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Testimony Re: House Bill 7461 Relating to Delinquent and Dependent Children – Proceedings in Family Court

House Committee on the Judiciary

March 3, 2022

Elizabeth Burke Bryant, Executive Director

Thank you, Chairman Craven and members of the House Committee on Judiciary, for the opportunity to testify. Rhode Island KIDS COUNT strongly supports House Bill 7461, which would prohibit the incarceration of children under the age of 14 at the Rhode Island Training School (except in cases involving murder, first degree sexual assault, or an attempt to commit such offenses). We would like to thank Representative Kislak for sponsoring this important bill and Representatives Felix, Knight, Ajello, Cassar, Batista, Williams, Kazarian, Barros, and Alzate for cosponsoring.

Why younger children should not be incarcerated

Nationally and in Rhode Island, pre- or early-adolescent children only make up a small portion of youth involved in the juvenile justice system. After researching the Rhode Island General Laws, we learned that Rhode Island does not have a statutory minimum age for incarceration. This bill ensures that children under the age of 14 are protected from early exposure to a correctional setting.

During adolescence, the prefrontal cortex - the part of the brain that controls reasoning, weighs consequences, helps youth consider the implications of their behavior and is responsible for emotion regulation - is still developing. Research over the last two decades has confirmed that the human brain does not reach maturation until at least age 26.

When a child exhibits developmentally normal child behavior, the current justice system often criminalizes that activity. The more disruptive behaviors that are often the result of unmet needs and untreated trauma are more appropriately served by culturally and developmentally appropriate behavioral health services and not the justice system. Placement in a correctional facility does little to address these issues and the trauma of this experience can harm a child's emotional and mental health.

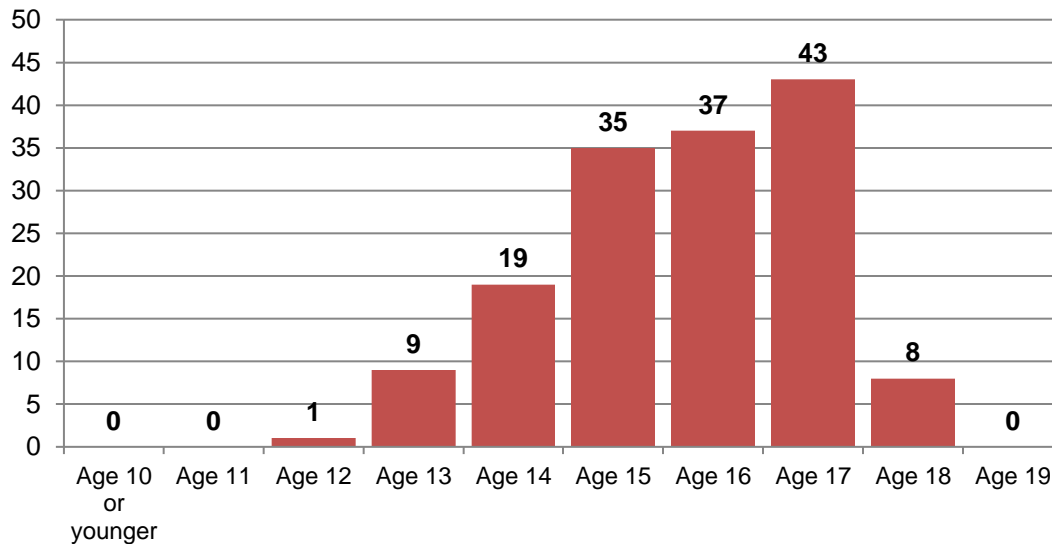
Protecting public safety is critically important, and we recognize that children who engage in law-breaking behavior need to be held accountable. However, preventing future offending is best achieved in a setting that is conducive to addressing their behavioral, mental health, and family issues. Research clearly shows that incarcerating children can exacerbate criminal behavior and that children who are incarcerated are more likely to be arrested again in the future. It is especially concerning and harmful for younger children to be placed with much older and more serious offenders. Research also demonstrates that youth in secure confinement facilities experience a significant stagnation in psychosocial maturity including temperance, perspective and responsibility, essentially intensifying the issue that brought them in contact with the justice system to begin with.

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How our juvenile justice system can better support younger children

Rhode Island has the capacity to care for children with troubling behavior and does not need to place young children at the Training School. During 2021, there were a total of 10 children under the age of 14 held at the Training School. This represents almost 7% of the youth at the Training School during the year (see chart below).

Youth at the Training School, Calendar Year 2021



Source: Rhode Island Department of Children, Youth and Families (2021)

We know that the Family Court and DCYF work hard to find ways to address law-breaking behavior without sending children to the Training School. Children ages 10 and under committed 1.5% of offenses referred to Family Court during 2021, 3.1% were committed by children age 11, 5.0% were committed by children age 12, and 9.7% were committed by children age 13. The overwhelming majority of these children were not incarcerated.

Rhode Island has existing service providers capable of caring for children with serious issues and challenging behavior, and there are many service options that would be more appropriate and significantly more cost effective than incarcerating a young child at the Training School. This bill establishes in law what is already being practiced for all but a handful of children and adolescents referred to Family Court each year.

Finally, this legislation provides protection to children whose parents are not able to effectively advocate for their children's needs. For children from well-resourced families, a child's arrest would likely lead his or her parents to frantically call anyone they could think of to avoid having their child held at the Training School. Children from families struggling with substance abuse, mental health, poverty, or other contributing factors may not have adults in their lives able to provide this level of advocacy.

Rhode Island has made tremendous progress over the past several years to reduce the number of children that are held at the Training School. From 2008 to 2021, the annual total number of youth at the Training School has decreased by 86% from 1,084 in 2008 to 152 in 2021.

House Bill 7461 will ensure that the system connects young children and their families with community-based services and supports and help Rhode Island continue on its path of juvenile justice reform.

Thank you for your efforts to support juvenile justice reform and for the opportunity to testify.