



RHODE ISLAND KIDS COUNT

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Testimony Re: Senate Bill 536, An Act Relating to Delinquent and Dependent Children – Proceedings in Family Court

Senate Judiciary Committee

April 5, 2021

Elizabeth Burke Bryant, Executive Director

Madam Chair and members of the Committee, thank you for the opportunity to provide written testimony. We would also like to thank Senators Anderson, Calkin, DiMario, Bell, Quezada, Miller, McCaffrey, Cano, and Mack for sponsoring this important bill. Rhode Island KIDS COUNT would like to voice its support for Senate Bill 536 which would prohibit any questioning of a juvenile who is suspected of delinquent or criminal behavior unless the parent, guardian of the juvenile, or the DCYF when parental rights are terminated is present, or unless an attorney is present, or the juvenile and their parent have waived their presence, or the court is satisfied that the juvenile has made a knowing voluntary waiver of their rights, or the juvenile is emancipated or has misrepresented their age as being age eighteen 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 frontal cortex – develops beginning in adolescence and continuing into early adulthood, and this can be further delayed when alcohol or drug use are present. This ongoing development of the frontal 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 of the 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. 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 submit this testimony today.