



**RHODE ISLAND KIDS COUNT**

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**Testimony Re: Senate Bill 404, An Act Relating to Delinquent and Dependent Children – Proceedings in Family Court**

**Senate Judiciary Committee**

**March 30, 2023**

**Paige Clausius-Parks, Executive Director**

Madam Chair and members of the Committee, thank you for the opportunity to provide testimony today. We would also like to thank Senator Kallman for sponsoring this important bill and Senators Miller, Acosta, Bell, Quezada, DiMario, F. Lombardi, Burke, and Lauria for cosponsoring. Rhode Island KIDS COUNT would like to voice its support for Senate Bill 404 which would prohibit any questioning of a juvenile who is suspected of delinquent or criminal behavior unless the parent or guardian of the juvenile, the Department of Children Youth & Families (DCYF) when parental rights are terminated, or an attorney is present, the juvenile and their parent have waived their presence, or the juvenile is emancipated or has misrepresented their age as being age 18 or older.

According to the American Academy of Child and Adolescent Psychiatry, the part of the brain that controls reasoning and helps us fully think through the implications of our behavior – the prefrontal cortex – goes through many structural changes throughout childhood and is not fully developed until at least age 26, and this can be further delayed when alcohol or drug use are present. This ongoing development of the prefrontal cortex means that adolescents make decisions and solve problems differently than adults. Adolescents are more likely to be impulsive, misread social and emotional situations, get into accidents and fights, and engage in risk taking behaviors. They are also less likely to avoid risky situations and to fully consider all possible consequences of their actions. Adolescents need guidance from caring adults to develop these skills and learn to manage their behaviors as their brain develops.

When police arrest a young person, they are required to give *Miranda* warnings that state, “You have the right to remain silent. Anything you say can be used against you in a court of law. You have a right to an attorney. If you cannot afford one, one will be appointed to you.” According to the Juvenile Law Center, while adolescents receive these warnings, **90% of them waive their *Miranda* rights, and they make false confessions at much higher rates than adults.** Waiving these rights has long-term consequences that the still developing adolescent brain cannot fully understand.

Therefore, it is critical that parents or guardians be involved in this decision before an interrogation moves forward. Youth have the same rights as adults, but youth do not have the same capacity as adults to understand those constitutional rights, especially under the stress of an arrest when comprehension may be significantly reduced.

Additionally, because Youth of Color are much more likely to be arrested despite committing crimes at the same rate as white youth, the waiving of *Miranda* rights creates inequities that can persist throughout the youth's entire life if they are found guilty of a crime based on an interrogation or false confession made when a parent or guardian would have insisted on having an attorney present to protect their rights.

Rhode Island KIDS COUNT strongly urges you to pass this legislation. Thank you for the opportunity to provide testimony today.