹³ and is legally enforceable in perpetuity.¹⁴

Ordering youth to pay restitution when they cause harm does not deter future delinquent behavior, but it does exacerbate drivers of harm and crime.¹⁵ Research on adolescent brain development shows that youth as a group do not weigh the costs and benefits of their actions in ways that deterrence theories presume.¹⁶ Additionally, many youth in the system are low-income or come from historically marginalized and underresourced communities and may be more likely to commit a crime out of desperation to meet their basic needs or to ensure their safety.¹⁷ In fact, criminologists have found that youth with unpaid restitution tend to experience a higher rate of recidivism due to the pressure to pay off the debt.¹⁸

And persons harmed are not receiving timely or adequate compensation because most court-involved youth cannot pay. Nonpayment of restitution can leave harmed persons with limited options. They must either navigate a heavily bureaucratic application process in the hopes of meeting the strict eligibility requirements for monetary support from state-run victim compensation programs, like the California Victim's Compensation Board,¹⁹ or wait and hope that the young person ordered to pay, or their

Help With Withholding Orders, State Cal. Franchise Tax Bd., <https://www.ftb.ca.gov/pay/collections/withholding-orders/help-with-withholding-orders.html> [https://perma.cc/2548-KARN] (last updated Sep. 24, 2025).

12. Abby Shafroth, David Seligman, Alex Kornya, Rhona Taylor & Nick Allen, Nat'l Consumer L. Ctr., *Confronting Criminal Justice Debt: A Guide for Litigation* 64–67, 123–24 (2016), <https://www.nclc.org/wp-content/uploads/2022/09/confronting-criminal-justice-debt-2.pdf> [https://perma.cc/M8MB-59B9].

13. Debt incurred through restitution obligations cannot be avoided even through a declaration of bankruptcy. See *Kelly v. Robinson*, 479 U.S. 36, 47–53 (1986) (holding that restitution obligations imposed as conditions of probation in state criminal proceedings are not dischargeable in Chapter 7 bankruptcy); see also Andrea Bopp Stark & Geoffrey Walsh, Nat'l Consumer L. Ctr., *Clearing the Path to a New Beginning: A Guide to Discharging Criminal Justice Debt in Bankruptcy* 18 (2020), https://www.nclc.org/wp-content/uploads/2022/09/Rpt_Bankruptcy_and_CJ_Debt.pdf [https://perma.cc/6UJZ-DT7V] (“Since *Kelly*, courts have held that most victim restitution included in a state criminal sentencing order is exempt from discharge whether owed to a governmental entity or to a non-governmental victim.”).

14. Civil judgments in California are enforceable for ten years. Cal. Civ. Proc. Code § 683.020(a)–(c) (2025). State law, however, exempts court-ordered “fines, forfeitures, penalties, fees, or assessments” from the ten-year limit on enforcement. Cal. Penal Code § 1214(e) (2025).

15. See *infra* section III.B.

16. See *infra* note 246.

17. See *infra* notes 252–253 and accompanying text.

18. See *infra* notes 264–266 and accompanying text.

19. See Cal. Gov't Code §§ 13900–13974.5 (2025) (defining the eligibility requirements to receive compensation); What Is Covered, Cal. Victim Comp. Bd., <https://>

family, will do so at some point.²⁰ For many, neither option bears results, and both leave persons harmed feeling hopeless and often retraumatized.²¹

Notwithstanding the problems unearthed here, restitution has been largely absent from otherwise robust monetary sanction reform efforts in the last decade. In recent years, policymakers have increasingly recognized the harms and inefficiencies of monetary sanctions imposed by the juvenile and criminal legal systems.²² But restitution continues to be carved out, both in law and in practice, as exceptional, with policymakers hesitant to abandon the practice because of its supposed potential to help harmed persons.²³ Yet it is the one monetary sanction that youth and adults alike cite as one of the greatest impediments in moving past their system involvement.²⁴ Like fines and fees, collection rates on restitution are low because most youth in the juvenile legal system come from low-income families.²⁵ In addition, the cost of collecting restitution often can be nearly as much

victims.ca.gov/for-victims/what-is-covered [https://perma.cc/X6QV-3LPG] (last visited Aug. 13, 2025) (defining specific eligible and noneligible expenses and monetary limits on reimbursement).

20. In a survey of victims conducted by the San Francisco District Attorney's Office, of people who had restitution ordered in their case, 67.5% of survey respondents reported never receiving any restitution payment at all. Gena Castro Rodriguez, S.F. Dist. Att'y's Off., 2020 Victim Impact Survey Report 16 (2021), <https://sfdistrictattorney.org/wp-content/uploads/2021/04/4.19.21-Victim-Impact-Survey-Report.pdf> [https://perma.cc/U7KM-2PPC] [hereinafter Castro Rodriguez, Victim Impact Survey Report].

21. See Leslie Paik, Brittany Romanello & Aaron Thompson, Ariz. State Univ. T. Denny Sanford Sch. of Soc. & Fam. Dynamics, Victim Experiences With Restitution and Compensation 26 (2023), https://thesanfordschool.asu.edu/sites/g/files/litvpz486/files/2023-11/Victim-Experiences-with-Restitution-Compensation_2023.pdf [https://perma.cc/V7ED-9YLY] (recounting the struggles and complications faced by victims seeking restitution).

22. See Off. for Access to Just., DOJ, Access to Justice Spotlight: Fines & Fees 7–23 (2023), <https://www.justice.gov/d9/2023-11/doj-access-to-justice-spotlight-fines-and-fees.pdf> [https://perma.cc/9U45-R2UY] (listing jurisdictions that have “eliminated all or many categories of fines and fees that are in their discretion to waive”).

23. See Lula A. Hagos, Debunking Criminal Restitution, 123 Mich. L. Rev. 469, 472, 509 (2024) (noting that criminal restitution is “often overlooked” in “call[s] for systemic reform” regarding fines and fees).

24. Smith et al., *supra* note 7, at 14; see also Hagos, *supra* note 23, at 496 (“Barriers to reintegration are compounded for those who face restitution obligations. They face a series of civil penalties . . . as well as criminal penalties, because many courts consider a failure to pay restitution a failure to complete the criminal sentence.”).

25. See Berkeley L. Pol’y Advoc. Clinic, Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administrative Fees in California 9–10 (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf> [https://perma.cc/UP3U-B98R] (describing how fines and fees in the juvenile justice system disproportionately burden low-income families); Smith et al., *supra* note 7, at 16 (discussing studies which found that “nearly 77% of assessed restitution goes unpaid to victims” and that “only 33% of crime victims were satisfied with the amount of restitution they received” (citing 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); Anwen Parrott, Note, Paying Unpayable Debts: Juvenile Restitution and Its Shortcomings in Hennepin County, Minnesota, Minn. J.L. & Ineq. 387, 389 n.12 (2021))).

as the amount collected from youth ordered to pay.²⁶ But unlike fines and fees, which are funneled to local or state budgets, restitution is meant to directly compensate people who experience loss or injury.²⁷ While the answer to reforming fines and fees has been to repeal statutory authority that allows the charging of such monetary sanctions, eliminating restitution without an alternative means of compensation may contribute to ongoing trauma and harm for already struggling families and communities.²⁸

In the absence of restitution reform, the primary lifeline for harmed persons and involved youth alike has come in the form of occasional debt relief and temporary pilot programs. For example, on Mother's Day in 2023, Kim Kardashian and Michael Rubin paid off fifty mothers' restitution debts.²⁹ Other reforms have taken the form of pilot programs. San Francisco piloted the Aims to Foster Transformation & Ensure Restitution program for youth in its juvenile system in 2022.³⁰ Through the program, young people make amends for harm they've caused by participating in restorative justice conferences, performing community service, or being connected to job opportunities. The person harmed is simultaneously paid restitution from a community fund—funded by a philanthropic organization—and can participate in other services available to support them.³¹ But relying on charitable contributions and philanthropic experimentation is not only a haphazard, nonscalable solution, it also maintains the current system of restitution.

26. Kristen Clarke, Amy L. Solomon & Rachel Rossi, DOJ, Dear Colleague Letter: Criminal Fines and Fees 3 n.11 (Apr. 20, 2023), <https://www.justice.gov/opa/press-release/file/1580546/download> [<https://perma.cc/6PSX-WKC7>].

27. Cal. Penal Code § 1202.4(a)(1) (2025).

28. See Debt Free Just. Cal., California Should Eliminate Fees in the Criminal System (2018), http://ebclc.org/wp-content/uploads/2018/11/Families_Over_Fees_AbilityToPay_OnePager.pdf [<https://perma.cc/59XV-TE5U>] (concluding there is “no efficient or fair way to charge fees” in the criminal justice system and that “[a]ny solution that does not contemplate full elimination only shifts discretion and perpetuates existing racial biases in the system” (emphasis omitted)); see also Hagos, *supra* note 23, at 472–73 (noting that while “[f]ines-and-fees reform is driven by the notion that no legitimate penological purpose justifies the imposition of fines and fees,” criminal restitution “has been long perceived as a fair criminal remedy because its stated goals . . . are deemed legitimate”).

29. Julia Moore, Kim Kardashian Pays Off Legal Fees for More Than 50 Moms This Mother's Day: 'I Want to Do My Part', *People* (May 16, 2023), <https://people.com/tv/kim-kardashian-pays-off-legal-fees-for-more-than-50-moms-for-mothers-day/> [<https://perma.cc/BM6Q-APEN>].

30. See Michelle Lau, Fin. Just. Project, Better for Everyone: Repairing Harm for Crime Survivors and Young People: San Francisco's New Approach to Youth Restitution 2 (2024), https://www.sfgov.org/financialjustice/files/2024-01/Better%20for%20Everyone_San%20Francisco%20New%20Approach%20to%20Youth%20Restitution%20January%2024.pdf [<https://perma.cc/6QK4-VKUC>] [hereinafter Lau, *Better for Everyone*] (providing an overview of San Francisco's Aims to Foster Transformation & Ensure Restitution program).

31. *Id.* at 9.

To engage critically with the structural limitations of youth restitution, this Article offers a reimagining of the youth restitution system that better aligns with its the professed goals—one that seeks to address harm without relying on punishment and incarceration. Specifically, states, including California, must invest in harm prevention and youth healing to break the cycle of violence and trauma that often drives youth to cause harm in the first place. Youth should be offered developmentally appropriate, culturally responsive, and nonmonetary means of making amends for harm caused, and harmed parties should receive access to needed supports, including direct compensation that does not rely on payment from youth and families.

This Article proceeds as follows. Part I provides an overview of the origins of restitution and its use in the juvenile system, particularly its development alongside the victims' rights movement in the 1980s and "super-predator" era of the 1990s. Part II uses California as a case study to understand how the youth restitution system works in practice. It describes the origins of restitution in California's juvenile system, its purported goals, and its operation under existing law before presenting original court and agency data on youth restitution assessment and collection practices gathered through Public Records Act requests. Part III presents three primary findings about how the youth restitution system, as evidenced by California's, is working in stark contrast to its purported goals: The current restitution system impedes youth rehabilitation by extending the collateral consequences of system contact, does not deter delinquent behavior or promote public safety, exacerbates drivers of harm and crime, and is unable to provide redress and healing for persons harmed because youth are largely unable to pay restitution. Part IV proposes a reimagining of the youth restitution system to more effectively address harm and achieve restoration for all involved before closing with an examination of real and potential objections to such an overhaul.

I. THE ORIGINS AND PURPOSE OF JUVENILE RESTITUTION

To evaluate whether the youth restitution system is working, one must understand what the purported objectives of restitution are. Those objectives are informed by a long history. The concept of restitution dates back to early societies, with forms of compensation for harmed persons found in the Torah,³² the Code of Hammurabi,³³ and the Twelve Tables of early Roman law.³⁴ But as perceptions of harm evolved alongside the development of the modern legal system, the goals and impact of restitution—

32. Richard E. Laster, *Criminal Restitution: A Survey of Its Past History*, in *Considering the Victim: Readings in Restitution and Victim Compensation* 19, 20 (Joe Hudson & Burt Galaway eds., 1975).

33. *Id.* at 21.

34. Geoffrey MacCormack, *Revenge and Compensation in Early Law*, 21 *Am. J. Compar. L.* 69, 71–75 (1973).

both in name and in practice—shifted from a constructive tool meant to deter individual retaliation to a punitive mechanism utilized by courts in the name of communal justice.³⁵

In the early years of mankind, wrongs were viewed as a private issue.³⁶ If a person was harmed, their family might retaliate to even the score,³⁷ which contributed to the development of long-standing blood feuds and vendettas.³⁸ In response, elders and leaders put structures and regulations in place to de-escalate conflict and encourage settlement between parties for harmful acts, promoting alternatives like compensation in lieu of bodily harm and physical retaliation.³⁹ Put differently, restitution was initially an attempt to curb the desire to seek revenge.⁴⁰

As custom and practice became codified into early law and oversight became more centralized, harm was no longer viewed as a personal matter but rather as a communal one.⁴¹ This meant that overseers—whether kings, chiefs, or lords—also began to meddle with the compensatory process, including taking their share of a harmed party's compensation.⁴² Any act that breached the king's peace made the king just as much a victim as the injured party and, therefore, entitled to a share of compensation.⁴³ So rather than a form of direct restoration between parties, restitution was broadened over time to satisfy conceptions of justice—or, in other words, to punish. Professor Richard Laster posits that such interventions

35. See Courtney E. Lollar, *Punitive Compensation*, 51 *Tulsa L. Rev.* 99, 104 (2015) (discussing a shift in the “focus” of criminal restitution “from a primarily remedial device to a primarily punitive one”).

36. See L.T. Hobhouse, *Law and Justice*, in *Considering the Victim: Readings in Restitution and Victim Compensation*, supra note 32, at 5, 5 (explaining that, in early periods of human “social organization,” wrongs were “revenged by private individuals, and any one whom they c[ould] get to help them”).

37. *Id.* at 6.

38. *Id.*

39. See MacCormack, supra note 34, at 74–76 (describing a process through which private revenge began to be limited by the oversight of a “central authority”).

40. Some have theorized that the increasing desire to acquire private property and wealth naturally shifted interest in seeking personal revenge to monetary compensation. See, e.g., Stephen Schafer, *The Victim & His Criminal—“Victimology”* 4–5 (1967) [hereinafter Schafer, *The Victim & His Criminal*]. Others explain the birth of restitution as stemming from a fear of witchcraft—that if a harmed party sought revenge against a person who caused them harm and that person was a witch, that they would be subjecting themselves to retaliation through curses and sorcery. See Richard C. Boldt, *Restitution, Criminal Law, and the Ideology of Individuality*, 77 *J. Crim. L. & Criminology* 969, 989 n.110, 1014 n.258 (1986) (reviewing scholarly discussions of witchcraft and restitution).

41. See Schafer, *The Victim & His Criminal*, supra note 40, at 6 (discussing how a practice of restitution came to supplant the assumption that “victim[s] should seek revenge or satisfaction” for crimes committed against them).

42. *Id.* at 7.

43. Hobhouse, supra note 36, at 15; see also Stephen Schafer, *The Restitutive Concept of Punishment*, in *Considering the Victim: Readings in Restitution and Victim Compensation*, supra note 32, at 102, 109 (discussing how monetary punishments evolved from restitution for the victim to income for the state).

“reduced the economic lot of the victim, shifted the aim of the law away from any constructive policy of restitution, and reinforced the concept of harm to society to justify the criminalization of certain ‘harmful’ acts to individuals.”⁴⁴

This emphasis on societal harm had ramifications for both persons who caused harm and harmed parties, legitimizing the rise of punitive responses in the name of victims and public safety.⁴⁵ People who caused harm no longer faced just the monetary consequences of their actions against an individual but also punishment for what were viewed as wrongs done to the broader community. Similarly—whereas previously, harmed parties had some say over the terms and conditions of restitution that would make them whole—now persons harmed had to buy into and cooperate with a legal system to receive compensation.⁴⁶

A. *The Use of Restitution by Juvenile Courts*

Some scholars have pointed to the due process revolution of the 1960s as the genesis of the introduction of restitution to today’s juvenile system,⁴⁷ as it brought the limitations of unfettered judicial discretion in achieving rehabilitation into focus.⁴⁸ For the first part of the twentieth century, juvenile courts largely evaded scrutiny. Judges operated without much oversight given the confidential nature of juvenile cases and the absence of lawyers in the courtroom.⁴⁹ In 1966, however, the Supreme Court under Chief Justice Earl Warren raised concerns with the juvenile court in *Kent v. United States*, observing that in the juvenile system a “child receives the worst of both worlds,” in that “he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.”⁵⁰ Shortly after, in 1967, the Court held in *In re Gault* that juvenile court procedures were constitutionally deficient, noting that there was a concerning disjunction between the theory and practice of rehabilitation and the procedural protections youth received.⁵¹ As states revised their juvenile codes in response to these Warren Court decisions, a 1977 joint

44. Laster, *supra* note 32, at 28.

45. *Id.*

46. *Id.* at 24.

47. See, e.g., Barry C. Feld, *The Evolution of the Juvenile Court: Race, Politics, and the Criminalizing of Juvenile Justice* 43 (2017) (explaining that, up until the 1960s, “juvenile courts languished in a legal backwater that insulated judges and court personnel from systematic examination because of their closed confidential operation, the absence of lawyers who practiced in them, and their clients’ disadvantaged status”).

48. See Anne Larason Schneider & Jean Shumway Warner, *The Role of Restitution in Juvenile Justice Systems*, 5 *Yale L. & Pol’y Rev.* 382, 387 (1987) (“Some scholars characterize [the juvenile justice system’s] decision-making systems as involving excessive discretion that produces widely disparate sanctions, punishment disproportionate to the severity of the offense, and, in some instances, racial or sexual bias.”).

49. Feld, *supra* note 47, at 43.

50. 383 U.S. 541, 556 (1966).

51. Feld, *supra* note 47, at 59.

commission of the Institute of Judicial Administration and the American Bar Association released a set of national juvenile justice standards, including a recommendation that judges utilize restitution as a less restrictive alternative to traditional sanctions like incarceration or probation.⁵²

Early proponents of juvenile restitution programs believed that holding youth accountable was not only less restrictive but also more effective at achieving rehabilitation and reducing recidivism than assigning punishment or ordering treatment.⁵³ In the 1978 Program Announcement for its National Juvenile Restitution Program (NJRP), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) branded restitution as an alternative to incarceration with the primary goal of holding juveniles responsible and accountable to victims.⁵⁴ Restitution programs were believed “to cause participant youth to become aware of the consequences of their acts, making them more accountable and less likely to commit new offenses.”⁵⁵

A 1984 survey revealed that youth restitution program directors perceived accountability as the most important programmatic goal, with an average of 9.7 on a 10 scale (on which “10” signified most important), followed by “[o]ffender treatment” with a score of 7.7, and victim reparations at 7.6.⁵⁶ Notably, punishment was not considered a primary goal of restitution by survey respondents, who gave it an average of just 3.3 on the scale.⁵⁷

To successfully hold youth accountable, restitution programs had to be about more than just payment to harmed parties. They also needed to

52. Barbara Danziger Flicker, *Standards for Juvenile Justice: A Summary and Analysis* 3, 210 (2d ed. 1982) (outlining three types of sanctions juvenile courts may impose, from most to least severe, including custodial sanctions when a juvenile is ordered to a facility; conditional sanctions when a juvenile is ordered to perform a particular act, such as making restitution; and nominal sanctions when a juvenile is reprimanded before being unconditionally released).

53. Schneider & Warner, *supra* note 48, at 382.

54. Off. of Juv. Just. & Delinq. Prevention, DOJ, *Restitution by Juvenile Offenders: An Alternative to Incarceration* 102 (1978), <https://www.ojp.gov/pdffiles1/Digitization/45319NCJRS.pdf> [<https://perma.cc/J3TQ-QHG3>] [hereinafter Off. of Juv. Just. & Delinq. Prevention, *Restitution by Juvenile Offenders*]. This program was eventually renamed to Restitution Education, Specialized Training, and Technical Assistance (RESTTA). Program Goals, RESTTA Nat'l Directory Restitution & Cmty. Serv. Programs, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/restta/goals.html> [<https://perma.cc/EGC4-VK5Y>] (last visited Oct. 7, 2025).

55. Off. of Juv. Just. & Delinq. Prevention, *Restitution by Juvenile Offenders*, *supra* note 54, at 102.

56. Table 5: Respondents' Rankings of Program Goals, RESTTA Nat'l Directory Restitution & Cmty. Serv. Programs, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/restta/table5.html> [<https://perma.cc/GD3K-VJ8J>] (last visited Sep. 12, 2025) [hereinafter RESTTA Survey]; see also Anne L. Schneider, *Fundamental Decisions in Restitution Programming*, in *Guide to Juvenile Restitution* 7, 8 (Anne L. Schneider ed., 1985) (same).

57. RESTTA Survey, *supra* note 56.

make a connection between the harm done and efforts to make a victim whole. Several programs funded by the OJJDP under the NJRP focused on delinquency prevention efforts by providing youth with seminars and trainings in job-seeking skills and employing caseworkers whose charge was to identify community service or job placements, provide advice and training to work supervisors, and monitor youth progress.⁵⁸ Analysts of early juvenile restitution programs in the 1980s underscored that there was no evidence that monetary restitution alone had “any effect at all on delinquency, and there is substantial reason to believe that failure rates [would] be high.”⁵⁹

B. *Restitution as Punishment*

The use of restitution programs as a nonpunitive alternative was short-lived as mainstream attitudes toward youth crime “reached a fever pitch” in the 1990s.⁶⁰ In 1995, John Dilulio, a Princeton criminologist, wrote in the *Weekly Standard* that cities across the country would soon be overrun by waves of “super crime-prone” and “hardened, remorseless juveniles,” or “super-predators.”⁶¹ Pointing to “the poverty of growing up surrounded by deviant, delinquent, and criminal adults in abusive, violence-ridden, fatherless, Godless, and jobless settings,” Dilulio predicted that there would be “tens of thousands of severely morally impoverished juvenile super-predators . . . [who] will do what comes ‘naturally’: murder, rape, rob, assault, burglarize, deal deadly drugs, and get high.”⁶² As a consequence, Dilulio concluded that “we will have little choice but to pursue genuine get-tough law-enforcement strategies against the super-predators.”⁶³

The victims’ rights movement only amplified such feelings. For example, the 1982 Presidential Task Force on Victims of Crime, which was charged with reviewing policies and programs affecting victims of crime and advising the President and Attorney General on how to improve efforts to assist victims of crime,⁶⁴ made a stark contrast between innocent “juvenile victims” and calculated “juvenile victimizers.”⁶⁵ Oddly, the Task Force’s disbelief with the way in which the system expected a child who had been victimized to act like an adult—“to come to an adult court, open

58. Schneider & Warner, *supra* note 48, at 390–91.

59. *Id.* at 399.

60. Ahmed Lavalais, *Monetizing the Super-Predator*, 81 *Ohio St. L.J.* 983, 993 (2020).

61. John J. Dilulio, Jr., *The Coming of the Super-Predators*, *Wkly. Standard*, Nov. 27, 1995, at 23, 23–25 (on file with the *Columbia Law Review*).

62. *Id.* at 25–26.

63. *Id.* at 28.

64. Exec. Order No. 12,360, 47 *Fed. Reg.* 17,975, 17,975 (Apr. 27, 1982).

65. See President’s Task Force on Victims of Crime, *Final Report* 51–53 (1982), <https://www.ojp.gov/pdffiles1/ovc/87299.pdf> [<https://perma.cc/UNL3-667B>] (characterizing the criminal justice system as “disturbingly inconsistent in the way it treats juvenile victims and juvenile victimizers”).

to the public, and behave like an adult . . . and meet adult standards”⁶⁶—did not extend to youth who caused harm. Instead, the Task Force bemoaned the increase in “juvenile victimizers,” who it characterized as “more sophisticated about crime, the way in which the system operates, and how they can avoid being held culpable than are many adults.”⁶⁷ In response to juveniles “who are becoming more violent at an increasingly early age,” the Task Force recommended that the juvenile system reevaluate its differential treatment of youth (as compared to adults) and that youth be tried as adults for more types of crimes, including murder, rape, armed robbery, armed burglary, or assault.⁶⁸

Professor Lula Hagos cites the victims’ rights movement as a major driver of the dramatic expansion of restitution as a criminal sanction.⁶⁹ She argues that restitution is perceived as a fair remedy because of its legitimate penal justifications—making victims whole and holding people accountable—even though restitution brings little satisfaction to victims and disproportionately punishes those who are poor.⁷⁰ These appealing rationales allowed for the growth of new and increasingly punitive policies and laws in the name of victims. According to Lenore Anderson, president of the Alliance for Safety and Justice:

The United States went from having virtually no laws related to victims on the books in the 1970s to enacting literally thousands of law changes in every single state in the nation and federally in the decades since. From the 1980s to 2010s, *over 32,000* laws seeking to advance victims’ rights were enacted.⁷¹

Anderson argues that the victims’ rights movement helped fuel the growth of the criminal legal system but that the system has largely been incapable of protecting and providing for most people who are harmed: “Instead of providing support to more victims or effectively addressing the cycle of crime, it has propagated mass incarceration, cemented discrimination against victims, and worsened many victims’ relationship with the criminal justice system.”⁷²

The heightened focus on victims’ rights and public uproar around youth crime resulted in the disinvestment in youth restitution programs and a shift in attitudes about the goals of restitution. Restitution Education, Specialized Training, and Technical Assistance (RESTTA), established by OJJDP to gather information from restitution programs across the country and encourage communication between these programs, saw a large reduction in funding and was forced to discontinue its

66. Id. at 51.

67. Id. at 52.

68. Id. at 52–53.

69. Hagos, *supra* note 23, at 475.

70. Id. at 472–73.

71. Lenore Anderson, *In Their Names: The Untold Story of Victims’ Rights, Mass Incarceration, and the Future of Public Safety* 7 (2022).

72. Id. at 10–11.

technical assistance program in 1988,⁷³ causing a sharp decline in the growth rate of restitution programs across the country.⁷⁴ Perceptions about the goals of restitution also changed. A 1991 updated survey of restitution program directors showed a decrease in the perceived importance of accountability, from an average of 9.7 in 1984 to 8.7 by 1991.⁷⁵ Victim reparations replaced “[o]ffender treatment” for second place in terms of importance.⁷⁶ The average importance of punishment increased from a score of 3.3 in 1984 to 4.8 by 1991.⁷⁷ Despite the facially well-meaning aims of the victims’ rights movement, restitution was never an effective mechanism for achieving those goals; instead, it became a vehicle for advancing the punitive agendas of tough-on-crime figures like Dilulio.

Given restitution’s stray from its original purpose, Professor Cortney Lollar advocates for a new term to more accurately describe restitution—“punitive compensation.”⁷⁸ Unlike restitution, which was originally conceptualized as the disgorgement of unlawful gains, punitive compensation recognizes the desire to make victims “whole” by providing monetary compensation for loss or injury, while also assigning “moral blameworthiness” to a defendant’s conduct by creating punitive collateral consequences to the remedy.⁷⁹ While still compensatory, punitive compensation better recognizes both the punitive goals of restitution and the moral condemnation associated with it.⁸⁰

In sum, scholars have well documented the increasingly punitive nature of restitution in the criminal system in particular.⁸¹ The next Part

73. Growth of Restitution Programs, RESTTA Nat’l Directory Restitution & Cmty. Serv. Programs, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/restta/growth.html> [<https://perma.cc/GVQ9-RSNJ>] (last visited Sep. 1, 2025); New Trends in Restitution Programs: Results From the 1991 RESTTA Survey, RESTTA Nat’l Directory Restitution & Cmty. Serv. Programs, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/restta/intro.html> [<https://perma.cc/94D4-NEN8>] (last visited Nov. 1, 2025).

74. *Id.*

75. RESTTA Survey, *supra* note 56.

76. *Id.*

77. *Id.*

78. Lollar, *supra* note 35, at 100.

79. *Id.* (“‘Punitive compensation’ recognizes that courts impose [criminal] remed[ies] largely in an attempt to address the moral harm caused by a criminal defendant’s action, while also compensating a victim’s intangible losses.”).

80. *Id.*

81. See Hagos, *supra* note 23, at 477 (highlighting the racist impact of restitution); Benjamin Levin, Victims’ Rights Revisited, 13 Calif. L. Rev. Online 30, 33 (2022), https://www.californialawreview.org/s/Levin_Final.pdf [<https://perma.cc/V85C-D3DL>] (noting the limits of victim-centered prosecution related to the fact that “defendants . . . tend to come from the same race-class subordinated groups as victims”); Lollar, *supra* note 35, at 100 (critiquing the role of restitution as punitive compensation); Sara Manaugh, The Vengeful Logic of Modern Criminal Restitution, 1 Law Culture & Humans., 359, 372 (2005) (describing how restitution in practice is indistinguishable from punishment while also providing no role for victims in determining the appropriateness or amount of restitution ordered); Matthew Dickman, Comment, Should Crime Pay?: A Critical Assessment of the

builds on that foundation by analyzing practices in one of the largest juvenile systems in the country, California, to ask whether restitution is currently achieving its purported goals when ordered against youth or if it, too, has been warped into an additional punitive measure, as Lollar and Hagos maintain.

II. YOUTH RESTITUTION IN CALIFORNIA: A CASE STUDY

In California's juvenile system, restitution has largely tracked the evolution outlined in Part I. In the early 1980s, after the passage of its Victims' Bill of Rights by ballot initiative,⁸² California authorized the use of youth restitution to make victims whole.⁸³ But by the mid-1990s, in the era of the "super-predator,"⁸⁴ restitution quickly became a preferred sanction as the legislature both increased the scope of restitution that could be ordered and strengthened the ability to enforce such orders against youth and their families. Since then, little has changed statutorily, and any attempts at reform have been viewed as inherently antivictim.

This Part begins by providing an overview of how restitution was codified into state law, noting the purported goals of restitution in advancing rehabilitation, deterrence, and victim restoration. It then details existing law that guides how juvenile courts impose and collect restitution from youth and families. It closes by presenting original data gathered from juvenile courts across the state, which help illustrate how youth restitution operates in practice in California.

A. *Youth Restitution in Law*

California first authorized the use of restitution in its juvenile system shortly after the passage of its Victims' Bill of Rights, which articulated a victim's right to receive restitution.⁸⁵ While the state statute focuses primarily on the reparative value of restitution, case law underscores additional goals of promoting youth rehabilitation and deterring future delinquent behavior.⁸⁶

Mandatory Victims Restitution Act of 1996, 97 Calif. L. Rev. 1687, 1690–92 (2009) (describing the impact of the passage of the Mandatory Victims Restitution Act, which removed judicial discretion over whether to order restitution and at what amounts).

82. Measures Submitted to Vote of Electors, Cal. Prop. 8, Initiative Measure A-186 to A-190 (June 8, 1982), https://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1982/82Vol1_Measures.pdf [<https://perma.cc/4Q8G-75EM>] (codified at Cal. Const. art. I, § 28).

83. Act of Sep. 24, 1982, ch. 1413, § 7, 1982 Cal. Stat. 5401, 5405 (codified as amended at Cal. Welf. & Inst. Code § 730.6 (2025)) (mandating that courts require minors to make restitution as a condition of probation, barring exceptional circumstances).

84. Dilulio, *supra* note 61, at 84.

85. § 7, 1982 Cal. Stat. at 5405.

86. See, e.g., *In re Travis J.*, 165 Cal. Rptr. 3d 635, 649 (Ct. App. 2013) (identifying the three goals of restitution as rehabilitation, deterrence of future delinquent behavior, and compensation for economic losses).

Today, California's youth restitution system requires judges to order nearly *all* youth under juvenile court jurisdiction to pay restitution, with limited opportunities for adjustment based on a young person's circumstances.⁸⁷ Collection and enforcement of restitution against youth and their families are often unforgiving, and such debt can come with long-lasting consequences that follow youth well into adulthood.⁸⁸

1. *Introduction of Youth Restitution Into California Law.* — California first introduced restitution into its juvenile system in conjunction with major victims' rights reform. In June 1982, California became the first state to pass a Victims' Bill of Rights, which included the right for victims to receive restitution.⁸⁹ Proposition 8 added Article I, Section 28, Subdivision (b) to the California Constitution, providing:

(b) In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

...

(13) To restitution.

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

(B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

(C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.⁹⁰

As written, however, this right categorically does not apply to parties harmed by youth. Subdivision (b) is unambiguous in that the right to restitution only applies to persons who experience harm because of "criminal" activity or persons who are "convicted." As juveniles are not

87. Cal. Welf. & Inst. Code § 730.6(h)(1). If a court finds that there is a "compelling and extraordinary" reason, the judge can waive a restitution fine but must provide the reason supporting waiver. *Id.* § 730.6(g)(1). Dual-status youth, or youth who are both in the juvenile delinquency and child welfare systems, cannot be ordered to pay restitution fines. *Id.* § 730.6(g)(2).

88. See Sydney Ford, *Punitive Instead of Rehabilitative: The Role of Restitution in the Juvenile Justice System and the Need for Reconstruction*, 1 Ga. Crim. L. Rev. 28, 42–43 (2023) (stating that "[u]npaid restitution can result in long-term financial consequences for youth," including "mounting interest on unpaid restitution," "barriers . . . to education and employment," and "[f]inancial strain on [their] family").

89. Lynne Henderson, *Revisiting Victim's Rights*, 1999 Utah L. Rev. 383, 383, 403.

90. Cal. Const. art. I, § 28.

“convicted” of crimes but instead “adjudicated delinquent,” the right to restitution should not apply to persons harmed by delinquent conduct.⁹¹

A few months after the passage of Proposition 8, California codified the imposition of restitution in both the criminal and juvenile systems.⁹² Specifically, the legislature added section 729.6 to the Welfare and Institutions Code, which required the juvenile court to order a young person to make restitution as a condition of probation.⁹³ If a judge found that payment of restitution was “inappropriate,” they could require the youth to perform community service as an alternative.⁹⁴

Although the juvenile system is meant to have different goals than the adult system,⁹⁵ the initial authorizing statute was nearly identical to the one in the criminal code, including the use of terminology like “defendant” and “convicted,” both of which are inaccurate terms to describe youth in the juvenile system.⁹⁶ Specifically, the statute defined restitution as:

(3) Restitution means payment to the aggrieved parties for the values of stolen or damaged property, medical expenses, and wages or profits lost due to injury or to time spent as a witness or in assisting the police or prosecution, which losses were caused by the defendant as a result of committing the crime for which he or she was convicted. The value of stolen or damaged property shall be the placement cost of like property, or the actual cost of repairing the property when repair is possible. Comparative negligence is not applicable in determining restitution, and damages compensated for by restitution shall not be actionable in a civil suit against the defendant.⁹⁷

91. Ballot measure materials and analyses by the legislature further support the conclusion that voters may not have intended for the right to seek and secure restitution to apply to delinquent conduct:

The initiative refers to “any prior felony conviction of any person in any criminal proceeding, whether adult or juvenile” In this context the word “juvenile” is unclear in its meaning. Existing law provides that a juvenile court adjudication shall not be a conviction for any purpose (Welfare and Institutions Code Section 203). Therefore, this aspect of the provision could be found to be meaningless. On the other hand, it could be interpreted to override statutory law and require that sustained petitions in juvenile court are to be considered convictions for purposes of impeachment and enhancement.

Staff of Cal. Legis. Assemb. Comm. on Crim. Just., Analysis of Proposition 8: The Criminal Justice Initiative, 1981–82 Reg. Sess., at 32 (1982).

92. Act of Sep. 24, 1982, ch. 1413, § 7, 1982 Cal. Stat. 5401, 5405.

93. *Id.*

94. *Id.*

95. See Clifton Curry, Cal. Legis. Analyst’s Off., *Juvenile Crime: Outlook for California 45* (1995) (comparing the juvenile system to the criminal system, in which punishment is a goal of restitution).

96. §§ 5–7, 1982 Cal. Stat. at 5403–05.

97. *Id.*

This distinction was short-lived; the error was corrected just one year later.⁹⁸ During the height of the 1990s “super-predator” era, the California legislature amended its youth restitution provisions to be more consistent with those found in the criminal system and, in effect, more punitive.⁹⁹ The last major substantive changes to youth restitution in California came in 2015 when the legislature expanded the definition of a “victim” in juvenile delinquency proceedings to conform with the definition of a “victim” in adult criminal proceedings.¹⁰⁰ For nearly a decade, there was not any legislation—successful or proposed—that attempted to change the scope and impact of the youth restitution system until the introduction of Assembly Bill 1186 in 2023.¹⁰¹

2. *Goals and Objectives of Youth Restitution in California.* — The opening subdivision of Welfare and Institution Code 730.6, which sets forth the parameters of California’s youth restitution system, does not suggest any role for restitution beyond a reparative one. State law authorizes juvenile courts to order restitution so that “a victim of conduct for which a minor is found to be a person described in Section 602 who incurs any economic loss as a result of the minor’s conduct shall receive restitution directly from that minor.”¹⁰²

98. The legislature repealed section 729.6 and replaced it with a new version, which amended language describing a minor’s conduct from “which losses were caused by the defendant as a result of committing the crime for which he or she was convicted” to “which losses were caused by the minor as a result of committing the offense for which he or she was found to be a person described in Section 602.” Act of Sep. 20, 1983, ch. 940, §§ 2–3, 1983 Cal. Stat. 3395, 3395–96; § 5, 1982 Cal. Stat. at 5403.

99. See Act of Sep. 28, 1994, ch. 1106, sec. 4, § 1203.04, 1994 Cal. Stat. 6547, 6550–52 (codified as amended at Cal. Penal Code § 1203.04 (2025)) (requiring both juvenile and adult criminal courts to order restitution as a condition of probation if the crime involved a victim who suffered any economic loss); Cal. Assemb. Comm. on Pub. Safety, Bill Analysis of A.B. 3169, 1993–1994 Reg. Sess. (1994) (expanding the ability of victims to receive restitution, both directly and from the restitution fund, by allowing any restitution order to be enforceable as a civil judgment); see also Act of Sep. 13, 1998, ch. 451, sec. 3, § 730.6, 1998 Cal. Stat. 3217, 3220–23 (codified as amended at Cal. Welf. & Inst. Code § 730.6) (making unpaid restitution enforceable after probation, changing the standard from “clear and compelling” to “compelling and extraordinary” before a judge could decide to excuse payment, and stating that “inability to pay shall not be considered a compelling or extraordinary reason”); Act of Aug. 3, 1995, ch. 313, sec. 21, § 730.6, 1995 Cal. Stat. 1751, 1775–76 (codified as amended at Cal. Welf. & Inst. Code § 730.6).

100. Act of July 16, 2015, ch. 131, 2015 Cal. Stat. 1721 (codified at Cal. Welf. & Inst. Code § 730.6). The Act explicitly named corporations, governments, or other legal or commercial entities as “direct victim[s]” and added additional derivative victims, or individuals with a relationship to a harmed party, including family members of a harmed party or someone who is living in the same home as the harmed party at the time. *Id.* sec. 1, § 730.6(j), 2015 Cal. Stat. at 1723. In turn, it substantially broadened the scope of who could be eligible for restitution.

101. See *infra* section IV.C.

102. Cal. Welf. & Inst. Code § 730.6(a)(1). Up until 2025, state law also authorized courts to order “restitution fines” against any youth adjudicated delinquent, regardless of whether a young person caused harm to a person or party. See Act of Sep. 28, 2024, ch. 805, sec. 6, § 730.6, 2024 Cal. Stat. 7067, 7073–75 (codified at Cal. Welf. & Inst. Code § 730.6).

Case law, however, lauds the rehabilitative and deterrent values that restitution offers for youth: “The purpose of an order for victim restitution is threefold, to rehabilitate the [minor], deter future delinquent behavior, and make the victim whole by compensating him for his economic losses.”¹⁰³ In fact, some courts have found that restitution is imposed “primarily for the benefit of the state to promote the state’s interests in rehabilitation and punishment.”¹⁰⁴

Unlike the adult or criminal system, which explicitly features “punishment” as a central goal, the juvenile system theoretically holds a different purpose—the “treatment and rehabilitation” of young people.¹⁰⁵ Studies have shown that youth age out of delinquent behavior as they grow older.¹⁰⁶ As a result, many jurisdictions have sought to design programs to reintegrate and rehabilitate youth offenders so that they can become productive members of society.¹⁰⁷ Restitution is viewed as “an effective rehabilitative penalty because it forces the [minor] to confront . . . the harm his actions have caused,” in comparison to “a traditional fine, paid to the State as an abstract and impersonal entity, and often calculated without regard to the harm . . . caused.”¹⁰⁸

Similarly, restitution is believed to deter future delinquent behavior. Deterrence theory presumes that youth will weigh the benefits and costs of their actions knowing that they will have to pay for the consequences

While the statute was silent as to its goals, the restitution fine functioned as a more typical fine: a fixed monetary penalty ordered based on the commission of a crime (that is, a misdemeanor or a felony) and paid to a government actor. Fines are meant to punish and ultimately deter future delinquent or criminal behavior. See Beth A. Colgan, *Reviving the Excessive Fines Clause*, 102 *Calif. L. Rev.* 277, 285 (2014) (defining fines).

103. *In re Travis J.*, 165 *Cal. Rptr. 3d* 635, 649 (Ct. App. 2013) (internal quotation marks omitted) (quoting *In re Anthony M.*, 67 *Cal. Rptr. 3d* 734, 738 (Ct. App. 2007) (misquotation)).

104. *People v. Moser*, 57 *Cal. Rptr. 2d* 647, 651 (Ct. App. 1996); see also, e.g., *In re Scheer*, 819 F.3d 1206, 1210 (9th Cir. 2016) (“[T]he overall role of restitution in ‘the State’s interests in rehabilitation and punishment, rather than the victim’s desire for compensation,’ meant that the criminal restitution actually operated ‘for the benefit of’ the state as far as [11 U.S.C.] section 523(a)(7) was concerned.” (quoting *Kelly v. Robinson*, 479 U.S. 36, 52–53 (1986))).

105. Curry, *supra* note 95, at 45.

106. See Laurence Steinberg, Elizabeth Cauffman & Kathryn C. Monahan, *Psychosocial Maturity and Desistance From Crime in a Sample of Serious Juvenile Offenders*, *Juv. Just. Bull.*, Mar. 2015, at 1, 9, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/248391.pdf> [<https://perma.cc/L6P9-R794>] [hereinafter Steinberg et al., *Psychosocial Maturity*] (describing sociological and psychological theories that suggest that most adolescents mature out of antisocial behavior).

107. See David M. Altschuler, Troy L. Armstrong & Doris Layton MacKenzie, *Reintegration, Supervised Release, and Intensive Aftercare*, *Juv. Just. Bull.*, July 1999, at 1, 17, <https://www.ojp.gov/pdffiles1/175715.pdf> [<https://perma.cc/9838-W4M4>] (outlining how effective implementation of rehabilitation and delinquency prevention programs can reduce future criminality).

108. *Moser*, 57 *Cal. Rptr. 2d* at 651 (internal quotation marks omitted) (quoting *Kelly v. Robinson*, 479 U.S. 36, 49 n.10 (1986)).

via restitution.¹⁰⁹ Courts have ruled that a juvenile court can order restitution even in situations in which a harmed party has been reimbursed for its loss by a third party because “the Legislature intended to require a probationary offender, for rehabilitative and deterrent purposes, to make *full* restitution for all ‘losses’ *his crime had caused*,”¹¹⁰ underscoring that there is a larger goal of making amends “to society for a breach of the law,”¹¹¹ not just making a victim whole. Although much of the language around the deterrent role is couched in punitive terms, courts have nonetheless found such rationales appropriate when applied to youth in the juvenile system.

3. *The Imposition of Restitution on Youth and Families in California.* — Before the enactment of Assembly Bill 1186 in January 2025, under section 730.6 of the Welfare and Institutions Code, a juvenile court was required to order a young person¹¹² to pay two forms of restitution: a restitution fine and direct restitution.¹¹³

A restitution fine is a penalty imposed on any minor who is adjudicated delinquent, regardless of whether anyone was harmed.¹¹⁴ Any amounts collected are deposited into the state restitution fund, which supports compensation disbursed by the California Victim Compensation Board (CalVCB).¹¹⁵ Prior to the 2025 amendments, the amount of the restitution fine was “set at the discretion of the court and commensurate with the seriousness of the offense.”¹¹⁶ Youth found to have committed a felony

109. See generally Aaron Chalfin & Justin McCrary, *Criminal Deterrence: A Review of the Literature*, 55 J. Econ. Lit. 5 (2017) (discussing economic rationales for deterrence theory and reviewing empirical evidence).

110. *People v. Birkett*, 980 P.2d 912, 925 (Cal. 1999) (holding that both adult and juvenile offenders may be ordered to pay restitution even when the victim has been reimbursed by an insurer).

111. *Moser*, 57 Cal. Rptr. 2d at 651.

112. For the purposes of restitution, a young person is defined as “any minor who is between 12 years of age and 17 years of age, inclusive, when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime” (except age-based curfew ordinances) or “[a]ny minor who is under 12 years of age when he or she is alleged to have committed” certain offenses such as murder, rape, etc. Cal. Welf. & Inst. Code § 602 (2025).

113. *Id.* § 730.6.

114. The California legislature repealed the authority to order youth to pay restitution fines, effective January 1, 2025. A.B. 1186, 2023–2024 Leg., Reg. Sess. (Cal. 2024); see also Act of Sep. 28, 2024, ch. 805, 2024 Cal. Stat. 7067 (codified in scattered titles of Cal. Code). Debt from both youth and adult restitution fines older than ten years was also deemed uncollectible. Cal. Penal Code § 1465.9(d) (2025); Cal. Welf. & Inst. Code § 223.2(d). Restitution fines can still be imposed on adults in the criminal system. Cal. Penal Code § 1202.4(a)(3)(A).

115. Cal. Penal Code § 1202.4(a); Cal. Welf. & Inst. Code § 730.6(c) (2024) (amended 2025).

116. Cal. Welf. & Inst. Code § 730.6(b) (2024) (amended 2025). In setting the amount of a restitution fine, courts were required to “consider any relevant factors including . . . the minor’s ability to pay, the seriousness and gravity of the offense and [its] circumstances[,] . . . any economic gain derived by the minor[,] . . . and the extent to which others suffered losses as a result of the offense.” *Id.* § 730.6(d)(1).

or misdemeanor could be ordered to pay between \$100 and \$1,000 or \$0 and \$100 respectively.¹¹⁷ The fine was imposed regardless of a young person's ability to pay,¹¹⁸ but courts had discretion to consider a young person's ability to pay, including their "future earning capacity" in setting the amount.¹¹⁹ But a young person had the burden of showing that they lacked the ability to pay.¹²⁰

Direct restitution is a court order requiring a young person to pay the person or entity they harmed for loss or injury caused by their actions.¹²¹ Any amount collected is intended to pay the harmed party directly. If the harmed party is not identified or cannot be located, any money collected is deposited into the state restitution fund.¹²²

State law broadly defines a "victim" who can be ordered to receive restitution as not just a person directly harmed but also the "immediate surviving family of the actual victim."¹²³ Nonpersons, including governmental entities and businesses or corporations, are also statutorily defined as "victims" who are eligible to receive restitution.¹²⁴

The amount of direct restitution ordered is meant to "be of a dollar amount sufficient to fully reimburse the victims or victims for all determined economic losses," including payment of stolen or damaged property, medical expenses, lost wages and profits due to injury incurred by a harmed party, or wages or profits lost by the harmed person or their parent or guardian.¹²⁵ If the amount of restitution is not known at the time of a young person's disposition or sentencing, the order shall include the name of the harmed party and note that the amount will be determined at a later date.¹²⁶ A young person has the right to dispute the amount of restitution ordered at a hearing but does not have the right to an attorney at such hearings.¹²⁷

In cases involving "co-offenders," before amendment through Assembly Bill 1186, all youth involved were held jointly and severally liable for the restitution ordered,¹²⁸ meaning that all youth were responsible for the *entire* amount awarded, not just their share. Parents and guardians of

117. Id. § 730.6(b).

118. Id. § 730.6(c).

119. Id. § 730.6(d)(2).

120. Id.

121. Id. § 730.6(h)(1).

122. Cal. Penal Code § 2085.5(k)(2) (2025).

123. Cal. Welf. & Inst. Code § 730.6(d)(1) (2025).

124. Id. § 730.6(d)(2)–(3).

125. Id. § 730.6(b)(1)(A)–(D).

126. Id. § 730.6(b)(1).

127. Id. § 730.6(b)(2).

128. Id. § 730.6(h)(2) (2024) (amended 2025). A.B. 1186 amended this provision to allow youth offenders to be held only severally liable "based on each minor's percentage of responsibility or fault for all economic losses included in the order of restitution." Id. § 730.6(b)(3) (2025).

a young person are also held jointly and severally liable for their child's restitution,¹²⁹ for up to \$56,400 for each tort committed by the minor alone.¹³⁰

California is one of five states that allows judges the discretion to not order restitution when certain factors are present.¹³¹ If a juvenile court judge finds "compelling and extraordinary reasons," they can decide not to order a youth to pay restitution.¹³² If the court finds compelling and extraordinary reasons, the court instead "shall" order the young person to "perform specified community service."¹³³ The court can also avoid ordering community service but "only if it finds and states on the record compelling and extraordinary reasons not to order community service in addition to the finding that restitution . . . should not be required."¹³⁴

Although this statutory exception "allows a trial court some discretion to decline to impose restitution in unusual situations specific to a particular crime, defendant, or other circumstance,"¹³⁵ there are very few instances in which courts have cited "compelling and extraordinary reasons." Courts have rejected a minor's health and stability,¹³⁶ the role of

129. Id. § 730.7(a) (2025) ("[A] parent or guardian . . . shall be rebuttably presumed to be jointly and severally liable with the minor in accordance with Sections 1714.1 and 1714.3 of the Civil Code for the amount of restitution, fines, and penalty assessments so ordered . . ."); see also Cal. Civ. Code § 1714.1 (2025) (establishing maximum dollar amounts for parental liability for youth restitution orders). Thirty-two states and three territories also allow juvenile courts to hold parents and guardians liable for their child's restitution. Smith et al., *supra* note 7, at 9.

130. Section 1714.1 of the California Civil Code provides that a parent or guardian may be jointly and severally liable for restitution ordered against their children up to \$25,000 per each tort by the minor, up to \$25,000 in a case involving injury to a person, and up to \$25,000 in a case involving willful misconduct, with that number revised by the California Judicial Council every two years "to reflect any increases in the cost of living in California, as indicated by the annual average of the California Consumer Price Index." Cal. Civ. Code § 1714.1(a)–(c). The most recent Judicial Council calculation set a maximum of \$56,400 per tort. Cal. R. Ct. app. B.

131. Idaho, Kansas, Maryland, and Tennessee also allow judges to not order youth restitution in certain circumstances. Smith et al., *supra* note 7, at 8.

132. Cal. Welf. & Inst. Code § 730.6(b)(1). If a court finds that there is a "compelling and extraordinary" reason, the judge can waive a restitution fine but must provide a reason supporting waiver. Id. § 730.6(b)(1). Prior to the 2025 amendments, dual status youth, or youth who are both in the juvenile delinquency and child welfare systems, could not be ordered to pay restitution fines. Id. § 730.6(g)(2) (2024) (amended 2025).

133. Id. § 730.6(h) (2025).

134. Id. § 730.6(i).

135. *People v. Eisenhut*, No. F076732, 2020 WL 5557045, at *11 (Cal. Ct. App. Sep. 17, 2020) (internal quotation marks omitted) (quoting *People v. Giordano*, 170 P.3d 623, 635 (Cal. 2007)).

136. See *In re Nathaniel M.*, No. C051955, 2007 WL 2713768, at *1 (Cal. Ct. App. Sep. 19, 2007) (rejecting a minor's argument that his age, mental health problems, and housing status should be considered compelling and extraordinary circumstances); *In re Stacy S.*, No. D041141, 2003 WL 22351605, at *2 (Cal. Ct. App. Oct. 16, 2003) (finding that depression and post-traumatic stress syndrome are not compelling and extraordinary circumstances).

intervening factors,¹³⁷ and a minor's and victims' relative culpability as "compelling and extraordinary" circumstances.¹³⁸ The Fourth District Court of Appeal, in dicta, has suggested that a victim's insurance coverage could be a compelling reason to not order restitution, particularly when an insurer covered the full amount of the loss since "at that point the state's constitutional interest in full restitution would have been satisfied, and all future recovery by the victim would represent a double recovery."¹³⁹

The *only* case, albeit unpublished, in California in which a court found "compelling and extraordinary" circumstances is from San Bernardino County.¹⁴⁰ Two minors admitted to committing vandalism and being accessories after the fact to the arson of a local church.¹⁴¹ The juvenile court ordered both youth and their parents jointly and severally liable for \$25,000 in restitution, even though the church submitted a restitution claim for over \$445,000.¹⁴² In its decision to order less than full restitution, the juvenile court cited that (1) the minors had pled to being accessories after the fact, (2) the minors were unable to pay full restitution, and (3) the parents could only be held responsible for a maximum of \$25,000 in restitution.¹⁴³ The government appealed the decision, arguing that the juvenile court "erroneously failed to order full restitution."¹⁴⁴ The minors acknowledged that the court's consideration of their inability to pay was not authorized under state law, but they contended that the other two factors were valid considerations.¹⁴⁵ The Fourth District Court of Appeal agreed.¹⁴⁶

137. See *In re J.R.*, No. H035702, 2011 WL 1601571, at *2 (Cal. Ct. App. Apr. 28, 2011) (dismissing an appeal from a juvenile court restitution order holding that how a car came to be stolen was not relevant to the question of restitution and that any compelling and extraordinary circumstances must "bear on the direct issue of restitution" (internal quotation marks omitted) (quoting June 4, 2010, Juvenile Court Restitution Hearing)).

138. See *In re Cameron D.*, No. D060356, 2012 WL 2926043, at *2–3 (Cal. Ct. App. July 19, 2012) (finding that the culpability of the victim, as a potential instigator, was not a compelling or extraordinary reason not to order restitution against a young person); *In re F.C.*, No. H035404, 2011 WL 2001888, at *2–3, *5–7 (Cal. Ct. App. May 24, 2011) (finding that the lack of intent to cause harm and acting under peer pressure were not compelling or extraordinary reasons not to order restitution against a young person); *In re Mathew W.*, No. C052192, 2008 WL 142585, at *6 (Cal. Ct. App. Jan. 16, 2008) (rejecting consideration of the fact that the young person played a very minor role in vandalism of the victim's house and had attempted to stop others as compelling or extraordinary reasons).

139. *In re Michael S.*, 54 Cal. Rptr. 3d 920, 929–30 (Ct. App. 2007). But see *In re F.C.*, 2011 WL 2001888, at *2–3, *5–7 (finding that the fact that a school district's loss was covered by its insurance was not a compelling reason).

140. *In re K.G.*, Nos. E056026, E056028, 2013 WL 1365782, at *5 (Cal. Ct. App. Apr. 5, 2013).

141. *Id.* at *2.

142. *Id.* at *2–3.

143. *Id.* at *5.

144. *Id.* at *1.

145. *Id.* at *5.

146. *Id.* at *6.

The appellate court examined the rationale behind the juvenile court's initial order, noting how the juvenile court "look[ed] at the amount and the family background of these two minors" and determined that there was no apparent hope "they could ever pay the kind of money we're talking about."¹⁴⁷ The appellate court found it difficult to say that the juvenile court declined to order full restitution based solely on the minor's inability to pay, as the juvenile court referred to the inability to pay of the minors and parents interchangeably.¹⁴⁸ Because the court was allowed to consider the *parents'* ability to pay in setting the amount of restitution, the appellate court ultimately affirmed the juvenile court's order for partial restitution.¹⁴⁹

While it is difficult to reconcile the Fourth District Court of Appeal's decision with state law, which explicitly forbids the consideration of a minor's inability to pay, it appears that parents' inability to pay can be and has been considered in ordering less than the full amount of restitution and was ultimately determinative in this instance.

4. *Collection and Enforcement of Youth Restitution in California.* — In California, youth restitution is pursued via county- and state-level collection mechanisms.¹⁵⁰ Once ordered by the juvenile court, the court or designated county agency—sometimes the county's collection unit, but in many cases juvenile probation—collects restitution and restitution fines.¹⁵¹ Counties and courts can also refer any unpaid restitution and restitution fines to the Franchise Tax Board, which can levy bank accounts, intercept tax refunds, and garnish wages.¹⁵² Before 2025, if a young person was incarcerated, 50% of any money deposited into their trust account or any wages could be garnished to pay restitution.¹⁵³

Any money collected is in turn sent to the harmed party.¹⁵⁴ Prior to the 2025 amendments to California's Welfare and Institutions Code, in the case of restitution fines, a county could impose a fee to cover the administrative costs of collection, not to exceed 10% of the amount ordered to be

147. *Id.* at *5 (alteration in original) (internal quotation marks omitted) (quoting Jan. 18, 2012, Juvenile Court Restitution Hearing).

148. *Id.*

149. *Id.* at *6. The court also noted that the prosecutor agreed to the amount of the restitution order and failed to object to the amount as additional reasons to affirm the juvenile court's order. *Id.* at *4.

150. Jud. Council of Cal., *Restitution Basics for Victims of Offenses by Juveniles* (2012), https://courts.ca.gov/sites/default/files/courts/default/2024-08/restitution_basics_juvenile_web.pdf [<https://perma.cc/ZF8H-R2X8>] [hereinafter Jud. Council of Cal., *Restitution Basics*].

151. *Id.*

152. See *supra* note 11; see also *How Much to Withhold for VRC and COD*, State Cal. Franchise Tax Bd., <https://www.ftb.ca.gov/pay/collections/withholding-orders/how-much-to-withhold.html> [<https://perma.cc/AB97-DT3Z>] (last updated Sep. 24, 2025). Once referred to the FTB, the debt can accrue interest. Cal. Rev. & Tax. Code § 19280(c) (2025).

153. Cal. Welf. & Inst. Code §§ 1752.81–1752.82 (2024) (repealed 2025).

154. *Id.* § 730.6(j) (2025).

paid, to be added on top of the restitution fine; any proceeds from such fee are then deposited into the general fund of the county.¹⁵⁵

Payment of restitution and restitution fines is a condition of a young person's probation.¹⁵⁶ A young person's probation cannot be revoked for failure to pay restitution unless "the person has willfully failed to pay or failed to make sufficient bona fide efforts to legally acquire the resources to pay."¹⁵⁷ Once probation is terminated, the county or court no longer has the authority to collect restitution, and the harmed party must pursue collection on their own.¹⁵⁸ Harmed parties must bear any legal or other expenses of pursuing such debt.¹⁵⁹

As in most states, both direct restitution and restitution fines are enforceable as civil judgments in California.¹⁶⁰ In other words, a restitution order can be pursued by a harmed party in court and can trigger a host of collection mechanisms, including property liens, wage garnishment, and bank levies.¹⁶¹ With few exceptions, a civil judgment under the California Code of Civil Procedure accrues interest at a rate of 10% per annum.¹⁶² Like all court-ordered debt in California, restitution can be enforced in perpetuity and is not dischargeable through bankruptcy.¹⁶³

B. *Youth Restitution in Practice*

While there have been empirical studies of criminal restitution,¹⁶⁴ there has been little focus on or analysis of restitution practices in the

155. Id. § 730.6(q) (2024) (amended 2025). This remains the case for funds collected from adult restitution (though these are deposited in the county's restitution fund as opposed to the general fund). Cal. Gov't Code § 13963(f) (2025).

156. Cal. Welf. & Inst. Code § 730.6(f) (2025).

157. Id. § 730.6(g).

158. Orange Cnty. Prob., *Juvenile Restitution & Other Financial Obligations* 3 (2021), <https://www.ocprobation.ocgov.com/sites/ocpr/files/2021-02/2-1-207%20JUVENILE%20RESTITUTION%20AND%20OTHER%20FINANCIAL%20OBLIGATIONS.pdf> [<https://perma.cc/N5ML-DY3Y>]; see also Jud. Council of Cal., *Restitution Basics*, supra note 150 (explaining options for victims to recover restitution once the minor defendant has completed their term of probation).

159. Jud. Council of Cal., *Restitution Basics*, supra note 150 (warning victims seeking post-probation restitution that collection agencies "usually get paid by keeping a portion of the money they collect for you—often as much as half").

160. Cal. Welf. & Inst. Code § 730.6(c), (k); see also Smith et al., supra note 7, at 12 ("Twenty-eight states and three territories allow or require unpaid restitution to be converted into civil judgments.").

161. Jud. Council of Cal., *Restitution Basics*, supra note 150.

162. Cal. Civ. Proc. Code § 685.010 (2025).

163. Civil judgments in California are enforceable for ten years. Id. § 683.020. State law, however, exempts court-ordered "fines, forfeitures, penalties, fees, or assessments" from the ten-year limit on enforcement. Cal. Penal Code § 1214(e) (2025). Judgments can be reported to credit reporting agencies for seven years or as long as the judgment is enforceable. 15 U.S.C. § 1681c(a)(2) (2018).

164. See, e.g., Stacy Hoskins Haynes, Alison C. Cares & R. Barry Ruback, *Reducing the Harm of Criminal Victimization: The Role of Restitution*, 30 *Violence & Victims* 450, 451

juvenile system. This Article provides the first comprehensive look into how youth restitution operates in practice, using original data and records gathered from California's fifty-eight juvenile courts.

1. *Methodology.* — In June 2022, the UC Berkeley Law Policy Advocacy Clinic (which this author co-directs) sent requests under the California Public Records Act to 117 county probation departments, auditor-controller offices, treasurer-tax collectors offices, county counsel offices, and superior courts across all fifty-eight counties.

To understand how juvenile courts order and enforce youth restitution in practice, the clinic sought eleven categories of responsive records related to direct restitution and restitution fines between 2010 and the date of the public records request (June 2022), including the number of youth ordered to pay restitution, the amount of restitution and fines ordered, the amount collected, and the amount spent on collection.

The clinic received responses from fifty-three of California's fifty-eight counties on youth restitution practices, representing 98% of the state's youth population. The clinic did not receive any response from Butte, Inyo, San Benito, Sonoma, and Tehama Counties. Twelve counties (Amador, Calaveras, Glenn, Kings, Lake, Lassen, Mariposa, Monterey, Plumas, San Luis Obispo, San Mateo, and Stanislaus) responded but indicated they did not have any records responsive to the request.

Counties largely provided data in the aggregate. While some counties provided case-level information, such as offense type and demographic information about a young person, they did not provide the clinic with access to any underlying case documents.

Counties produced varying amounts and types of data, which limited the ability to conduct calculations and analysis with precision. For example, some counties provided data on the amount of restitution they collected but not on how much they had originally imposed. Additionally, as restitution practices vary widely by jurisdiction, the clinic sent copies of the same record request to multiple agencies or offices within a county. In some cases, the data provided by individual agencies or offices overlapped or conflicted with each other, making it difficult to identify which data were inaccurate or duplicative. Lastly, given the nature of many case management and financial systems, data may not be consistent across years or even within the same year. For example, what was collected in 2020 may reflect collections on restitution orders imposed in prior years.

(2015) (reviewing studies calculating the financial costs of victimization and the degree to which restitution can compensate for these costs); R. Barry Ruback, Andrew S. Gladfelter & Brendan Lantz, Paying Restitution: Experimental Analysis of the Effects of Information and Rationale, 13 *Criminology & Pub. Pol'y* 405, 416–23 (2014) (presenting the results of a study about why adults ordered to pay restitution do not pay); R. Barry Ruback, Lauren K. Knoth, Andrew S. Gladfelter & Brendan Lantz, Restitution Payment and Recidivism: An Experimental Analysis, 17 *Criminology & Pub. Pol'y* 789, 799–806 (2018) (presenting the results of a study examining the recidivism rates of adults ordered to pay restitution).

2. *Analysis.* — Data provided in response to records requests show that California collects very little in restitution from youth and families in comparison to the amounts that youth and families are ordered to pay. After taking into account the resources spent trying to collect restitution from young people and their families, the net amount collected represents a tiny fraction of what was initially imposed.¹⁶⁵

On average, over 12,200 youth across the state are ordered to pay direct restitution each year.¹⁶⁶ Between 2010 and 2022, across thirty-five California counties, 97,055 youth were ordered to pay restitution.¹⁶⁷ Smaller, more rural counties report not regularly ordering restitution against youth. For example, Sierra and Siskiyou Counties imposed restitution on eight and seven young people, respectively, over a roughly twelve-year period.¹⁶⁸ Alpine County is the only county that reports not having ordered youth restitution since at least 2015.¹⁶⁹

Most counties did not provide demographic information; however, records from a handful of counties offer some insight into possible trends. Data show that most youth ordered to pay restitution were male and aged sixteen and under.¹⁷⁰ Black and brown youth make up a larger proportion of those ordered to pay restitution as compared to their proportion of the total county population. For example, in San Francisco County, 92% of young people ordered to pay restitution between 2018 and 2022 were youth of color, 59% of whom identified as Black even though Black San

165. See *infra* Table C.

166. See *infra* Table A.

167. See *infra* Table A.

168. Email from Jean-Anne Cheatham, Admin. Assistant, Sierra Cnty. Super. Ct., to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. of L. (July 11, 2022) (on file with the *Columbia Law Review*); Letter from René McCanna Crane, Ct. Exec. Officer, Siskiyou Cnty. Super. Ct., to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. of L. (June 20, 2022) (on file with the *Columbia Law Review*).

169. Email from Ann Greth, Ct. Exec. Officer, Alpine Cnty. Super. Ct., to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. of L. (June 27, 2022) (on file with the *Columbia Law Review*) (“I was unable to locate any orders or payments of victim restitution or restitution fines. A search for this information is only available from the Court’s current case management system from May 18, 2015 to present.”). Greth, however, noted that Alpine County is the “smallest county in California with a population of 1,204 according to the United States 2020 Census” and only receives “between two (2) and three (3) [juvenile delinquency] cases per year.” *Id.*

170. See Humboldt Cnty. Prob. Dep’t, 7-21-22 Victim Restitution JAMS (2022) (on file with the *Columbia Law Review*) [hereinafter Humboldt Data]; Imperial Cnty. Super. Ct., Restitution Records (2022) (on file with the *Columbia Law Review*) [hereinafter Imperial Data]; Merced Cnty. Super. Ct., Youth Restitution Tab 1 (2022) (on file with the *Columbia Law Review*) [hereinafter Merced Data]; Modoc Cnty. Super. Ct., Juvenile List (2022) (on file with the *Columbia Law Review*) [hereinafter Modoc Data]. In Humboldt and Imperial Counties, the median age of youth ordered to pay is sixteen. See Humboldt Data, *supra*; Imperial Data, *supra*. In Merced County, the median age is fifteen. See Merced Data, *supra*. In Modoc County, half of all restitution orders are imposed on youth under the age of fourteen. See Modoc Data, *supra*.

Franciscans make up only 6% of the county population.¹⁷¹ Similarly, in Humboldt County, 69% of youth ordered to pay restitution were white and 13% were American Indian,¹⁷² even though white residents make up 82% of Humboldt County's population and Native American residents make up 6.4%.¹⁷³

Across California, juvenile court judges order approximately \$14.7 million in restitution against youth each year.¹⁷⁴ Between 2010 and 2022, thirty counties reported ordering over \$150 million in youth restitution collectively.¹⁷⁵ The average restitution order per young person in California was \$2,720.¹⁷⁶ Restitution was ordered most frequently in cases related to property loss or damage. For example, in Humboldt County, over 73% of cases in which youth restitution was ordered involved a property-related offense, with the amount ordered ranging from \$7 to \$115,334 and a median amount of \$355.¹⁷⁷ For all other (nonproperty) cases in Humboldt County, the median amount ordered was \$439.¹⁷⁸

Although judges have the discretion to reduce or waive restitution, very few counties, as discussed in section II.B, reduce or waive amounts in practice. Between 2010 and 2022, only 6.5% and 0.64% of youth restitution cases were reduced or waived in Alameda and Imperial Counties, respectively.¹⁷⁹

On average, \$3 million is collected in youth restitution across the state annually; the median rate of collection on youth restitution ordered between 2010 and 2022 was 19.7%.¹⁸⁰ Twenty-one of the twenty-five counties (84%) that provided data have collection rates of less than 30%, with five counties reporting collection rates of less than 10%.¹⁸¹ Three counties

171. Lau, *Better for Everyone*, supra note 30, at 8.

172. See Humboldt Data, supra note 170.

173. Humboldt County: Race and Ethnicity, U.S. Census Bureau, https://data.census.gov/profile/Humboldt_County,_California?g=050XX00US06023#race-and-ethnicity (on file with the *Columbia Law Review*) (last visited Sep. 1, 2025).

174. See infra Table B.

175. See infra Table B.

176. See infra Tables A, B; see also Alex R. Piquero, Michael T. Baglivio & Kevin T. Wolff, *A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity*, 21 *Youth Violence & Juv. Just.* 279, 287 (2023) (showing that the average restitution ordered to Florida youth was \$1,865).

177. See Humboldt Data, supra note 170.

178. *Id.* Other offense types included “[a]lcohol,” “[d]rugs,” “DV,” “[o]ther,” “[s]ex,” “[v]ehicle,” “[v]iolence,” and “[w]eapons,” as well as “777,” referring to juvenile probation violations. *Id.*; see also Cal. Welf. & Inst. Code § 777 (2025).

179. See Alameda Cnty., *Juvenile Fines and Restitution* (2022) (on file with the *Columbia Law Review*) [hereinafter *Alameda Data*]; Imperial Data, supra note 170. Although these counties provided data on cases in which there were reductions and/or waivers, no reasons were provided as to why relief was or wasn't granted in any particular case.

180. See infra Table D.

181. These five counties were Tuolumne County (1.7%), Shasta County (5.2%), San Bernardino County (7.9%), San Francisco County (8.6%), and Mendocino County (9.1%). See infra Table D.

stated collection rates greater than 40%.¹⁸² Sierra County reported an 89.8% collection rate but only ordered restitution to eight youth over this twelve-year period.¹⁸³ Marin County had a 54.8% collection rate between 2012 and 2022; however, 82.7% of all restitution owed was three years or older.¹⁸⁴ Tulare County reported a 46.7% rate, although collection amounts have decreased by over 60% in recent years.¹⁸⁵

A handful of counties provided breakdowns of amounts collected via various collection mechanisms, which highlight the prevalence of involuntary practices such as tax intercepts and bank levies in comparison to voluntary payments. In San Bernardino County, 66% of all collections were made through levies on bank accounts, followed by 20% through active collection, and 8% through enforcement of an abstract of judgment.¹⁸⁶ In Sacramento County, 52% of collected amounts came through activity by the county's collection agency, the Department of Revenue and Recovery,¹⁸⁷ 36% by the Franchise Tax Board through the Court-Ordered Debt Collection programs that garnish wages, and 12% through the Interagency Intercept Collection Program that intercepts tax refunds.¹⁸⁸ Contra Costa and Napa Counties indicate that they send accounts to private collection agencies.¹⁸⁹ Even with the use of predominantly involuntary collection mechanisms, collection rates across the state are low, suggesting that youth and their families do not have the means to pay off such debt.

182. Los Angeles County had a 39.0% collection rate, but this rate reflects collections from direct restitution *and* restitution fines; the collection rate on direct restitution alone is likely much lower. L.A. Cnty. Treasurer & Tax Collector, Restitution & Restitution Fines (2022) (on file with the *Columbia Law Review*) [hereinafter L.A. Data].

183. See Email from Jean-Anne Cheatham to Georgia Valentine, *supra* note 168.

184. Letter from Kate K. Stanford, Deputy Cnty. Couns., Marin Cnty., to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. of L. (July 19, 2022) (on file with the *Columbia Law Review*); see also Marin Cnty., Juvenile Restitution 6-2022 (2022) (on file with the *Columbia Law Review*).

185. See Tulare Cnty. Prob. Dep't, Juvenile Victim Restitution (2022) (on file with the *Columbia Law Review*) [hereinafter Tulare Data].

186. See San Bernardino Cnty. Revenue Recovery, Criminal Restitution Data in San Bernardino County 2010 to Present (2022) (on file with the *Columbia Law Review*) [hereinafter San Bernardino Data].

187. See Sacramento Cnty. Dep't of Revenue Recovery, Sacramento DRR (2022) (on file with the *Columbia Law Review*).

188. *Id.*

189. See Letter from Ferlyn Buenafe, Staff Servs. Manager, Napa Cnty. Prob. Dep't, to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. of L. (May 4, 2023) (on file with the *Columbia Law Review*) (reporting that the County had not sent any accounts to the FTB); Email from Matt J. Malone, Pub. Info. Officer, Super. Ct. of Cal., Contra Costa Cnty., to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. of L. (July 5, 2022) ("The Court refers all collections accounts to its private collections agency . . .").

Nearly all counties, with the exception of two, were unable to provide information on the cost associated with collections.¹⁹⁰ San Bernardino County reported spending \$25,000 on average to collect roughly \$160,000 in youth restitution each year.¹⁹¹ Los Angeles County reported spending \$597,000 each year to collect only \$336,000.¹⁹² Napa County was unable to provide the exact costs associated with collection but indicated two staff members—a manager and a staff analyst—dedicate a portion of their time to collecting youth restitution.¹⁹³ Extrapolating to the state, California spends roughly \$2 million each year on collecting youth restitution.¹⁹⁴

When considering annual collections, as outlined in the table below, California realizes approximately \$1 million in net collections from pursuing youth restitution each year.

For cases ordered between 2010 and 2022, over \$150 million in youth restitution is currently unpaid or outstanding in California.¹⁹⁵ In Colusa County and El Dorado County, 100% of all youth restitution is over three and six years old, respectively.¹⁹⁶ For San Diego County, the largest county that provided information on outstanding youth restitution debt, 88% of all cases are over 120 days old.¹⁹⁷ As restitution debt becomes older, the likelihood of collection decreases. For example, in Alameda County, the median age of open youth restitution orders is 8.9 years.¹⁹⁸ For youth restitution orders imposed in 2010, over 90% did not have a payment for

190. Alpine County indicated it did not have any associated costs with collection because it does not collect youth restitution. Email from Ann Greth to Georgia Valentine, *supra* note 168. El Dorado County indicated that while it orders youth to pay restitution, it does not send any youth to collection. Email from Rena Russell, Admin. Analyst, El Dorado Cnty. Prob., to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. L. (Aug. 12, 2022).

191. See San Bernardino Data, *supra* note 186.

192. See L.A. Data, *supra* note 182. Los Angeles County did not provide data on the costs of collection disaggregated by restitution type (direct restitution and restitution fines). The County did provide data on the amount collected, however—64% of all amounts collected were related to direct restitution. *Id.* This was used to calculate an estimated amount spent on collections from the total amount spent on collecting direct restitution and restitution fines over a twelve-year period (\$11.2 million). *Id.*

193. Letter from Ferlyn Buenafe, Staff Servs. Manager, Napa Cnty. Prob. Dep't, to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. of L. (Jan. 20, 2023) (on file with the *Columbia Law Review*).

194. This is an annual estimate based on data provided by two California counties (Los Angeles and San Bernardino Counties).

195. This data point only represents cases for orders originating from 2010 to 2022. The amount of youth restitution outstanding in California is greater considering that there is debt from orders that predate 2010.

196. Colusa Cnty., Assessed Fees Detail Listing, Fee Type—Victim Restitution (2022) (on file with the *Columbia Law Review*); El Dorado Cnty. Revenue Recovery Div., Victim Restitution—Juvenile (2022) (on file with the *Columbia Law Review*).

197. See S.D. Cnty. Off. of Revenue & Recovery, JUV Victim Restitution—Restitution Fine Data (2022) (on file with the *Columbia Law Review*).

198. See Alameda Data, *supra* note 179.

nearly a decade.¹⁹⁹ Yet counties continue to expend significant resources attempting to collect on accounts that will likely never be paid.

TABLE 1: ESTIMATES OF TOTAL CALIFORNIA YOUTH RESTITUTION

	Number of Counties that Provided Data	% of Youth Population in State Represented by Counties that Provided Data	Total Number/ Amount for Counties that Provided Data (Annual)	Statewide Estimate (Annual)
Number of Youth Ordered to Pay Restitution	35	66.0%	8,008	12,251
Amount of Youth Restitution Ordered	30	85.2%	\$12,511,036	\$14,685,139
Amount of Youth Restitution Collected	29	85.7%	\$2,595,069	\$3,027,430
<i>Collection Rate</i>				19.7%
Amount Spent on Collection	2	31.1%	\$624,154	\$2,008,885
<i>Net Annual Revenue</i>				\$1,018,545

Although there are no data on how much is disbursed directly to victims, records regarding the remittal of restitution fines raise questions about how much of what is collected ultimately reaches harmed persons. Of the \$2.1 million collected in youth restitution fines across nine counties between 2010 and 2022, only \$1.5 million (69.2%) was remitted or sent to the state restitution fund to support payment of victim compensation.²⁰⁰ Most of the nine counties that provided data remitted all restitution fines collected. But a handful of counties do not appear to have sent all restitution fines collected to the fund. For example, San Diego County reported

199. Id.

200. See *infra* Table F.

collecting a little over \$1 million in restitution fines from young people but only remitted \$698,577 to the state restitution fund.²⁰¹

In sum, data from juvenile courts across the state show low collection rates on restitution ordered to young people and their families. Despite these low rates, counties still spend significant resources trying to pursue such debt. When considering average annual collections (\$3 million), California realizes around \$1 million in net collections from pursuing youth restitution each year. Although data presented in this Article suggest that California's youth restitution system does not make fiscal sense, there may still be value in maintaining the current system if it advances restitution's purported goals—rehabilitation, deterrence, and reparation. The next Part turns to this question.

III. IS YOUTH RESTITUTION ACHIEVING ITS INTENDED GOALS?

This Part examines whether youth restitution is meeting its purported goals of rehabilitating the young person who caused harm, deterring future delinquent behavior, and making victims whole. Both the records and data received from juvenile courts in California presented in Part II and the research literature on child development and behavior reveal that the system is falling short of meeting any of these objectives.

There is no evidence that ordering youth to pay monetary restitution promotes meaningful reflection on harm caused or advances youth rehabilitation. Saddling youth, particularly low-income and Black and brown youth, with debt does not deter delinquent behavior or promote public safety but may worsen ongoing stressors that can increase the likelihood that a young person will cause harm or recidivate. Because most youth cannot pay restitution, harmed parties who experience loss or injury due to a young person's actions rarely receive compensation.

A. *Does Ordering Youth to Pay Restitution Support Rehabilitation?*

The focus of the juvenile court, and any terms or conditions a youth may be ordered to abide by, is to rehabilitate or change a youth's behavior so they can become a productive member of society.²⁰² Yet, there are several ways in which the rehabilitative ideal of restitution breaks down in practice.

First, judges do not appear to have rehabilitation at the forefront of their minds when crafting restitution orders. Rather, judges determine the amount of restitution ordered based almost solely on documentation provided by harmed parties, largely following the recommendation of the dis-

201. See *infra* Table F.

202. See Altschuler et al., *supra* note 107, at 17 (outlining how effective implementation of rehabilitation and delinquency-prevention programs can reduce future criminality).

trict attorney's office or probation department without much revision.²⁰³ Policies from Napa County state that the probation department can rely on "any showing" to determine how much restitution is owed, which it later clarifies to "include dollar amounts included in the police report."²⁰⁴ For example, in the story outlined at the start of this Article, the harmed family sent in a fax of a handwritten note with copies of receipts for expenses related to the towing and junking of a vehicle, a new driver's license, and the cost of replacing the vehicle.²⁰⁵ The Deputy Probation Officer ultimately recommended the harmed family receive restitution for the towing and junking, the driver's license, and the replacement of the vehicle, totaling \$8,398, and the judge affirmed the officer's recommendation.²⁰⁶

Judges are rarely persuaded to waive or reduce restitution amounts based on a young person's circumstances or the impact that payment would have on their rehabilitation. As discussed in section II.B, under state law, restitution orders cannot be adjusted based on inability to pay and can only be adjusted when "compelling and extraordinary" circumstances exist.²⁰⁷ But those instances are extremely limited. For example, between 2010 and 2022, of the 311 restitution orders imposed in Imperial County, only three were waived or suspended—one \$160 order was waived in full, and two orders (one for \$5,092 and the other for \$940) were reduced by half.²⁰⁸ Although a young person has the right to contest the amount of restitution ordered, in practice, youth are often not well informed of this right. Guidance from El Dorado County states that if a young person and their parent(s) fail to respond to a letter describing the amount of restitution to be ordered within ten days, "it will be assumed the offender is waiving the right to a restitution hearing at this time."²⁰⁹

203. See Admin. Off. of the Cts., Jud. Council of Cal., California Judges Benchguide 83, Restitution § 83.50 (rev. 2014) ("[A youth] has no right to confront and cross-examine witnesses, including the probation officer who prepared the probation report. . . . The evidentiary requirements for establishing a victim's economic losses are minimal." (citing *People v. Cain*, 97 Cal. Rptr. 836, 839–41 (Ct. App. 2000))); see also *id.* § 83.51 ("Once the victim makes a prima facie showing of economic losses, the burden shifts to the defendant to disprove the amount of claimed losses. . . . The defendant has the burden of showing that the restitution recommendation in the probation report or the victims' estimates are inaccurate." (citing *People v. Gemelli*, 74 Cal. Rptr. 3d 901, 904–05 (Ct. App. 2008); *People v. Foster*, 18 Cal. Rptr. 2d 1, 4–5 (Ct. App. 1993))).

204. Napa Cnty. Prob. Dept., Policy and Procedure: Juvenile Probation 2 (2017) (on file with the *Columbia Law Review*) [hereinafter Napa Juvenile Probation Policy] (emphasis omitted) (internal quotation marks omitted).

205. Letter from Redacted Individual to Georgia Valentine, Rsch. Specialist, Pol'y Advoc. Clinic, U.C. Berkeley Sch. of L. (on file with the *Columbia Law Review*).

206. Memorandum re: Determination of Restitution, *supra* note 1.

207. Cal. Welf. & Inst. Code § 730.6(b)(1) (2025).

208. See Imperial Data, *supra* note 170.

209. El Dorado Cnty., Determining Restitution 2 (2020) (on file with the *Columbia Law Review*).

Second, payment of monetary restitution alone does not further youth rehabilitation. In studies from the 1980s about the effectiveness of restitution in the juvenile system, researchers emphasized that restitution should be “much more than a simple order of repayment” and function as a “positive challenge to the juvenile to ‘do something good’ for the victim” to promote rehabilitation.²¹⁰ Those same researchers noted that the “insurance” model of restitution (i.e., programs that collect money from youth and return it to harmed persons) does not play “any substantive role in the rehabilitation of juvenile offenders.”²¹¹ Yet, state law focuses almost exclusively on the payment of monetary restitution, and juvenile court judges rarely order youth to complete programming or services that encourage reflection.

Third, even if payment of monetary restitution advanced rehabilitation, it is questionable whether ordering youth to pay restitution allows for a young person to meaningfully “confront . . . the harm [their] actions have caused”²¹² because most youth in the juvenile system come from low-income families or do not have meaningful access to income of their own. Youth as a class, by nature of their age, are often not legally able to work, or at least cannot work full-time under federal law.²¹³ Most youth (up to age eighteen in California) are also required to attend school.²¹⁴ For youth that manage to obtain employment, balancing work with school and other responsibilities can lead to long-term negative consequences, including worse academic performance and increased school dropout rates,²¹⁵ which only undermine the intended rehabilitative goals of restitution. Despite this, Napa County requires youth and their parents to sign a “Restitution Payment Plan,” instructing young people to describe how they plan to pay their restitution and list any “[e]arnings from employment,” “[a]ssistance

210. Schneider & Warner, *supra* note 48, at 383–84.

211. *Id.* at 395. Instead of rehabilitation, the researchers found that “[t]he only aspect of insurance programs that distinguishes them at all from traditional sanctions is that they provide for repayment of victims.” *Id.*

212. *People v. Moser*, 57 Cal. Rptr. 2d 647, 651 (Ct. App. 1996).

213. The Fair Labor Standards Act sets fourteen as the minimum age for most non-agricultural work. See 29 C.F.R. § 570.2 (2025); see also Fact Sheet #43: Child Labor Provisions of the Fair Labor Standards Act (FLSA) for Nonagricultural Occupations, DOL: Wages & Hours Div., <https://www.dol.gov/agencies/whd/fact-sheets/43-child-labor-non-agriculture> [<https://perma.cc/8N4L-CLMT>] (last updated Dec. 2016).

214. See State Educ. Pracs., Table 5.1. Compulsory School Attendance Laws, Minimum and Maximum Age Limits for Required Free Education, by State: 2017, Nat’l Ctr. Educ. Stats., https://nces.ed.gov/programs/statereform/tab5_1.asp [<https://perma.cc/3HDX-FDE9>] (last visited Aug. 11, 2025) (showing that every state requires children and teenagers to attend school until at least age sixteen).

215. See Jeremy Staff, Alyssa M. Yetter, Kelsey Cundiff, Nayan Ramirez, Mike Vuolo & Jeylan T. Mortimer, Is Adolescent Employment Still a Risk Factor for High School Dropout?, 30 J. Rsch. on Adolescence 406, 413–15 (2020) (finding that intensive work is significantly associated with a decrease in GPA and increased odds of dropping out).

from parents (allowance, chores, loan, etc.),” and “[o]ther source[s] of income (relatives, savings, odd jobs, etc.).”²¹⁶

Brain science also confirms the limits of restitution’s rehabilitative role. Research shows that while young people may reach intellectual maturity by age sixteen, they often remain socially and emotionally immature for much longer, as reflected in poor impulse control, lack of foresight, inadequate assessment of risk, and vulnerability to peer pressure.²¹⁷ The U.S. Supreme Court has cited the impact that adolescent brain development has on a young person’s decisionmaking and behavior, finding that this makes youth less culpable than adults and more susceptible to treatment.²¹⁸ Yet data from California counties show that courts have ordered youth as young as six years old to pay restitution.²¹⁹

Parents have also raised questions around the role that restitution plays in teaching their kids a lesson: “Well how’s a thirteen-year-old going to get five hundred dollars? Where’s that going to come from?”²²⁰ Practically, restitution debt falls on parents, and in many states including California, parents and guardians are held jointly and severally liable for restitution ordered against their child.²²¹ Many families are grappling with the fact of their child’s system involvement, and the debt only compounds any anger and resentment they may feel.²²² In a 2023 study of Florida youth ordered to pay fees, fines, and restitution, one-third of youth said that their relationship with their family would be negatively impacted if the family

216. Napa Juvenile Probation Policy, *supra* note 204.

217. See Laurence Steinberg, Elizabeth Cauffman, Jennifer Woolard, Sandra Graham & Marie Banich, Are Adolescents Less Mature Than Adults?: Minors’ Access to Abortion, the Juvenile Death Penalty, and the Alleged APA “Flip-Flop”, 64 *Am. Psych.* 583, 587 (2009) (finding that “although adolescents may demonstrate adult-like levels of maturity in some respects by the time they reach 15 or 16, in other respects they show continued immaturity well beyond this point in development”).

218. See *Graham v. Florida*, 560 U.S. 48, 68–69 (2010) (finding that juveniles’ actions are less likely to demonstrate negative moral character than adults’, creating less possibility of repeated offenses and better rehabilitation outcomes); *Roper v. Simmons*, 543 U.S. 551, 569–70 (2005) (finding that juveniles lack mature decisionmaking skills, are more susceptible to peer pressure, and are still developing their personalities, making them less morally culpable than adults).

219. See Tulare Data, *supra* note 185 (showing a six-year-old Black youth ordered to pay restitution fines in 2010 and a seven-year-old Hispanic youth ordered to pay direct restitution in 2013). Prior to 2019, youth of any age could be subject to juvenile court jurisdiction. Now, however, the minimum age of juvenile court jurisdiction in California is twelve for almost all offenses. *Cal. Welf. & Inst. Code* § 602 (2025).

220. Leslie Paik & Chiara Packard, Impact of Juvenile Justice Fines and Fees on Family Life: Case Study in Dane County, WI 23 (2019), <https://debtorsprison.jlc.org/documents/jlc-debtors-prison-dane-county.pdf> [<https://perma.cc/J4CN-9TXF>] (internal quotation marks omitted) (quoting the parent of a child ordered to pay restitution).

221. See Smith et al., *supra* note 7, at 9 (recording thirty-two states that allow parental liability for youth restitution and nine states that “expressly hold young people liable for restitution jointly and severally with co-defendants”).

222. See Berkeley L. Pol’y Advoc. Clinic, *supra* note 25, at 10 (describing how fees weaken family ties).

had to pay more than \$100.²²³ Even the Ninth Circuit found that financial obligations like restitution in the juvenile system “compromise the goals of juvenile correction and the best interests of the child, and, ironically, impair the ability of [the parent] to provide . . . future support.”²²⁴ Given that familial issues and strain are important risk factors for youth crime,²²⁵ the added stress from restitution has a counterproductive effect in that it weakens key support systems that aid in youth rehabilitation.²²⁶

With its almost exclusive focus on monetary payments, the current youth restitution system both constrains the possibilities for youth rehabilitation²²⁷ and increases the likelihood that youth will end up back in the system.

B. *Does Ordering Youth to Pay Restitution Deter Future Delinquent Behavior?*

Deterrence theory is based on the central idea that punishment can prevent future criminal behavior, and the harsher the punishment, the more likely it is to reduce levels of crime.²²⁸ Theories of deterrence generally focus on three measures related to harshness: the certainty of being caught, the celerity or speed at which punishment is imposed, and the severity of the punishment.²²⁹

223. Piquero et al., *supra* note 176, at 37.

224. *Rivera v. Orange Cnty. Prob. Dep't*, 832 F.3d 1103, 1111 (9th Cir. 2016) (holding that the cost of juvenile detention was not a domestic support obligation excepted from bankruptcy discharge).

225. See Machteld Hoeve, Judith Semon Dubas, Veroni I. Eichelsheim, Peter H. van der Laan, Wilma Smeenk & Jan R. M. Gerris, *The Relationship Between Parenting and Delinquency: A Meta-Analysis*, 37 *J. Abnormal Child Psych.* 749, 762–63 (2009) (confirming an association between negative parent–child interactions and youth delinquency). For a summary of recent efforts in different jurisdictions to improve family engagement in the juvenile justice system, see generally Off. of Juv. Just. & Delinq. Prevention, DOJ, *Family Engagement in Juvenile Justice* (2018), <https://www.govinfo.gov/content/pkg/GOVPUB-J32-PURL-gpo122473/pdf/GOVPUB-J32-PURL-gpo122473.pdf> [<https://perma.cc/BXN8-K5UQ>].

226. See Smith et al., *supra* note 7, at 13–15 (describing how youth restitution harms familial relationships by “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 [criminal] behaviors . . . that appear to the youth to solve financial problems”).

227. See Hagos, *supra* note 23, at 478 (“Restitution orders can permanently tie those involved in the criminal legal system and upend their chances to rebuild their lives and reintegrate back into society.”); see also Jessica Feierman with Naomi Goldstein, Emily Haney-Caron & Jaymes Fairfax Columbo, *Juv. L. Ctr., Debtors’ Prisons for Kids?: The High Costs of Fines and Fees in the Juvenile Justice System* 21 (2016), <https://debtorsprison.jlc.org/documents/jlc-debtors-prison.pdf> [<https://perma.cc/U776-74PH>] (“76% [of survey respondents] stated that difficulty paying restitution led to risk of more court visits, deeper contact with the juvenile justice system, debt, driver’s license issues, or family stress and strain.”).

228. Daniel S. Nagin, *Deterrence in the Twenty-First Century*, 42 *Crime & Just.* 199, 205–06 (2013).

229. *Id.*

Even if youth were fully rational actors who reacted to harshness, these theories prove largely ineffective in the youth restitution system:

Certainty. The high likelihood that a youth will be ordered to pay restitution seems to suggest that it is a significant deterrent to delinquent behavior. Most youth, however, are unaware that it is a consequence they may face. Once referred to juvenile court, restitution is almost guaranteed given mandated restitution fines,²³⁰ the limited situations in which California judges can decide to not order restitution, and how rarely they grant such exceptions in practice.²³¹ More broadly, the certainty of being caught, referred to the juvenile system, and ordered to pay restitution is often a question of race and class.²³² Research shows that Black youth, in particular, are seen as older and more culpable for their actions than white youth, effectively depriving Black youth of their presumed innocence and subjecting them to possibly higher dollar amounts in restitution.²³³ Similarly, youth who come from higher-income families are more likely to not end up in the juvenile system to begin with given familial or political connections they may have in the community or because they are able to hire a private attorney to quickly divert them out of the system.²³⁴ Youth from lower-income families do not have meaningful access to the same networks or resources; in turn, they are more likely to be arrested and cycled through the juvenile court process.²³⁵ As a result, these youth are also more likely to be ordered to pay restitution.

Celerity. The time it takes to determine and order restitution against a young person undercuts restitution's potential deterrent effect. Restitution is ordered at the time of disposition, or a youth's sentencing, which can occur months after an incident of harm. For example, Marin County's policy states that "restitution should ideally be completed within 90 days

230. This was particularly true in California, where all youth who are adjudicated delinquent, regardless of whether they caused harm or injury, were ordered to pay a restitution fine to support the state victim compensation fund prior to the repeal of this provision earlier this year. Cal. Welf. & Inst. Code § 730.6(a)–(b) (repealed 2025).

231. See *supra* notes 135–149.

232. See Alex R. Piquero, Disproportionate Minority Contact, *Future Child.*, Fall 2008, at 59, 62–66 (describing the role of "differential selection," or the fact that the justice system treats minority and white system-impacted youth in different ways, as a contributor to racial disparities in the juvenile justice system).

233. See Phillip Atiba Goff, Matthew Christian Jackson, Brooke Allison Lewis Di Leone, Carmen Marie Culotta & Natalie Ann DiTomasso, The Essence of Innocence: Consequences of Dehumanizing Black Children, 106 *J. Personality & Soc. Psych.* 526, 539–40 (2014) (finding that Black boys are "misperceived as older relative to peers" and thus are "seen as more culpable for their actions . . . within a criminal justice context than are their peers of other races").

234. See Tamar R. Birckhead, Delinquent by Reason of Poverty, 38 *Wash. U. J.L. & Pol'y* 53, 82–83 (2012) ("In these systems, there are two explicit tracks: one for middle- and upper-class families who are able to secure private services for their children . . . and the other for low-income (often minority and single-parent) families who can only access these resources through a court order . . .").

235. *Id.*

of receipt of a case.”²³⁶ State law allows for an extension to determine the amount of restitution that should be imposed against a young person: “If the amount of loss cannot be ascertained at the time of sentencing, the restitution order shall include a provision that the amount shall be determined at the direction of the court at any time during the term of the commitment or probation.”²³⁷ Additionally, harmed parties must provide copies of any loss or injury to the probation officer, victim advocate, or district attorney’s office, which informs the amount of restitution recommended to the court.²³⁸ In Orange County, for example, review of such documentation can take up to sixty days.²³⁹ There can also be delays if the probation officer cannot get in touch with the harmed party or if they need additional time to gather documentation of any loss.²⁴⁰

Severity. The long-lasting impact that a restitution order can have on one’s social and economic well-being would appear to be a strong deterrent. A restitution order is not just a bill; it is often enforceable as or converted into a civil judgment, which can heighten the collateral consequences of such debt.²⁴¹ Unlike other types of debt (such as consumer debt), in California, civil judgments for court-ordered debt are not dischargeable through bankruptcy, can be enforced in perpetuity, and accumulate interest at a rate of 10% per year.²⁴² Records from San Diego County even suggest that restitution debt is inheritable.²⁴³ Such debt can

236. Marin Cnty. Juv. Div., Juvenile Division Manual 42 (2016) (on file with the *Columbia Law Review*) (laying out policy and procedures for victims and collection of restitution).

237. Cal. Welf. & Inst. Code § 730.6(b)(1) (2025).

238. See, e.g., Orange Cnty. Prob. Dep’t, Victim Restitution: Assistance for Victims of Juvenile Offenders, <https://www.ocprobation.ocgov.com/sites/ocpr/files/import/data/files/7163.pdf> [<https://perma.cc/33HF-FSBR>] (last visited Aug. 12, 2025) (instructing harmed parties to provide documentation to the county probation department “describ[ing] their losses and . . . provid[ing] receipts and other documents to substantiate their claim”); Riverside Cnty. Prob. Dep’t, Victim Restitution Guide, <https://rivcoprobation.org/sites/g/files/aldnop236/files/migrated/pdf-Restitution-Guide-Eng.pdf> [<https://perma.cc/366E-DPXP>] (last visited Aug. 12, 2025) (advising a harmed party to keep track of “bills, receipts, expenses, and any insurance information” to provide to their “victim advocate, deputy district attorney, and/or probation officer before [a] sentencing hearing”); San Bernardino Cnty. Prob. Dep’t, Procedures Manual: Procedure 906 (2023), <https://web.sbcounty.gov/Probation/Policies%20and%20Procedures/Juvenile%20Restitution%20Process.pdf> [<https://perma.cc/4XEC-JZ2T>] (including a “Claim for Restitution” form for harmed parties instructing them to list their itemized losses, attach relevant corroborating documentation, and mail the form to their assigned probation officer).

239. Orange Cnty. Prob. Dep’t, *supra* note 238.

240. *Id.*

241. Cal. Welf. & Inst. Code § 730.6(k).

242. Cal. Civ. Proc. Code § 685.010 (2025).

243. S.D. Cnty. Dist. Atty’s Off., Enforcing Criminal or Juvenile Court Restitution Orders as Civil Judgments (2025), <https://www.sdcda.org/content/helping/restitution/ENFORCING%20CRIMINAL%20RESTITUTION%20ORDERS%20AS%20CIVIL%20JUDGMENT.pdf> (on file with the *Columbia Law Review*).

subject youth to a range of collection and enforcement options, including property liens, bank levies, and wage garnishment, that lasts beyond their juvenile court involvement and often for the rest of their lives.²⁴⁴ Upon ordering restitution, Napa County provides youth with a fact sheet describing the consequences of nonpayment, which includes “[i]f you are attempting to become a legal citizen, failure to make restitution payments may affect your immigration process” and “[r]estitution is tied to [p]robate; if a person has you (or your parents) listed as a beneficiary and you owe restitution, your restitution order would be subtracted from your settlement amount.”²⁴⁵

These theories of deterrence fall short when applied to youth restitution, as several of their underlying premises—rational behavior, equal treatment, shared lived experiences, etc.—are absent when discussing youth as a group, and particularly when discussing low-income and Black and brown youth.

First, deterrence theory assumes that a person is behaving rationally or acting voluntarily, but for most youth in the juvenile system, this is not the case. Research on adolescent brain development shows that youth are not weighing the costs and benefits of their actions or considering the likelihood of being caught and arrested.²⁴⁶ In fact, researchers have found that increasing the severity of punishment for youth does not affect their behavior.²⁴⁷ Youth are at a developmental stage where they are more likely to engage in high-risk behavior because they feel invincible.²⁴⁸ Youth do not have the life experience yet to think about the future²⁴⁹ and are more likely to lean toward short-term rewards without considering the potential consequences or punishment.²⁵⁰

244. Cal. Civ. Proc. Code §§ 695.010–695.221.

245. Napa Juvenile Probation Policy, *supra* note 204.

246. See Beatriz Luna, *The Relevance of Immaturities in the Juvenile Brain to Culpability and Rehabilitation*, 63 *Hastings L.J.* 1469, 1484 (2012) (showing that “immaturities in adolescent brain systems . . . undermine the ability [for youth] to make planned executive responses,” making adolescents “vulnerable to impulsive risk-taking, including criminal behavior”).

247. See Anthony N. Doob & Carla Cesaroni, *Responding to Youth Crime in Canada* 241–53 (2004) (reviewing empirical research to conclude that increasing the severity of sentences does not have a consistent deterrent effect for adolescents, who “do not consider the long-term impact of their decisions” in the same way as adults).

248. See Daniel Romer, Valerie F. Reyna & Theodore D. Satterthwaite, *Beyond Stereotypes of Adolescent Risk Taking: Placing the Adolescent Brain in Developmental Context*, 27 *Developmental Cognitive Neuroscience* 19, 23 (2017) (describing the trajectory of adolescent risk-taking behavior as being low in childhood, increasing during puberty, peaking in late adolescence to early adulthood, and decreasing in adulthood).

249. See Elizabeth S. Scott, N. Dickon Reppucci & Jennifer L. Woolard, *Evaluating Adolescent Decision Making in Legal Contexts*, 19 *L. & Hum. Behav.* 221, 231 (1995) (describing how youth “seem to discount the future more than adults”).

250. See Laurence Steinberg & Elizabeth S. Scott, *Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty*, 58 *Am. Psych.* 1009, 1012 (2003) (outlining studies showing that “adoles-

Additionally, deterrence theory presumes a kind of “rational” behavior²⁵¹ that fails to account for actions taken in desperation—actions that may be rational in context, even if unlawful. Many youth in the juvenile system are low income or come from communities that have been historically marginalized, underresourced, and exposed to violence.²⁵² These youth may be more likely to partake in crimes of necessity or poverty—such as stealing toothpaste from a drugstore or clothes from a department store—to provide for their basic needs or to protect themselves.²⁵³ Maltreatment during childhood and other adverse childhood experiences are disproportionately concentrated in disadvantaged neighborhoods and increase the risk that a youth may end up in the juvenile system.²⁵⁴ Further penalizing young people who have experienced violence, stress, and trauma does not help them heal but only exacerbates their struggles.

In fact, most youth who cause harm were once harmed themselves, and this unaddressed trauma and violence often contribute to the likeli-

cents tend to discount the future more than adults do and to weigh more heavily short-term consequences of decisions—both risks and benefits—in making choices”).

251. See Kevin C. Kennedy, *A Critical Appraisal of Criminal Deterrence Theory*, 88 *Dick. L. Rev.* 1, 2 (1983) (discussing the centrality of the “economic model of the rational actor,” which presumes that “a person contemplating the commission of a crime would undertake a cost-benefit analysis and would execute the criminal plan only if potential benefits sufficiently outweighed expected costs,” to criminal deterrence theory).

252. See Panel on Juv. Crime: Prevention, Treatment, & Control, *Nat’l Rsch. Council & Inst. of Med., Juvenile Crime, Juvenile Justice* 89 (Joan McCord, Cathy Spatz Widom & Nancy A. Crowell eds., 2001) (observing that “living in a neighborhood where there are high levels of poverty and crime increases the risk of involvement in serious crime for all children growing up there”); see also Robert L. Wagmiller Jr. & Robert M. Adelman, *Nat’l Ctr. for Child. in Poverty, Childhood and Intergenerational Poverty: The Long-Term Consequences of Growing Up Poor*, 4–5 (2009), https://www.nccp.org/wp-content/uploads/2020/05/text_909.pdf [<https://perma.cc/BPH6-NMVP>] (describing the lasting effect that social and economic deprivation during childhood and adolescence can have on individuals).

253. See Alezandra Melendrez, *Young Women’s Freedom Ctr., Through Their Eyes: Stories of Reflection, Resistance, and Resilience on Juvenile Incarceration From San Francisco Cis and Trans Young Women & Girls, Trans Young Men & Boys and Gender Expansive Youth* 31, 42, 127–29 (2021), https://youngwomenfree.org/wp-content/uploads/2021/12/YWFC_TTE_Report_Fnl4.pdf [<https://perma.cc/57WQ-RBCD>] (explaining that “30% of [interviewees’] first case with the juvenile delinquency system involved stealing items at local drug or clothing stores, highlighting that thefts were motivated by securing basic needs”); see also G. Roger Jarjoura, Ruth A. Triplett & Gregory P. Brinker, *Growing Up Poor: Examining the Link Between Persistent Childhood Poverty and Delinquency*, 18 *J. Quantitative Criminology* 159, 182–83 (2002) (demonstrating that poverty experienced early in life makes later involvement in delinquency more likely because of the cognitive difficulties arising from negative self-perception and lower self-esteem).

254. See Michael T. Baglivio, Kevin T. Wolff, Nathan Epps & Randy Nelson, *Predicting Adverse Childhood Experiences: The Importance of Neighborhood Context in Youth Trauma Among Delinquent Youth*, 63 *Crime & Delinq.* 166, 178–81 (2017) (outlining literature showing that child maltreatment and adverse childhood experiences are concentrated in certain neighborhoods, particularly disadvantaged ones).

hood that they may act out or engage in unlawful behavior.²⁵⁵ A 2021 survey of eighty-eight system-impacted Californians found that 75% of respondents reported that they or their family member had been the victim of a crime, and 40% of respondents had caused harm or were ordered to pay restitution.²⁵⁶ The same Black and brown youth who are living with the consequences of underinvestment in their communities, as well as generations of trauma and violence, are often the ones subjected to targeted policing and punishment and, in turn, are overrepresented in the juvenile system. As Professor Markus Dirk Dubber has pointed out, a person can, at the same time and at different times, carry the labels of both victim and offender.²⁵⁷ “Offenders and victims, as groups, tend to share important socioeconomic characteristics. They are disproportionately young, poor, and black.”²⁵⁸

Second, deterrence theory presumes a legal system that is not discriminatory in its intent or impact. Because of targeted policing and over-surveillance of Black and brown communities, Black and brown youth are more likely to be arrested and funneled through the juvenile system²⁵⁹ and in turn are more likely to be ordered to pay restitution at disproportionate rates and amounts. In California, Black and brown youth had a greater percentage of petitions filed (64% and 57%, respectively) than white youth

255. See LeRoy G. Schultz, *The Violated: A Proposal to Compensate Victims of Violent Crime*, in *Considering the Victim: Readings in Restitution and Victim Compensation*, supra note 32, at 130, 132; see also Daniel J. Neller, Robert L. Denney, Christina A. Pietz & R. Paul Thomlinson, *Testing the Trauma Model of Violence*, 20 J. Fam. Violence 151, 157 (2005) (finding that being the victim of a violent crime is “among the best predictors . . . of future violent perpetration”).

256. See Marcia Garcia, *Debt Free Just. Cal., Reframing Restitution: Centering the Lived Experiences of Impacted Community Members in Narrative Change* 27 & tbl.5 (2021).

257. See Markus Dirk Dubber, *Victims in the War on Crime: The Use and Abuse of Victims' Rights* 155 (2002) (“This alienation of both offenders and victims reflects a fundamental fact that is all too often overlooked in public debate about victims' rights but that has long been a mainstay of victimological research: offenders and victims are very much alike.”).

258. *Id.*; see also All. for Safety & Just., *Crime Survivors Speak: The First-Ever National Survey of Victims' Views on Safety and Justice* 8 (2019), <https://build.allianceforsafetyandjustice.org/sites/default/files/2025-09/Crime-Survivors-Speak-Report.pdf> [<https://perma.cc/C6HX-YAU2>] (finding that Black interviewees were nearly one-third more likely to experience a violent crime compared to white participants, and young people between eighteen and twenty-four years old experienced crime at nearly twice the rate of any other age group).

259. See Piquero, supra note 232, at 59–61; see also James Bell & Laura John Ridolfi, W. Haywood Burns Inst., *Adoration of the Question: Reflections on the Failure to Reduce Racial & Ethnic Disparities in the Juvenile Justice System* 5–10 (2008), https://www.modelsforchange.net/publications/199/Adoration_of_the_Question_Reflections_on_the_Failure_to_Reduce_Racial_Ethnic_Disparities.pdf [<https://perma.cc/AL9E-4WBR>] (noting disparate enforcement against and punishment of Black, Indigenous, and Latinx youth).

(47%), as well as a greater percentage of wardships (58% and 58%) than white youth (45%).²⁶⁰

On that same point, while the data provided by California counties did not indicate disparities in the dollar amount of youth restitution ordered by race and ethnicity, data on other monetary sanctions in the juvenile system and on restitution in the adult criminal system are instructive. For example, given the disproportionate treatment across racial and ethnic groups, prior to the county's repeal of juvenile fees, a family with a Black youth serving average probation conditions in Alameda County was liable for more than twice the amount in fees (\$3,438) as a family with a white youth serving average probation conditions (\$1,637).²⁶¹ Similarly, data on adult restitution from Los Angeles County show that Black residents represent 8% of Los Angeles County's population, but between 2011 and 2019, Black men and women constituted 25% and 34% of all adults ordered to pay restitution.²⁶²

Finally, research shows that ordering youth to pay restitution may contribute to future delinquent behavior because of the stress caused by looming debt. Young people facing such debt may feel pressure to find other means to help their families pay off their restitution orders. For example, some youth may drop out of school to start working and earning money to contribute to their unpaid restitution.²⁶³ Others may turn to unreported employment or even partake in the types of unlawful behavior that landed them in juvenile court to begin with.²⁶⁴ In a 2017 study of youth in Philadelphia, criminologists found that youth owing restitution, even when controlling for relevant demographics and case characteristics

260. Crim. Just. Stat. Ctr., Cal. Dep't of Just., *Juvenile Justice in California* 41 (2021), https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/Juvenile%20Justice%20In%20CA%202021_0.pdf [https://perma.cc/P2DG-UD55].

261. Alex Kaplan, Ahmed Lavalais, Tim Kline, Jenna Le, Rachel Draznin-Nagy, Ingrid Rodriguez, Jenny van der Heyde, Stephanie Campos-Bui & Jeffrey Selbin, U.C. Berkeley L. Pol'y Advoc. Clinic, *High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families in Alameda County, California* 9 (2016), https://www.defendyouthrights.org/wp-content/uploads/201603_BerkeleyLaw_High-Pain-No-Gain.pdf [https://perma.cc/N6DL-N8LV]; see also *supra* note 171 and accompanying text.

262. L.A. Cnty. Prob. Dep't, *Restitution and Restitution Fine 2011–2012, Male and Female by Ethnicity* (on file with the *Columbia Law Review*); see also Los Angeles County: Race and Ethnicity, U.S. Census Bureau, https://data.census.gov/profile/Los_Angeles_County_California?g=050XX00US06037#race-and-ethnicity (on file with the *Columbia Law Review*) (last visited Sep. 11, 2025).

263. See Feierman et al., *supra* note 227, at 7 (“Pushing youth to work too much, too soon may lead to long-term negative consequences, including lower grades and increased school drop-out rates.”).

264. See Piquero et al., *supra* note 176, at 31 (reporting survey results that indicated 13% of youth believed they would have to resort to criminal activity if they personally had to pay fines, fees, or restitution ordered against them; nearly 38% would have to borrow money; and nearly 29% believed their family would also have to borrow money).

related to recidivism,²⁶⁵ had a higher likelihood of recidivism, with the dollar amount ordered positively correlated to the risk of recidivism.²⁶⁶ In other words, the higher the amount of restitution youth were ordered to pay, the higher the chances were that they would commit another crime. Criminologists also found that nonwhite youth were almost twice as likely as white youth to still owe fees, fines, and restitution upon case closing.²⁶⁷ One study of juvenile restitution programs in the 1980s determined that such programs significantly reduced recidivism rates for youth in two of the four jurisdictions studied.²⁶⁸ Most of the programs studied, however, focused on evaluating restitution programs as an alternative to probation or detention;²⁶⁹ neither of these factors is true of how restitution is used by juvenile courts today.²⁷⁰

Punishing and burdening youth, particularly low-income and Black and brown youth, with more debt does not deter delinquent behavior or promote public safety. Instead, it exacerbates many of the stressors that may lead them to harm themselves and others.

C. *Does Ordering Youth to Pay Restitution Make Harmed Persons Whole?*

As discussed in section III.A, because youth lack meaningful access to income or employment to generate wages, young people are often unable to pay any restitution they may owe, leaving harmed persons with little prospects for compensation.²⁷¹ Although courts do not collect individualized data on the income level of a young person ordered to pay restitution or their family, most people charged with breaking the law are low-income; 82% of people charged with felonies in state courts are represented by

265. Recognizing that these variables themselves implicate a “strong relationship between prior and future offending,” the researchers controlled for youths’ supervision status, offense type, and prior criminal activity. 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, 328 (2017).

266. See *id.* at 331, 334 (finding in a sample of over one thousand youth that having unpaid costs at case closing led to higher recidivism rates and that youth of color were 86% more likely to have unpaid costs than their white peers).

267. *Id.* at 331; cf. Piquero et al., *supra* note 176, at 18–19 (finding in a 2023 study of Florida youth that restitution was imposed in 4.4% of all youth cases with “no significant differences in the imposition of fees across race/ethnic lines” and that youth assigned restitution were more likely to recidivate).

268. Anne L. Schneider, Restitution and Recidivism Rates of Juvenile Offenders: Results From Four Experimental Studies, 24 *Criminology* 533, 549–50 (1986).

269. *Id.* at 538–39.

270. See, e.g., Lau, Better for Everyone, *supra* note 30, at 2 (describing juvenile restitution as intended “to financially compensate the crime survivor for their loss and to hold the young person accountable for their actions,” with no mention of it as an alternative to incarceration or probation).

271. See *supra* section III.A.

public defenders or assigned counsel.²⁷² The proportion is similar for youth in the juvenile system.²⁷³

System involvement can also limit opportunities for youth to generate income as adults and in turn inhibit their ability to pay restitution. While a young person's probation cannot be revoked for failing to pay restitution in California,²⁷⁴ having a juvenile record can impact a youth's ability to pursue higher education, get a job, and accrue savings.²⁷⁵ Research shows that those who were involved in the juvenile system have lower wages than those with no system contact.²⁷⁶ With limited opportunities for generating income and savings, adults with juvenile records are less likely to be able to make payments on outstanding restitution.

As a result, collection rates on youth restitution are low,²⁷⁷ but not for lack of effort.²⁷⁸ Courts and counties utilize local collection mechanisms to bill families on a monthly basis and can also refer restitution orders to the Franchise Tax Board, which can pursue collection via wage garnishment and tax refund intercept.²⁷⁹ Once a court no longer has jurisdiction over

272. Caroline Wolf Harlow, DOJ, Defense Counsel in Criminal Cases 1 (2000).

273. See, e.g., H. Ted Rubin, Impoverished Youth and the Juvenile Court: A Call for Pre-Court Diversion, *Juv. Just. Update*, Dec./Jan. 2011, at 1, 1 (showing that, in a 2008 report, nearly 80% of families with youth in Tennessee's juvenile system for whom the court acquired income data were on public assistance or had annual incomes of less than \$30,000).

274. Cal. Welf. & Inst. Code § 730.6(g) (2025).

275. See Ford, *supra* note 88, at 42–43 (detailing the long-term financial impacts of restitution for youth that continue into adulthood, such as “mounting interest on unpaid restitution,” reduced eligibility for loans, and decreases in credit scores); see also Riya Saha Shah & Jean Strout, *Juv. L. Ctr.*, Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records 9–11 (2016), https://jlc.org/sites/default/files/publication_pdfs/Future%20Interrupted%20-%20final%20for%20web_0.pdf [<https://perma.cc/ALV4-8PD9>] (describing how juvenile records pose barriers to employment due to employer bias against applicants with criminal records); Gary Sweeten, Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement, 23 *Just. Q.* 462, 478 (2006) (describing how court-involved youth are less likely to graduate from high school). For a specific example of how substantially restitution orders can hinder youth and young adults in attaining financial stability, see generally Erica L. Green, For Young Offenders, Restitution Debts Can Present Crippling Obstacles, *N.Y. Times* (July 14, 2022), <https://www.nytimes.com/2022/07/14/us/politics/juvenile-restitution-debts.html> (on file with the *Columbia Law Review*).

276. See Melanie Taylor, Adult Earnings of Juvenile Delinquents: The Interaction of Race/Ethnicity, Gender, and Juvenile Justice Status on Future Earnings, *Just. Pol'y J.*, Fall 2013, at 1, 2–3 (showing evidence that youth involvement in the criminal justice system significantly reduces future wages).

277. See *supra* section II.B; see also Smith et al., *supra* note 7, at 16 (describing how youth restitution is unsuccessful at meeting victims' needs because of low collection rates and delayed payments).

278. See *supra* section II.B.

279. Through its Court-Ordered Debt Program, the FTB can garnish wages (up to 25% of disposable earnings for each pay period). Help With Withholding Orders, *supra* note 11.

a young person, harmed parties must pursue collection through civil collection mechanisms such as property liens or wage garnishment.²⁸⁰

In fact, as discussed in Part II, courts, counties, and state governments spend significant resources trying to collect restitution.²⁸¹ This is also the case at the federal level: According to a 1995 congressional report on federal criminal restitution, considering the “litigation and enforcement costs of the United States Attorneys,” the government spends approximately \$2,000 to impose a restitution order in each case and significantly more money, ultimately paid by taxpayers, to enforce it when people do not satisfy these orders.²⁸² A study of San Francisco County Adult Probation Department practices found that in 40% of cases, it cost more in paid staff-time to resolve a restitution claim than the amount of the restitution order.²⁸³

The amount of youth restitution considered outstanding in California also reflects such low collection rates.²⁸⁴ As this debt becomes older, the less likely it is to be paid. For example, data from Alameda County show that in the first six months after an order, collection rates on court-ordered debt peak at 8%, dropping to 4% by the end of one year, and 0% by the end of three years.²⁸⁵ Such large amounts of debt are also found in the federal criminal system, in which the amount of restitution debt has ballooned to over \$110 billion, \$100 billion of which has been identified as uncollectible due to the indigence of those ordered to pay it.²⁸⁶

Given such low collection rates, harmed parties rarely receive payments from restitution.²⁸⁷ For example, a study of harmed persons in San Francisco County found that 67.5% of those surveyed never received any

280. See Cal. Penal Code § 1214(a) (2025) (“Any portion of a restitution fine or restitution fee that remains unsatisfied after a defendant is no longer on probation, parole, postrelease community supervision[,] . . . or mandatory supervision . . . or after completing diversion is enforceable by the California Victim Compensation Board pursuant to this section.”); see also Letter from Alameda Cnty. Cent. Collections Recs. re: Restitution, *supra* note 3 (indicating that an “unpaid [youth restitution] balance” upon a youth’s transition out of juvenile system would now have “the same legal effect as a civil judgment,” but that “unlike a civil judgment, th[is] enclosed Order does not expire and cannot be discharged . . . [in] bankruptcy”).

281. See *supra* section II.B.

282. S. Rep. No. 104–179, at 26 (1995).

283. Michelle Lau, *Reimagining Restitution in San Francisco: Restoring Victims of Crime and Defendants in Poverty* 12 (2020) (MPP thesis, U.C. Berkeley Goldman School of Public Policy) (on file with the *Columbia Law Review*).

284. See *supra* section II.B.

285. See Alameda Data, *supra* note 179.

286. U.S. Gov’t Accountability Off., GAO-18-203, *Federal Criminal Restitution: Most Debt Is Outstanding and Oversight of Collections Could Be Improved* 26 (2018), <https://www.gao.gov/assets/690/689998.pdf> [<https://perma.cc/D5R2-HHXR>].

287. See Smith et al., *supra* note 7, at 16 (describing how youth restitution is unsuccessful at meeting victims’ needs because of low collection rates and delayed payments); see also *id.* at 27 (finding that because federal restitution statutes do not allow courts to consider ability to pay when calculating restitution awards, victims remain largely uncompensated).

restitution payments.²⁸⁸ Many harmed persons also express dissatisfaction with the slow, unpredictable nature of restitution payments and the intensive documentation required.²⁸⁹ One harmed person who was receiving restitution from an incarcerated person described the retraumatizing effect of minimal payments: “Don’t send small checks that just remind us we will never get paid.”²⁹⁰ Another person said: “[It was a] very invasive and humiliating process, I felt like I was the criminal. Every f***ed-up detail was asked for over and over again.”²⁹¹ Some studies suggest that symbolic support (e.g., restitution that is ordered but not paid) can be meaningful because it “creates the impression that ‘something is being done.’”²⁹² Others have found, however, that harmed persons may feel “revictimized” if they expect restitution and it is not ordered or paid, “rais[ing] victims’ hopes that the harm done to them will be repaired.”²⁹³

As a result, harmed persons must rely on state compensation mechanisms for support, which are often limited in practice. Only 61% of 711 crime survivors surveyed nationally, 54% of whom lived in California, reported that they were offered compensation after their crime.²⁹⁴ Although any person who has suffered economic loss or injury can apply for funding from the CalVCB, many are ineligible to receive compensation. For example, people on probation or parole are effectively ineligible for compensation, as any expenses incurred while a person is under supervision are not allowed until after their supervision has ended.²⁹⁵ Such eligi-

288. Castro Rodriguez, Victim Impact Survey Report, *supra* note 20, at 16; see also Haynes et al., *supra* note 164, at 460 (finding that only 33% of crime victims were satisfied with the amount of restitution they received).

289. In Utah, in the first quarter of fiscal year 2023, 29.0% (\$12,802.75) of the total fines, fees, and restitution owed by youth to the juvenile court had been outstanding for more than one year, and 21.6% (\$9,529.75) had been outstanding for more than three years. Utah Cts., Restitution, Fines, and Fees: All Ages (FY 2023 Q1) (on file with the *Columbia Law Review*).

290. Gena Castro Rodriguez, Prosecutors All. Cal., Survivor Voices: What Works, What Doesn’t, and How Can California Better Serve Victims of Crime 20 (2022), <https://prosecutorsalliance.org/wp-content/uploads/2022/04/Survivor-Voices-Report-CA2022.pdf> [<https://perma.cc/FG5Z-SZ4G>] [hereinafter Castro Rodriguez, Survivor Voices] (internal quotation marks omitted) (quoting an unnamed interviewee).

291. Garcia, *supra* note 256, at 28 (alterations in original) (internal quotation marks omitted) (quoting an unnamed respondent).

292. Anthony Walsh, Placebo Justice: Victim Recommendations and Offender Sentences in Sexual Assault Cases, 77 J. Crim. L. & Criminology 1126, 1139 (1986); see also Tyler G. Okimoto, Outcomes as Affirmation of Membership Value: Material Compensation as an Administrative Response to Procedural Injustice, 44 J. Experimental Soc. Psych. 1270, 1280 (2008) (“[T]he benevolent act of compensating shows the injustice victim that he or she is a valued and respected group member, verifying the importance of that victim’s membership in the group.”).

293. Haynes et al., *supra* note 164, at 460.

294. Castro Rodriguez, Survivor Voices, *supra* note 290, at 14, 17.

295. Cal. Gov’t Code § 13956(c)(1) (2025) (“[A] person who is convicted of a violent felony . . . shall not be granted compensation until that person has been discharged from

bility restrictions disadvantage harmed people of color similarly to other inequities in the carceral system. A 2024 study of victim compensation programs in the United States found that Black and Indigenous people are significantly less likely to receive compensation than other groups.²⁹⁶ Gender can also play a role—female survivors of domestic violence, sexual assault, stalking, and human trafficking are less likely than victims of other crimes to be compensated.²⁹⁷

Application processes can be time-consuming, confusing, and burdensome, which dissuades many people from pursuing compensation.²⁹⁸ Many people are apprehensive about sharing their personal information, while many others are unaware that this process even exists.²⁹⁹ Further, applicants must cooperate with law enforcement to receive compensation, and many potentially eligible individuals may forgo applying because of concerns that it is unsafe for them to speak to law enforcement.³⁰⁰ And there are limits on how much someone can receive from the CalVCB and what for. Currently, harmed parties who apply for compensation in

probation[,] . . . has been discharged from parole, or has been discharged from postrelease community supervision or mandatory supervision . . . for that violent crime.”).

296. Jeremy R. Levine, Poverty Sols. Univ. of Mich., *Inequality in Crime Victim Compensation* 1 (2024), <https://poverty.umich.edu/publications/inequality-in-crime-victim-compensation/> [<https://perma.cc/QH95-VAAC>]; see also Claudia Lauer & Mike Catalini, Every State Offers Victim Compensation. For the Longs and Other Black Families, It Often Isn't Fair, AP News (May 17, 2023), <https://apnews.com/article/crime-victims-compensation-racial-bias-58908169e0ee05d4389c57f975eae49b> (on file with the *Columbia Law Review*) (“[A]n Associated Press examination found that Black victims and their families are disproportionately denied compensation in many states, often for subjective reasons that experts say are rooted in racial biases.”).

297. Levine, *supra* note 296, at 6.

298. See All. for Safety & Just. & Crime Survivors for Safety and Just., *Healing From Harm: Expanding Access to Victim Compensation* 2 (2023), <https://build.allianceforsafetyandjustice.org/sites/default/files/2025-09/ASJ-VICTCOMPADDEND23F2.pdf> [<https://perma.cc/95BL-LWZ6>] (“[E]ven when survivors are directed toward [restitution] relief, the application process can be overwhelming—especially when navigating trauma—and far too many survivors are disqualified due to harmful eligibility restrictions.”); Paik et al., *supra* note 21, at 22 (describing administrative burdens victims face in accessing compensation); Jennifer Alvidrez, Martha Shumway, Alicia Boccellari, Jon Dean Green, Vanessa Kelly & Gregory Merrill, *Reduction of State Victim Compensation Disparities in Disadvantaged Crime Victims Through Active Outreach and Assistance: A Randomized Trial*, 98 Am. J. Pub. Health 882, 886 (2008) (outlining the results of a study of a victim compensation outreach and assistance program in California that found that “the primary barriers to filing a claim are lack of information about victim compensation and difficulty navigating the application process”).

299. All. for Safety & Just. & Crime Survivors for Safety and Just., *supra* note 298, at 2 (“Often survivors are not aware that these programs even exist.”).

300. See Cal. Gov’t Code § 13956(b)(1) (“An application shall be denied if the board finds that the victim . . . failed to cooperate reasonably with a law enforcement agency in the apprehension and conviction of a criminal committing the crime.”).

California can receive up to \$70,000.³⁰¹ Property loss or damage and compensation for pain and suffering are not covered expenses.³⁰²

Not only are youth unable to pay direct restitution, but collections from restitution fines, which make up the bulk of funding for victim compensation awards from the state restitution fund, are also low. As a result, the fund has operated under a structural deficiency for several years, and California has already had to contribute significant resources to pay for harm caused. In his 2023 to 2024 Proposed Budget, Governor Gavin Newsom recommended \$33 million in one-time general fund monies to backfill declining fine and fee revenues in the Restitution Fund and an additional \$39.5 million annually to allow the CalVCB to continue operating.³⁰³ In 2023 to 2024, the restitution fund balance was \$59.2 million, and in 2024 to 2025, \$27.8 million, reflecting both decreasing revenues from restitution fines and limited funds available to provide additional appropriations to the fund.³⁰⁴

In sum, California's youth restitution system is failing to meet any of its purported goals. Youth are being ordered to pay insurmountable debts that do not further rehabilitation or support meaningful reflection on harm caused. Instead, young people, and particularly Black and brown youth and youth living in poverty—who are already subjected to targeted policing and harsher punishments—are being further penalized, making it more likely that they will cause additional harm and end up back in the system. Victims, or people harmed, are left to fend for themselves, as they cannot rely on receiving restitution payments or accessing funds through available state compensation mechanisms. With declining revenues from restitution fines, the state must revisit how to appropriate necessary funds each year to keep its victim compensation fund and, in turn, program afloat.

IV. REIMAGINING THE YOUTH RESTITUTION SYSTEM

Drawing on findings from California outlined in Parts II and III, this Part describes how youth restitution systems across the country should be overhauled to better align with their purported objectives. Unlike with fines and fees, reforming youth restitution cannot only include abolishing the laws authorizing the imposition and collection of restitution against youth and their families.³⁰⁵ Given the needs of harmed parties, something

301. *Id.* § 13956(b).

302. What Is Covered, *supra* note 19.

303. Cal. Dep't of Fin., Governor's Budget Summary 2023–24, at 90 (2023), <https://ebudget.ca.gov/2023-24/pdf/BudgetSummary/FullBudgetSummary.pdf> [<https://perma.cc/TK7Y-QECU>].

304. 2024–25 State Budget: 7870 California Victim Compensation Board (2024), <https://ebudget.ca.gov/2024-25/pdf/Enacted/GovernorsBudget/7500/7870FCS.pdf> [<https://perma.cc/DL2G-QPA6>].

305. See *supra* notes 22–23.

must be put in its place. As discussed below, youth should be offered nonmonetary means to make amends for harms caused, and harmed persons should receive immediate and direct compensation for loss or injuries experienced.

One caveat is that many system reformers, including this author, are abolitionists who are skeptical of an alternative system that retains close ties to the existing juvenile system: There are legitimate questions about whether healing can ever be achieved through arms of the carceral state such as courts and probation. The co-opting of restorative practices and alternative forms of redress by system actors who prioritize punishment risks undercutting the potential for restoration.³⁰⁶ In the view of many abolitionists, given the harm that system involvement causes youth, families, and communities, any reimagining of the system should seek to keep youth out of the system, not perpetuate it as the default intervention.³⁰⁷ Young people do better when they have access to positive education and extracurricular activities³⁰⁸ and sufficient resources like food subsidies and healthcare.³⁰⁹ Families and communities, including in schools, places of worship, and community centers, address and deal with harm in ways that rebuild trust, repair relationships, and better meet the needs of all parties.³¹⁰

Acknowledging that such an overhaul will require coordinated planning and immense political will, this Part will offer concrete ways for policymakers and stakeholders to begin unraveling our reliance on restitution and offer relief to youth, families, and harmed persons in the short term, with the hope that it will set the foundation for large-scale reform outside the system.³¹¹

306. See Alicia Virani, *The Co-Optation of Restorative Justice and Its Consequences for an Abolitionist Future*, 30 *Wm. & Mary J. Race Gender & Soc. Just.* 101, 116 (2023) (describing how restorative justice has been co-opted by system actors and arguing that restorative justice principles can never coexist with punishment systems).

307. E.g., Smith et al., *supra* note 7, at 19.

308. See Youth L. Ctr. & Cal. Youth Connection, *Closing the Extracurriculars Gap: Prioritizing Extracurricular Activities as a Key Intervention for Children and Youth in Foster Care and Juvenile Justice* 8–12 (2d ed. 2022), <https://www.ylc.org/wp-content/uploads/2019/01/Closing-the-Extracurriculars-Gap-2022.pdf> [<https://perma.cc/2RJA-V3CP>] (describing the benefits of extracurricular participation for youth, families, and systems).

309. See Ajay Chaudry & Christopher Wimer, *Poverty Is Not Just an Indicator: The Relationship Between Income, Poverty, and Child Well-Being*, 16 *Acad. Pediatrics* S23, S26–S27 (2016) (outlining the effects of poverty and low income on children's development and well-being, including cognitive, developmental, and educational outcomes).

310. See Youth L. Ctr. & Cal. Youth Connection, *supra* note 308, at 8–12.

311. These reforms can be classified as “non-reformist reforms,” or reforms that shrink the power of the carceral system while laying the groundwork for transformative systems change. See Amna A. Akbar, *Non-Reformist Reforms and Struggles Over Life, Death, and Democracy*, 132 *Yale L.J.* 2497, 2527 (2023).

A. *Investing in Harm Prevention, Healing, and Redress*

States can better realize the goals of youth restitution by investing in trauma-informed programs that prioritize harm prevention and support youth healing, offering developmentally appropriate and culturally responsive alternatives for youth to reflect on harm that they have caused and providing immediate redress to harmed persons that does not rely on payment by young people and their families.

1. *Prioritize Trauma-Informed Programs and Supports to Foster Youth Healing.* — Given the limited impact of restitution on youth rehabilitation, a new system should invest in early harm prevention and prioritize trauma-informed programs that support youth development and healing.

Early intervention has been shown to help prevent future delinquent behavior and support the development of a young person's resources and resilience.³¹² Programs that focus on strengthening the role of school and family in a young person's life,³¹³ as well as conflict resolution and mentorship, positively impact youth at risk of system involvement.³¹⁴ For example, in Chicago, Becoming a Man, an after-school program that counsels at-risk teenage boys in developing life skills and problem-solving in high-stakes situations, reduced total arrests for participating youth by 28% to 35% and violent crime by 45% to 50%.³¹⁵ Similarly, mentorship programs that foster supportive relationships between youth with emotional and behavioral problems and older individuals have been shown to improve youth mental health outcomes.³¹⁶

312. See David M. Osher, Mary Magee Quinn, Jeffrey M. Poirier & Robert B. Rutherford, *Deconstructing the Pipeline: Using Efficacy, Effectiveness, and Cost-Benefit Data to Reduce Minority Youth Incarceration*, *New Directions for Youth Dev.*, Autumn 2003, at 91, 92 (explaining the benefits of early intervention programs).

313. See Joseph A. Durlak, Roger P. Weissberg & Molly Pachan, *A Meta-Analysis of After-School Programs that Seek to Promote Personal and Social Skills in Children and Adolescents*, 45 *Am. J. Cmty. Psych.* 294, 302 (2010) (finding that participation in after-school programs resulted in significant increases in youth self-perceptions and bonding to school, positive social behaviors, school grades and levels of academic achievement, and significant reductions in problem behaviors). For the DOJ's comprehensive strategic recommendations for mitigating risk factors from system-impacted youth, see generally Off. of Juv. Just. & Delinq. Prevention, DOJ, *Guide for Implementing the Strategy for Serious, Violent, and Chronic Juvenile Offenders* (James C. Howell ed., 1995), <https://www.ojp.gov/pdffiles/guide.pdf> [<https://perma.cc/5GGG-7Y96>] [hereinafter Off. of Juv. Just. & Delinq. Prevention, *Strategy Implementation Guide*].

314. Off. of Juv. Just. & Delinq. Prevention, *Strategy Implementation Guide*, *supra* note 313, at 127–28.

315. Sara B. Heller, Anuj K. Shah, Jonathan Guryan, Jens Ludwig, Sendhil Mullainathan & Harold A. Pollack, *Thinking, Fast and Slow?: Some Field Experiments to Reduce Crime and Dropout in Chicago 4* (Nat'l Bureau of Econ. Rsch., Working Paper No. 21178, 2015), https://www.nber.org/system/files/working_papers/w21178/w21178.pdf [<https://perma.cc/VYC3-VQF8>].

316. See David Aron Meyerson, *Mentoring Youth With Emotional and Behavioral Problems: A Meta-Analytic Review* 75 (2013) (Ph.D. dissertation, DePaul University) (on file with the *Columbia Law Review*) (conducting a meta-analysis and finding that mentoring

By recognizing that most young people who are referred to the juvenile system have either been harmed themselves or live in communities that have been underresourced and subjected to violence,³¹⁷ we can better understand why a young person has caused harm and tailor supports to address such behavior. Penalizing youth who have experienced violence, stress, and trauma does not help them heal and only exacerbates their struggles. Youth with prior trauma may suffer additional psychological distress in response to invasive or coercive practices associated with the juvenile system, impeding their efforts to rehabilitate and desist from crime.³¹⁸ As a result, any treatment should be trauma-informed and address the primary effects or causes of trauma.³¹⁹ Viewing youth who cause harm as only offenders does not address the reasons why youth may be acting out and maintains a cycle of trauma, violence, and harm.

States, including California, should invest in early intervention supports and programming to limit the negative impacts of unaddressed harm and trauma.

2. *Offer Accessible, Nonmonetary, Developmentally Appropriate, and Culturally Responsive Alternatives for Youth to Reflect on Harm Caused.* — Considering the limited impact of monetary restitution in prompting youth to meaningfully reflect on their behavior, youth should be given opportunities to take accountability for their actions through non-monetary means that are age-appropriate and accessible. Youth should not be required to pay to access any alternative programs, and requirements

programs for youth with mental health problems “produce meaningful results in terms of improving youths’ psychological, behavioral, and academic outcomes”); see also David C.R. Kerr & Cheryl A. King, Youth With Mental Health Needs, *in* Handbook of Youth Mentoring 325, 326–28 (David L. DuBois & Michael J. Karcher eds., 2d ed. 2014) (finding that mentoring relationships help provide youth resources to deal with life stressors, adapt to external life circumstances, and improve mental health).

317. See Karen M. Abram, Linda A. Teplin, Devon R. Charles, Sandra L. Longworth, Gary M. McClelland & Mina K. Dulcan, Posttraumatic Stress Disorder and Trauma in Youth in Juvenile Detention, 61 *Archives Gen. Psychiatry* 403, 405 (2004) (finding that 92.5% of youth in juvenile detention had experienced one or more traumas); see also Julian D. Ford, J. Kirk Hartman, Josephine Hawke & John F. Chapman, Traumatic Victimization, Posttraumatic Stress Disorder, Suicidal Ideation, and Substance Abuse Risk Among Juvenile Justice-Involved Youth, 1 *J. Child & Adolescent Trauma* 75, 81–82 (2008) (finding that 89% of respondents in a survey of youth recently admitted to a pretrial juvenile detention center “acknowledged experiencing at least one potentially traumatic event in their lives,” while 61% “reported at least one event or experience that also met DSM-IV criterion A2 for psychological trauma”).

318. Christopher Edward Branson, Carly Lyn Baetz, Sarah McCue Horwitz & Kimberly Eaton Hoagwood, Trauma-Informed Juvenile Justice Systems: A Systematic Review of Definitions and Core Components, 9 *Psych. Trauma: Theory Resch. Prac. & Pol’y* 635, 635 (2017).

319. See Haley R. Zettler, Much to Do About Trauma: A Systematic Review of Existing Trauma-Informed Treatments on Youth Violence and Recidivism, 19 *Youth Violence & Juv. Just.* 113, 125–26 (2021) (discussing policy recommendations related to the creation of trauma-informed systems of care within juvenile justice agencies).

made on a young person's time should take into consideration their specific responsibilities and needs.

Imposing debt on youth, who have no meaningful access to income, sets them up to fail, particularly when those youth are from low-income families. Such punitive responses are unnecessary, especially when punishment is not what most harmed parties desire: "[I]n survey after survey, victims reveal a strong policy preference for a justice system that emphasizes accountability through rehabilitation over excessive punishment."³²⁰ Many harmed persons express a preference for interventions that aim to teach individuals to take accountability or make self-improvements, or to have the system take more accountability for its actions in contributing to delinquent behavior.³²¹

Youth should be challenged to take accountability for their actions through age-appropriate means. Because most young people outgrow delinquent behavior as they mature, developmentally appropriate approaches hold youth accountable in ways that allow them the opportunity to learn from and recover from their mistakes.³²² As adolescent brains are most responsive to brief, targeted interventions,³²³ any alternatives should set forth clear, achievable expectations, build on youth's interests, and leave time for a young person's familial and school responsibilities.³²⁴

Any accountability measures should also be culturally responsive, taking into consideration cultural, religious, or ethnic values and norms that may be held by a young person, their family, or the community in which

320. Anderson, *supra* note 71, at 15.

321. Paik et al., *supra* note 21, at 29.

322. See Liz Ryan, DOJ, Treating Children as Children, Cmty. Policing Dispatch, Mar. 2023, https://cops.usdoj.gov/html/dispatch/03-2023/treating_children_as_children.html [<https://perma.cc/Y5BH-433Z>] ("An adult-centered approach is not appropriate for children. Locked up with adults, children don't get age-appropriate care, therapy, and educational and vocational training. . . . Too many young people never develop the decision-making skills they need to move forward in life."); Steinberg et al., Psychosocial Maturity, *supra* note 106, at 1 ("The vast majority of juvenile offenders, even those who commit serious crimes, grow out of antisocial activity as they transition to adulthood. Most juvenile offending is, in fact, limited to adolescence.").

323. See Shirley Riley, Brief Therapy: An Adolescent Invention, 16 *Art Therapy* 83, 83 (1999) (noting that adolescents' "low tolerance for extended commitment to therapy" makes brief interventions at times of particular difficulty more effective at establishing trust and buy-in from youth than continuous, long-term therapy); Ken C. Winters, Brief Interventions for Adolescents, 2 *J. Drug Abuse*, no. 1, 2016, at 1, 1–2 (characterizing brief interventions as "particularly fitting for adolescents" because "the content can readily be organized around a developmental perspective" and the "client-centered, non-confrontational interviewing approach common to [brief interventions is] likely appealing to youth").

324. Cf. Smith et al., *supra* note 7, at 25 ("[J]urisdictions [that] link restitution payments to a young person's community service obligations . . . should ensure that such service is appropriate for the specific youth's development[,] . . . 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.").

they reside. Such measures by their nature will likely exist outside of the carceral system and instead be based within a given community. For example, although community service can raise concerns about forms of extractive and uncompensated labor,³²⁵ for certain communities it can offer a meaningful path toward healing and rehabilitation. For Native Hawaiian youth, community service opportunities offered by the First Circuit Family Court in Oahu, such as caring for crops in a community garden,³²⁶ can be transformative for young people as it provides them with an opportunity to care for and connect to the land in ways that are central to Native Hawaiian culture and tradition.³²⁷ Working on the land also offers youth the time to engage in conversation with community elders to share stories, which can help promote self-reflection, identity, and cultural pride.³²⁸

States, including California, should afford all youth who cause harm the opportunity to take accountability for their actions by participating in nonmonetary, developmentally appropriate, and culturally responsive measures that do not merely punish but allow reflection on their behavior.

3. *Provide Immediate Redress, Including Compensation, to Harmed Persons that Does Not Rely on Payment by Youth or Their Families.* — Given data on low restitution collection rates and reporting of low satisfaction rates with the kinds of compensation provided to harmed persons under existing laws, harmed persons should be offered a broader range of nonfinancial supports and more immediate and direct compensation from publicly funded compensation funds that does not rely on payment from youth or their families.

While people should be compensated for the losses or injuries they experience, money alone is often not enough to address harm caused. In a 2021 survey of Californians ordered to receive monetary restitution, 64%

325. See, e.g., Lucero Herrera, Tia Koonse, Melanie Sonsteng-Person & Noah Zatz, UCLA Lab. Ctr., *Work, Pay, or Go to Jail: Court-Ordered Community Service in Los Angeles* 2 (2019) (discussing how court-ordered community service “functions as a distinct system of labor that operates outside the rules and beneath the standards designed to protect workers from mistreatment and exploitation”); see also Smith et al., *supra* note 7, at 15 (explaining how court-ordered community service as an “alternative” to restitution often takes advantage of the ability to pay youth less than minimum wage and can even involve contracting out youth labor to private employers in certain states (internal quotation marks omitted)).

326. Papa Hoike Kuleana: Accountability Program of the First Circuit Family Court, Haw. St. Judiciary (July 8, 2016), https://www.courts.state.hi.us/news_and_reports/featured_news/2016/07/papa-hoike-kuleana-accountability-program-of-the-first-circuit-family-court [https://perma.cc/3BF9-ZV4A].

327. Lezlie Ki’aha, *Thinking Outside the Bars: Using Hawaiian Traditions and Culturally-Based Healing to Eliminate Racial Disparities Within Hawai’i’s Criminal Justice System*, 17 *Asian-Pac. L. & Pol’y J.*, no. 2, 2016, at 1, 22–23, https://manoa.hawaii.edu/aplpj/wp-content/uploads/sites/120/2016/10/APLPJ_17.2_Kiaha_Final_LK.pdf [https://perma.cc/2LVZ-YTBH] (describing how forms of physical labor such as working in the taro fields is akin to caring for one’s ancestors in Native Hawaiian culture).

328. *Id.* at 23.

said that they had not been offered any alternatives.³²⁹ Of those, 89% indicated they would be extremely likely or likely to participate in alternative options.³³⁰

In fact, many harmed persons prefer other forms of redress that have a more relational component, such as an acknowledgment of the harm caused or dialogue with the person who caused them harm.³³¹ For example, in Hawai'i, when harmed persons were given the opportunity to have a voice in deciding what reparations would meet their needs, three out of every four survivors sought solely symbolic reparations (e.g., an apology) or services (e.g., counseling) for youth.³³² Only 7% of harmed persons asked that youth pay monetary restitution.³³³

Alternative programs that promote dialogue between young people and the person they harmed have been shown to be highly successful in facilitating amends and diverting young people from future system involvement. Youth participants in Oakland-based Community Works' Restorative Community Conferencing program demonstrated a 44% decrease in system reinvolvement within one year, and 82% of participants reported using restorative justice principles in their own lives.³³⁴ Such programs also give harmed persons an important opportunity to be heard and express their needs: 91% of survivors who participated in Community Works' conferencing reported they were satisfied and would recommend the process to a friend.³³⁵

To the extent that harmed persons need compensation, they should not have to wait or rely on payment to cover any losses or injuries they experience. Margery Fry, a British prison reformer, conceptualized victim compensation as a form of insurance.³³⁶ Her general argument was that "since the state demands that its citizens go unarmed into the streets, it should not disown responsibility for lapses in the protection it affords."³³⁷ In instances when the government is ineffective in addressing the sources of crime, it has a responsibility to at least provide redress for the damage

329. Garcia, *supra* note 256, at 32.

330. *Id.*

331. See Paik et al., *supra* note 21, at 29–30 (describing victim-focused alternatives to financial restitution).

332. Lorenn Walker, *Conferencing—A New Approach for Juvenile Justice in Honolulu*, Fed. Prob., June 2002, at 38, 40.

333. *Id.*

334. sujatha baliga, Sia Henry & Georgia Valentine, *Impact Just., Restorative Community Conferencing: A Study of Community Works West's Restorative Justice Youth Diversion Program in Alameda County* 7, 11 (2017), https://impactjustice.org/wp-content/uploads/CWW_RJreport.pdf [<https://perma.cc/RSD2-WLPG>].

335. *Id.* at 9.

336. Note, *Compensation for the Victims of Criminal Violence*, 40 St. John's L. Rev. 67, 72 (1965).

337. *Id.*

that results.³³⁸ Viewing victim compensation as “a simple humanitarian response to a compelling human need,”³³⁹ the United Kingdom instituted its own taxpayer-funded compensation scheme for persons who experience violent crime in 1964.³⁴⁰ While the fund is not without its issues, over thirty thousand people apply each year, and it reports a 95% satisfaction rating from applicants.³⁴¹ Similarly, the Netherlands has the Schadefonds Geweldsmisdrijven (Criminal Injuries Compensation Fund), also funded by taxpayer dollars, that makes payments to persons who experience violent crimes resulting in physical or psychological injury.³⁴² The intention behind compensating harmed persons from the fund is to express solidarity and acknowledge harm.³⁴³

States, including California, should allocate general funds, not dependent on payments by people who cause harm, to provide immediate compensation to any harmed person in the state. States should also broaden the scope of supports that are eligible for state-funded compensation and create more access to relational and community-building opportunities so that persons harmed can heal in ways best suited to their circumstances.³⁴⁴

B. *Pilot Programs*

Jurisdictions across the country, including in localities in Washington State and California, have begun piloting nonmonetary accountability

338. See *id.* (“Certainly, governmental institutions have largely failed to control the causes of violence and injury If society is ineffective in destroying the recognized sources of crime, its minimal responsibility extends to repairing the human damage that results.”); see also 12 Donald J. Mulvihill & Melvin M. Tumin with Lynn A. Curtis, *Crimes of Violence: A Staff Report Submitted to the National Commission on the Causes and Prevention of Violence* 788 (1969) (crediting Margery Fry as garnering global support for the “enactment of contemporary victim compensation plans,” which are premised on a “recogni[tion] that the government has an obligation to persons who suffer bodily injury from acts of criminal violence”).

339. Daniel McGillis & Patricia Smith, DOJ, *Compensating Victims of Crime: An Analysis of American Programs* 5 (1983), <https://www.ojp.gov/pdffiles1/Digitization/86442NCJRS.pdf> [<https://perma.cc/5JGB-5SFZ>].

340. U.K. Ministry of Just., *Criminal Injuries Compensation Scheme Review 2020*, at 12 (2020), https://consult.justice.gov.uk/digital-communications/criminal-injuries-compensation-scheme-review-2020/supporting_documents/cicsreview2020.pdf [<https://perma.cc/UV2T-Y4AD>].

341. *Id.* at 3.

342. Schadefonds Geweldsmisdrijven, *Application for Crime Victim Compensation* 5 (2019), <https://www.schadefonds.nl/wp-content/uploads/2020/02/AANVRG-victim-ENG-19-v01-01-2020.pdf> [<https://perma.cc/WEK4-PMED>].

343. *Id.*

344. Cf. Cal. Comm. on Revision of the Penal Code, *Annual Report and Recommendations* 15 (2022), https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2022.pdf [<https://perma.cc/vbx3-rm6u>] (recommending a state-funded restitution system for crime victims).

programs for youth that provide direct compensation to harmed persons through alternative means to restitution with demonstrable success.

Informed by focus groups with youth impacted by the juvenile legal system and community service providers, King County (Seattle), Washington, created the Restorative Community Pathways (RCP) program in 2022.³⁴⁵ The county invested \$6.2 million into RCP, which reached an agreement with the King County Prosecuting Attorney's Office to refer 40% of youth from prosecution to the program.³⁴⁶ Operated by community-based organizations, including Choose 180, Creative Justice, and Collective Justice, the RCP program operates entirely outside of the juvenile system.³⁴⁷ The Prosecuting Attorney's Office refers youth to the RCP consortium, where they are assigned a mentor who can connect them with service providers offering restorative justice conferencing, counseling, internships, job resources, and educational supports.³⁴⁸ In addition, community navigators connect harmed persons with services and coordinate compensation payments from RCP's restitution fund.³⁴⁹

Beginning in 2022, the City and County of San Francisco introduced its Aims to Foster Transformation & Ensure Restitution (AFTER) program, which allows youth ages twelve to seventeen to participate in restorative justice conferences, workshops, community service, or job training programs as a way of making amends for harm caused.³⁵⁰ Upon completion of the program within approximately six months, a community fund pays up to \$5,000 restitution owed by a young person.³⁵¹ The program is a collaboration among system partners including the San Francisco District Attorney's Office, the San Francisco Public Defender's Office, the San Francisco Juvenile Probation Department, the San Francisco Financial Justice Project, and Huckleberry Youth Programs.³⁵² In the first two years of operation, twenty harmed parties and twenty-three young people participated in the AFTER program.³⁵³ Harmed persons were paid \$1,966 on average to cover their losses.³⁵⁴

345. Our Principles, Restorative Cmty. Pathways, <https://www.restorativecommunitypathways.org/about> [<https://perma.cc/Y638-YJVV>] (last visited Aug. 13, 2025).

346. History, Restorative Cmty. Pathways, <https://www.restorativecommunitypathways.org/history> [<https://perma.cc/TS7G-26J9>] (last visited Aug. 13, 2025).

347. Frequently Asked Questions, Restorative Cmty. Pathways, <https://www.restorativecommunitypathways.org/faqs> [<https://perma.cc/2XNN-3RP3>] (last visited Sep. 2, 2025).

348. RCP Process, Restorative Cmty. Pathways, <https://www.restorativecommunitypathways.org/rcp-process> [<https://perma.cc/783L-DSHY>] (last visited Aug. 13, 2025).

349. *Id.*

350. Brochure, AFTER Program, https://drive.google.com/file/d/1q3SV2lUziz6Ar0b_iiyuDmOxW3SokA3zV/view [<https://perma.cc/367S-3HQJ>] (last visited Aug. 13, 2025).

351. Lau, *Better for Everyone*, *supra* note 30, at 9–11.

352. *Id.* at 4.

353. *Id.* at 11.

354. *Id.* at 13.

C. *Concerns With and Objections to Reform*

By offering youth nonmonetary ways to make amends for harm caused, such pilot programs have demonstrated success in promoting youth reflection and rehabilitation and better meeting the needs of harmed persons. Such programs have not avoided criticism, however, as evidenced by reactions to statewide legislation proposed in California in 2023.

In the 2023 to 2024 California legislative session, Assemblymember Mia Bonta introduced Assembly Bill 1186 (A.B. 1186), which would have removed the ability of a juvenile court to order a young person to pay monetary restitution and instead allowed the youth to participate in “alternative accountability options,” including restorative justice conferencing and community service, as well as educational, employment, youth development, or mental health programming.³⁵⁵ The bill would have also required payment by a statewide fund to cover any loss or injury experienced by a person harmed.³⁵⁶

While the California District Attorneys Association was the only group to formally oppose A.B. 1186,³⁵⁷ various system actors and advocacy groups raised concerns with the changes contemplated as the bill progressed through the legislative process. This section details some of these concerns.

1. *Removal of Judicial Discretion.* — The Family Violence Appellate Project (FVAP), a nonprofit organization focused on ensuring the safety and well-being of survivors of domestic violence and their children, expressed concerns that the new system contemplated by A.B. 1186 would “leave many victims uncompensated” because it would restrict the juvenile court’s authority to order and enforce restitution orders.³⁵⁸ FVAP conveyed little confidence that a state agency like the CalVCB would “be able to timely, efficiently, and fully cover the restitution awards” or that victims would receive payment without additional enforcement mechanisms provided to judges.³⁵⁹

Any changes to juvenile or criminal laws inevitably raise questions about the erosion of judicial discretion. Under the status quo in California, even with mandatory laws and strict practices around the collection and

355. A.B. 1186, 2023–2024 Leg., Reg. Sess. (Cal. 2023) (as introduced Feb. 16, 2023); Cal. Assemb. Comm. on Appropriations, Bill Analysis, A.B. 1186, 2023–2024 Sess., at 2 (2023) [hereinafter A.B. 1186 Assembly Appropriations Analysis].

356. A.B. 1186 Assembly Appropriations Analysis, *supra* note 355, at 2.

357. *Id.*

358. Letter from Cory Hernandez, Senior Staff Att’y, Fam. Violence App. Project, to Reginald Jones-Sawyer, Chair, Assembly Pub. Safety Comm., and Chris R. Holden, Chair, Assembly Appropriations Comm., at 1–2 (Apr. 20, 2023) (on file with the *Columbia Law Review*). FVAP also raised concerns with the constitutionality of A.B. 1186, arguing that the right to restitution should apply to victims harmed by juveniles “[d]espite use of the words ‘convicted’ and ‘crime’” in the state constitution. *Id.* at 2.

359. *Id.* at 1–2.

enforcement of restitution, including the use of civil judgments, many harmed parties are uncompensated as restitution payments are minimal.³⁶⁰ As drafted, A.B. 1186 required the CalVCB to issue payment once a juvenile court transmitted a restitution order.³⁶¹ The concerns raised by FVAP appear to be more about whether there are enough resources to cover restitution in a timely manner, which is a question of appropriate budget allocations, not additional judicial oversight or authority.

FVAP also assumes that the juvenile court has and wants purview over the collection and enforcement of restitution. In practice, most courts have delegated the authority to collect and enforce restitution orders to local probation departments or collection offices.³⁶² Courts already have limited time and resources; adding the additional responsibility of enforcing a restitution order is neither efficient nor practical. There can also be versions of a system in which juvenile court judges maintain discretion over making a harmed party whole. For example, A.B. 1186 required juvenile court judges to assess the amount of compensation due to a harmed party before transferring any order to the CalVCB for payment.³⁶³ In fact, in its analysis of A.B. 1186, the Assembly Appropriations Committee noted that “courts may begin ordering higher amounts of restitution under this bill because the bill provides a state guarantee of payment, so costs may increase over time.”³⁶⁴

There are also grave concerns about the potential consequences of allowing additional input and oversight, as exhibited in the fines and fees arena where system actor discretion is more commonplace.³⁶⁵ Before the elimination of juvenile fees in California, both probation and financial hearing officers—individuals that judges delegated the responsibility to determine ability to pay fees to—reported determining whether a family was able to pay fees based on the clothing a young person had on or the type of handbag the mother carried.³⁶⁶ Providing judges with wide discretion also creates justice by geography and even justice by courtroom, as a

360. See *supra* section II.B.

361. A.B. 1186, 2023–2024 Leg., Reg. Sess. (Cal. 2023) (as introduced Feb. 16, 2023).

362. At the federal level, restitution is collected through the DOJ’s Financial Litigation Unit, within the DOJ’s Civil Division. Hagos, *supra* note 23, at 493. At the state level, monetary sanctions such as restitution are pursued through a variety of means, including policing agencies, probation departments, or even private collections. Brittany Friedman, Alexes Harris, Beth M. Huebner, Karin D. Martin, Becky Pettit, Sarah K. S. Shannon & Bryan L. Sykes, *What Is Wrong With Monetary Sanctions? Directions for Policy, Practice, and Research*, 8 *Russell Sage Found. J. Soc. Scis.* 221, 222 (2022).

363. Cal. A.B. 1186 (as introduced Feb. 16, 2023).

364. A.B. 1186 Assembly Appropriations Analysis, *supra* note 355, at 1.

365. See generally 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 (2019) (outlining how judicial discretion in assessing fines and fees invokes racial biases and perpetuates disparities).

366. Berkeley L. Pol’y Advoc. Clinic, *supra* note 25, at 16.

result of which a young person may face vastly different outcomes based on where they live or which judge they appear before.³⁶⁷

If the goal is to ensure full compensation for as many harmed parties as possible, the system should not be tied to the fulfillment of other conditions, such as a young person proving their inability to pay, or dependent on processes conducted by other systems. This does presume that a state has a well-functioning and willing agency to distribute compensation, however, which is not necessarily the case in all jurisdictions. The CalVCB has been in operation since 1967³⁶⁸ and was an eager participant in determining how to implement A.B. 1186, but, in other states, additional coordination and time may be required to set up such systems. For example, in 2023, Washington State Representative Darya Farivar introduced House Bill 1432, which would have prohibited juvenile courts from ordering restitution against a young person and created a community compensation program to pay parties harmed by a young person.³⁶⁹ The bill did not make it out of its first policy committee in part because the existing state victim compensation program, operated by the Department of Labor and Industries, was limited in scope and operation.³⁷⁰ Instead, the legislature authorized a study to understand the steps and resources necessary to establish “a state-funded community compensation program to address out of pocket expenses for those who have been harmed by juvenile criminal offenses.”³⁷¹ The Washington State Partnership Council on Juvenile Justice released its report in October 2024, estimating that approximately \$2 million in annual funding was needed to provide for direct compensation to harmed parties.³⁷²

2. *Lack of Funding for Compensation of Harmed Parties.* — The California Governor’s Office voices concern over nearly any legislation that has fiscal implications, particularly during a budget deficit. The Department of Finance opposed A.B. 1186 “[n]otwithstanding the merits” given its potential costs to the general fund.³⁷³ In the Assembly

367. See *id.* at 7 (noting that fees can range “from hundreds to thousands of dollars per case” across different counties in California, with amounts “differ[ing] by a factor of more than 10” between the county with the lowest fee burden and the county with the highest).

368. About the Board, Cal. Victim Comp. Bd., <https://victims.ca.gov/board/> [<https://perma.cc/RUU3-KRE7>] (last visited Oct. 9, 2025).

369. H.B. 1432, 68th Leg., Reg. Sess. (Wash. 2023).

370. *Id.*

371. Wash. Conf. Comm., Conference Report, S. 2023-H-2006.4, Reg. Sess., at 396 (2023).

372. Wash. State P’ship Council on Juv. Just., State-Funded Community Compensation Program: Report and Recommendations to the Governor and Legislature 11 (2024), https://www.dcyf.wa.gov/sites/default/files/pdf/PCJJ_CommunityCompReport.pdf [<https://perma.cc/8QMD-WFVW>]. This estimate includes retroactive compensation in the event that potential legislation eliminates unpaid restitution. *Id.* at 10.

373. Cal. Dep’t of Finance, Bill Analysis, A.B. 1186, 2024–2025 Leg., Reg. Sess., at 1 (2024) (on file with the *Columbia Law Review*).

Appropriations Committee's analysis, staff reported that A.B. 1186 would cost "tens of millions of dollars annually (General Fund) for the Board to pay direct victim restitution orders," \$1.8 million annually for the Board to hire new staff to administer the juvenile restitution program, and \$750,000 in one-time costs "to create a new database to process juvenile restitution orders."³⁷⁴

Concerned parties have raised questions about whether the general fund, and by extension taxpayers, should pay for harm caused by young people. When states across the country first began adopting victim compensation programs in the 1960s, about 39% funded such programs through the general fund, while about 24% used a combination of general revenues and fines or penalties.³⁷⁵ California was one of twelve states that opted to fund its compensation program through the collection of fines.³⁷⁶ Because most youth are unable to pay restitution fines, the state restitution fund has increasingly been sourced by general fund dollars—so taxpayers are already paying for harms caused by young people.

Other fiscal concerns centered around what would happen if the amount allocated to compensate persons harmed were depleted each year. Assemblymember Bonta requested \$12.4 million to support the compensation scheme under A.B. 1186, based on the average amount of restitution ordered against young people in California in a given year.³⁷⁷ But what if restitution trends changed or there was an outlier case (e.g., a youth restitution order amounting to tens of millions of dollars³⁷⁸) so that the annual allocation proved insufficient to cover all losses? Any agency charged with distributing payment could place a cap on the amount of compensation a harmed party could receive, either annually or over one's lifetime. Another way to extend available funding is to limit the types of harmed parties that can be compensated. For example, Colorado prohibits its courts from ordering youth to pay restitution to insurance companies.³⁷⁹ In San Francisco County, approximately 35% of youth restitution orders were to cover losses or injuries experienced by organizations or businesses.³⁸⁰ In Washington State, the majority (53%) of all youth restitution is ordered to be paid to nonpersons, including schools, businesses,

374. A.B. 1186 Assembly Appropriations Analysis, *supra* note 355, at 1.

375. McGillis & Smith, *supra* note 339, at 120.

376. *Id.*

377. Letter from Mia Bonta, Assemblymember, to James Ramos, Chair, Assembly Budget Subcomm. #6 (Mar. 8, 2024) (on file with the *Columbia Law Review*).

378. See, e.g., Laurel Wamsley, Judge Orders Boy Who Started Oregon Wildfire to Pay \$36 Million in Restitution, NPR (May 22, 2018), <https://www.npr.org/sections/thetwo-way/2018/05/22/613374984/judge-orders-boy-who-started-oregon-wildfire-to-pay-36-million-in-restitution> [https://perma.cc/2NR5-EY4N].

379. H.B. 22-1373, 2022 Gen. Assemb., Reg. Sess. (Colo. 2022).

380. See S.F. Juv. Prob. Dep't, Youth Restitution Data (2023) (on file with the *Columbia Law Review*).

local governments, insurance companies, and state agencies.³⁸¹ Limiting who could receive compensation could reduce amounts to be paid by a state fund by almost one-third.

Remarkably, no stakeholder raised concerns about the cost involved in implementing more accountability-related programs, restorative justice, or community service options for young people under a reimagined system. But it is a cost worth noting, especially if such programs are intended to be more constructive and tailored to encourage youth to reflect on their behavior.

3. *Lack of Accountability for Youth.* — Albeit misunderstanding key provisions of the bill, the California District Attorneys Association was the only organization to oppose A.B. 1186 on record, expressing concerns about “limit[ing] a victim’s ability to receive restitution.”³⁸²

In letters and committee analyses, no organization or stakeholder raised questions about whether removing the authority to order restitution would impact youth accountability. The issue did, however, come up during committee hearings.³⁸³ Senator Rosilic Ochoa Bogh inquired specifically about the role of parents and what would happen if youth were not held financially accountable for the repercussions of their actions.³⁸⁴ In a brief back and forth, Assemblymember Bonta took offense at the suggestion that parents are not already taking personal responsibility for the actions of their children, underscoring that imposing debt does not give parents the tools to support their children in seeking accountability but only hinders that ability.³⁸⁵ Researchers have emphasized that restitution can promote accountability and have a positive impact on young people through more than just financial compensation. In formal programs funded by OJJDP’s RESTTA program described in Part I, in which youth were provided paid employment opportunities and job training support, researchers found that, on average, youth repaid approximately 75% of restitution ordered and more than 85% complied with related requirements.³⁸⁶

Youth need additional supports and programming that promote self-reflection and build skills to achieve meaningful accountability, some of which may include compensation as a component. In fact, some people

381. Wash. State P’ship Council on Juv. Just., *supra* note 372, at 16.

382. Letter from Kim Stone, Lobbyist, Cal. Dist. Att’y’s Assoc., to Mia Bonta, Assemblymember (Mar. 21, 2023) (on file with the *Columbia Law Review*).

383. Hearing on A.B. 1186 Before the S. Comm. on Pub. Safety, 2023–2024 Leg., Reg. Sess. (Cal. 2023), <https://calmatters.digitaldemocracy.org/hearings/256851?t=514&f=91020e63aad9d8afe067a7fd105af6eb> (on file with the *Columbia Law Review*).

384. *Id.* at 20:57.

385. *Id.* at 25:34.

386. Peter R. Schneider, Anne L. Schneider, William R. Griffith & Michael J. Wilson, Inst. of Pol’y Analysis, Two-Year Report on the National Evaluation of the Juvenile Restitution Initiative: An Overview of Program Performance 38–40 (1982), <https://www.ojp.gov/pdffiles1/Digitization/86676NCJRS.pdf> [<https://perma.cc/Y468-GQ2C>].

may come to view paying for harm caused as a way of making amends and a reminder to strive toward better conduct.³⁸⁷ In some cases, restorative justice conferencing can result in a mutual agreement to pay for loss or injury caused.³⁸⁸

There are also questions about whether there is a robust enough network of programs and supports available that could serve as nonmonetary alternatives to restitution for youth that would promote accountability, particularly in smaller, more rural jurisdictions. Rural areas often face different challenges than urban and suburban communities in operating their juvenile systems. For example, alternative programming may be difficult to implement given “limited budgets, small caseloads, transportation costs, and/or a shortage of competent community-based provider agencies.”³⁸⁹ But smaller jurisdictions may also be more likely to avoid traditional dispositions and come up with creative alternatives given lower caseloads and strong community ties. For example, Alpine County, with a population of about 1,204, reported not ordering restitution against a youth since at least 2015.³⁹⁰

Additionally, an overhaul of the restitution system would not impact other systems that could hold youth accountable for harm caused. In the absence of being able to seek monetary redress in juvenile court, a person or entity who is harmed may opt to pursue their interests in civil court. There is currently no prohibition against a harmed party seeking separate or additional damages via civil litigation in California. Curbing that ability seems unnecessary given the costs involved in pursuing litigation and the minimal prospects for payment, particularly from a young person with limited income or resources. Additionally, youth are not entitled to representation in civil court and may be outmatched if sued by a well-resourced corporation. Youth would also not be afforded the same level of confidentiality as is available in juvenile court,³⁹¹ leaving any incident described in a civil complaint open to public knowledge. Civil attorneys would also likely have good cause to request otherwise confidential juvenile records to substantiate any claims.³⁹²

387. See Garcia, *supra* note 256, at 38 (“[O]ne impacted person shared that writing the direct restitution check each month served as a reminder of their previous mistakes and functioned as a type of accountability or push to be a better person.”).

388. See, e.g., Participant Experiences, Restorative Just. Cal., <https://rjcalifornia.org/participant-experiences> [<https://perma.cc/NXY3-K8HP>] (last visited Aug. 13, 2025) (sharing stories of successful outcomes of dialogues between harmed persons and persons who caused harm).

389. Richard A. Mendel, Annie E. Casey Found., Detention Reform in Rural Jurisdictions: Challenges and Opportunities 15 (2008), <https://assets.aecf.org/m/resourcedoc/AECF-DetentionReforminRuralJurisdictions-2008.pdf> [<https://perma.cc/TJT8-XT4V>].

390. Email from Ann Greth to Georgia Valentine, *supra* note 169.

391. See Cal. Welf. & Inst. Code § 827 (2025) (identifying the limited exceptions to presumed confidentiality within a juvenile court).

392. See *In re Gina S.*, 35 Cal. Rptr. 3d 277, 278–79 (Ct. App. 2005) (holding that pursuing a civil claim constituted good cause for the disclosure of juvenile records if the

* * *

Assembly Bill 1186 was passed by the California senate and reached its last floor vote in the assembly before undergoing major amendments. Unable to secure the estimated \$12 million necessary for implementation, the bill was changed to eliminate all youth restitution fines imposed prospectively and discharge all youth and adult (criminal) restitution fine debt older than ten years.³⁹³ The new law went into effect on January 1, 2025,³⁹⁴ and estimates suggest that over \$7 million will be discharged in youth restitution fines alone.³⁹⁵ While it was not the transformative overhaul that young people and advocates had wanted, it was the first bill of its kind nationally and offers some hope that a reimagining is possible and near.

CONCLUSION

This Article presents original data and new findings about how California's youth restitution system operates in practice. It illuminates some of the failures of youth restitution in promoting youth rehabilitation, deterring delinquent behavior, and making harmed persons whole. While historically restitution was a means to promote restoration between parties, its evolution into a punitive measure and the emphasis on monetary relief alone, particularly when applied to youth, has limited its capacity to fully realize healing and redress for both harmed persons and young people. These findings prompt a need for an overhaul of the existing system that prioritizes investment in early prevention and trauma-informed youth programming, accessible nonmonetary accountability alternatives for youth, and more immediate and wide-spanning forms of redress, including compensation, for persons harmed. Ultimately, this Article sheds light on how our conceptualization of harm has impacted our perception of who is responsible for realizing reparation in our legal system and what that has meant particularly for low-income and Black and brown youth and communities who are often left to pick up the pieces. The significant limits to the current youth restitution system demonstrated in this Article indicate that reform is not only practical but necessary.

records are substantially relevant to the litigation); see also Cal. Super. Ct. Fresno Cnty. R. 6.2.1 (providing that law enforcement agencies may disclose police reports on juvenile criminal incidents to a person or entity who was a victim of the crime for "purposes of assisting the person or entity in obtaining reimbursement for injuries or damages caused by the conduct of the minor(s)").

393. Compare A.B. 1186, 2023–2024 Leg., Reg. Sess. (Cal. 2023) (as introduced Feb. 16, 2023), with Act of Sep. 28, 2024, ch. 805, 2024 Cal. Stat. 7067.

394. Ch. 805, 2024 Cal. Stat. at 7068.

395. Based on data from the seventeen counties that provided data on youth restitution fine debt, representing 35.0% of California's youth population.

APPENDIX

TABLE A. TOTAL NUMBER OF YOUTH ORDERED TO PAY YOUTH
RESTITUTION, 2010–2022

Thirty-five counties reporting, representing 66% of California's youth population.

County	Number of Youth Ordered to Pay Restitution, 2010–2022	Number of Youth Ordered to Pay Restitution per Year
Alameda	1,690	141
Alpine	0	0
Colusa	9	1
Contra Costa	1,385	115
Del Norte	60	5
Fresno	467	39
Humboldt	174	15
Imperial	311	26
Kern	2,018	168
Madera	88	7
Marin	137	11
Mendocino	62	5
Merced	426	36
Modoc	9	1
Mono	4	0
Orange	12,744	1062
Placer	125	10
Riverside	2,366	197
Sacramento	4,010	334
San Bernardino	47,190	3,933
San Diego	6,605	550
San Francisco	1,668	139
San Joaquin	361	30
Santa Barbara	333	28

Santa Clara	3,593	299
Santa Cruz	1,180	98
Shasta	6,836	570
Sierra	8	1
Siskiyou	7	1
Solano	428	36
Sutter	35	3
Tulare	904	75
Tuolumne	25	2
Ventura	1,596	133
Yuba	201	17
Total From Reporting Counties (35)	97,055	8,008
Statewide Estimate (58)*	147,013	12,251

TABLE B. TOTAL AMOUNT OF YOUTH RESTITUTION ORDERED (IN DOLLARS), 2010–2022

Thirty counties reporting, representing 85.2% of California's youth population.

County	Total Amount of Youth Restitution Ordered, 2010–2022	Total Amount of Youth Restitution Ordered per Year
Alameda	\$5,383,794.96	\$448,649.58
Alpine	\$0.00	\$0.00
Colusa	\$6,175.95	\$514.66
Contra Costa	\$4,901,767.72	\$408,480.64
Del Norte	\$59,458.18	\$4,954.85

* This estimate was calculated based on data from reporting counties and the percentage of California's youth population that such counties hold. For example, thirty-five counties (which represent 66.02% of California's youth population) reported ordering 97,055 youth to pay restitution. Using this data, this author then calculated how many youth were ordered to pay in the remaining twenty-three counties (which make up 33.98% of California's youth population) to determine a statewide estimate.

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Fresno	\$1,851,572.98	\$154,297.75
Humboldt	\$401,656.22	\$33,471.35
Imperial	\$489,248.17	\$40,770.68
Kern	\$4,225,269.93	\$352,105.83
Los Angeles	\$10,346,715.00	\$862,226.25
Marin	\$259,019.10	\$21,584.93
Mendocino	\$120,290.99	\$10,024.25
Merced	\$1,277,181.44	\$106,431.79
Modoc	\$30,524.98	\$2,543.75
Mono	\$34,750.26	\$2,895.86
Orange	\$10,703,029.37	\$891,919.11
Riverside	\$9,499,515.62	\$791,626.30
Sacramento	\$13,290,957.02	\$1,107,579.75
San Bernardino	\$25,477,746.00	\$2,123,145.50
San Diego	\$25,019,770.51	\$2,084,980.88
San Francisco	\$966,706.91	\$80,558.91
Santa Clara	\$18,170,914.39	\$1,514,242.87
Santa Cruz	\$3,788,207.45	\$315,683.95
Shasta	\$4,283,542.49	\$356,961.87
Sierra	\$12,872.14	\$1,072.68
Solano	\$1,973,671.00	\$164,472.58
Tulare	\$1,254,960.66	\$104,580.06
Tuolumne	\$134,428.91	\$11,202.41
Ventura	\$5,519,839.00	\$459,986.58
Yuba	\$648,847.00	\$54,070.58
Total From Reporting Counties (30)	\$150,132,434.05	\$12,511,036.17
Statewide Estimate (58)	\$176,221,665.09	\$14,685,138.76

TABLE C. TOTAL AMOUNT OF RESTITUTION COLLECTED (IN DOLLARS),
2010–2022

Twenty-nine counties reporting, representing 85.7% of California's youth population.

County	Total Amount of Youth Restitution Collected, 2010–2022	Total Amount of Youth Restitution Collected per Year
Alameda	\$1,137,238.52	\$94,769.88
Alpine	\$0.00	\$0.00
Colusa	\$1,039.01	\$86.58
Contra Costa	\$1,011,539.08	\$84,294.92
Del Norte	\$7,222.89	\$601.91
El Dorado	\$475,871.59	\$39,655.97
Fresno	\$293,195.44	\$24,432.95
Imperial	\$96,183.95	\$8,015.33
Kern	\$667,295.54	\$55,607.96
Los Angeles	\$4,029,877.16	\$335,823.10
Marin	\$141,828.35	\$11,819.03
Mendocino	\$7,529.21	\$627.43
Merced	\$144,582.24	\$12,048.52
Mono	\$14,929.24	\$1,244.10
Orange	\$2,795,260.60	\$232,938.38
Riverside	\$2,149,968.88	\$179,164.07
Sacramento	\$3,856,410.12	\$321,367.51
San Bernardino	\$2,002,458.00	\$166,871.50
San Diego	\$4,339,783.41	\$361,648.62
San Francisco	\$82,835.11	\$6,902.93
Santa Clara	\$4,415,329.79	\$367,944.15
Santa Cruz	\$958,132.17	\$79,844.35
Shasta	\$224,063.42	\$18,671.95
Sierra	\$11,560.05	\$963.34

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Solano	\$268,678.00	\$22,389.83
Tulare	\$585,989.00	\$48,832.42
Tuolumne	\$2,301.00	\$191.75
Ventura	\$1,124,156.00	\$93,679.67
Yolo	\$295,565.85	\$24,630.49
Total From Reporting Counties (29)	\$31,140,823.62	\$2,595,068.64
Statewide Estimate (58)	\$36,329,153.61	\$3,027,429.47

TABLE D. COLLECTION RATE, 2010–2022

Twenty-five counties reporting, representing 84.6% of California's youth population.

County	Total Amount Collected	Total Amount Ordered	Collection Rate
Alameda	\$1,137,238.52	\$5,383,794.96	21.12%
Colusa	\$1,039.01	\$6,175.95	16.82%
Contra Costa	\$1,011,539.08	\$4,901,767.72	20.64%
Del Norte	\$7,222.89	\$59,458.18	12.15%
Fresno	\$293,195.44	\$1,851,572.98	15.83%
Imperial	\$96,183.95	\$489,248.17	19.66%
Kern	\$667,295.54	\$4,225,269.93	15.79%
Los Angeles	\$4,029,877.16	\$10,346,715.00	38.95%
Marin	\$141,828.35	\$259,019.10	54.76%
Mendocino	\$7,529.21	\$120,290.99	6.26%
Merced	\$144,582.24	\$1,277,181.44	11.32%
Orange	\$2,795,260.60	\$10,703,029.37	26.12%
Riverside	\$2,149,968.88	\$9,499,515.62	22.63%
Sacramento	\$3,856,410.12	\$13,290,957.02	29.02%
San Bernardino	\$2,002,458.00	\$25,477,746.00	7.86%
San Diego	\$4,339,783.41	\$25,019,770.51	17.35%

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San Francisco	\$82,835.11	\$966,706.91	8.57%
Santa Clara	\$4,415,329.79	\$18,170,914.39	24.30%
Santa Cruz	\$958,132.17	\$3,788,207.45	25.29%
Shasta	\$224,063.42	\$4,283,542.49	5.23%
Sierra	\$11,560.05	\$12,872.14	89.81%
Solano	\$268,678.00	\$1,973,671.00	13.61%
Tulare	\$585,989.10	\$1,254,960.66	46.69%
Tuolumne	\$2,301.00	\$134,428.91	1.71%
Ventura	\$1,124,156.00	\$5,519,839.00	20.37%
Median From Reporting Counties (25)			19.7%

TABLE E. AMOUNT OUTSTANDING, 2010–2022 (AS OF JUNE 2022)

Twenty-six counties reporting, representing 76.8% of California's youth population.

County	Total Amount of Restitution Outstanding
Alameda	\$4,082,432.60
Alpine	\$0.00
Colusa	\$5,136.94
Contra Costa	\$8,850,362.00
Del Norte	\$52,235.29
Fresno	\$1,660,170.40
Imperial	\$328,993.90
Kern	\$3,557,974.39
Los Angeles	\$30,521,104.11
Madera	\$1,097,332.32
Marin	\$99,852.33
Mendocino	\$22,945.00
Merced	\$1,009,554.22
Mono	\$10,056.01

Riverside	\$6,810,583.61
Sacramento	\$4,587,159.97
San Bernardino	\$6,953,675.00
San Diego	\$22,245,643.95
San Francisco	\$883,871.80
Santa Clara	\$13,755,584.60
Santa Cruz	\$2,614,443.82
Sierra	\$1,312.09
Solano	\$593.00
Tulare	\$1,954,785.45
Tuolumne	\$132,127.91
Ventura	\$4,395,682.66
Total From Reporting Counties (27)	\$115,663,613.37
Statewide Estimate (58)	\$150,621,616.43

TABLE F. AMOUNT COLLECTED AND REMITTED IN YOUTH RESTITUTION
FINES, 2010–2022

Nine counties reporting, representing 20.3% of California's youth population.

County	Total Amount Collected in Youth Restitution Fines	Total Amount Remitted to the State Restitution Fund	Difference
Alameda	\$302,303.99	\$42,059.22	\$260,244.77
Humboldt	\$20,655.03	\$20,655.03	\$0.00
Kern	\$428,538.37	\$418,243.37	\$10,295.00
Merced	\$38,656.07	\$38,449.98	\$206.09
San Diego	\$1,027,850.16	\$698,577.51	\$329,272.65
San Francisco	\$6,544.07	\$6,544.07	\$0.00
Sierra	\$25.00	\$25.00	\$0.00
Solano	\$107,745.00	\$107,745.00	\$0.00

2025]	<i>REFORM'S OVERSIGHT</i>			1937
Tulare	\$126,628.18	\$126,628.18	\$0.00	
Total From Reporting Counties (9)	\$2,109,017.25	\$1,458,927.18	\$650,090.07	

