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**Testimony Re: Senate Bill 2382 Relating to Delinquent and Dependent Children – Proceedings in Family Court
Senate Committee on the Judiciary**

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Madam Chair and members of the Committee, thank you for the opportunity to provide testimony today. We would also like to thank Senator Valverde for sponsoring this important bill and Senators McCaffrey, Euer, Coyne, Seveney, DiMario, Lawson, and Burke for co-sponsoring. Rhode Island KIDS COUNT strongly supports Senate Bill 2382, which would prohibit the incarceration of children age 14 or younger at the Rhode Island Training School (except in cases when the juvenile is charged as an adult for a felony capital offense).

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 age 14 or younger are protected from early exposure to a correctional setting.

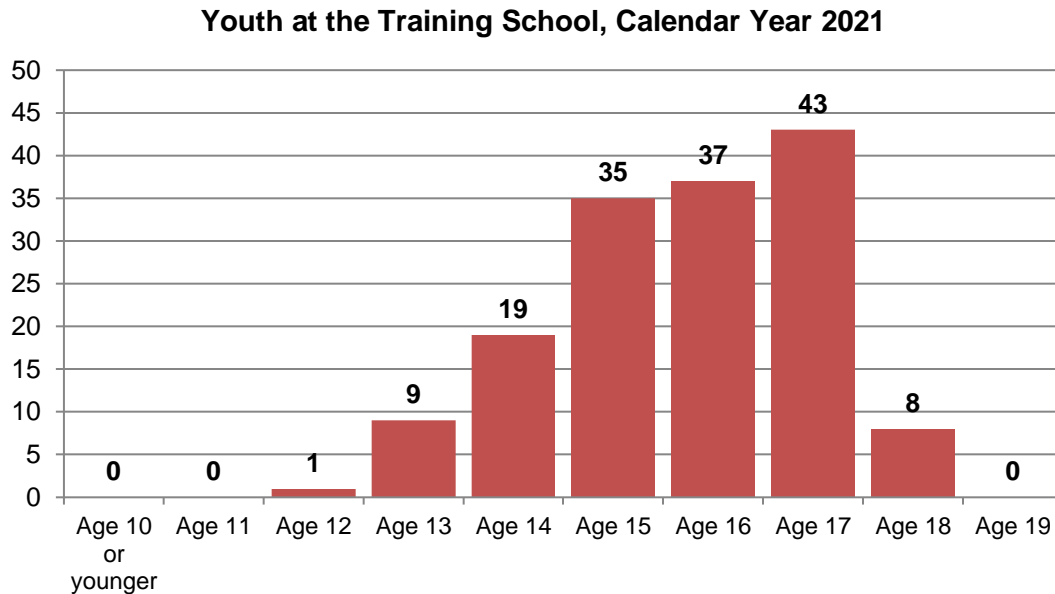
During adolescence, the prefrontal cortex - the part of the brain that controls reasoning, weighs consequences, helps youth consider the implications of their behavior and is responsible for emotion regulation - is still developing. Research over the last two decades has confirmed that the human brain 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.

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 29 children aged 14 or younger, and only 10 children under age 14 held at the Training School. Those aged 14 or younger represented 19% of the youth at the Training School during the year, and those under the age of 14 only represented 7% (see chart below).



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, 2.1% 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. Currently, however, the existing network of programs that provide community-based behavioral health services to children in the care of DCYF are facing significant staffing shortages. The DCYF provider workforce is in crisis due to underfunding caused by a failure to ensure rates paid to community providers keep pace with the cost of providing services. This workforce shortage has forced community providers to place vulnerable children on waitlists, delaying access to vital services. This problem creates an additional crisis because the lack of placement options has resulted in children being inappropriately placed in the Training School to receive mental health treatment. Although the current system has failed youth who need mental health services by not providing appropriate other service options, the shortfalls of the current system are not a valid reason to incarcerate young juveniles and expose them to the system simply because the appropriate options have no open placements.

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 during 2008 to 152 during 2021.

Senate Bill 2382 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.