



**SB0842 – Workgroup to Study the Assessment, Treatment, and Available Resources
for Female Youth in Contact with the Justice System**

Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee
March 10, 2021 12:00 p.m.

POSITION: INFORMATION ONLY

NARAL Pro-Choice Maryland would like to thank Senator Joanne Benson for her commitment to further the rights of women and girls in this state, and for her interest in being the lead sponsor for **SB0842 – Workgroup to Study the Assessment, Treatment, and Available Resources for Female Youth in Contact with the Justice System**.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every individual has the right to decide if, when, and how to form their families, and to parent in good health, in safety, and with dignity. In doing so, we aim to advance the reproductive rights and freedoms of all youth in our state, including systems-involved youth. It is essential that youth, both under the age of 18 and as young adults, have equal, quality access to the resources that would allow them to make decisions about their own sexual and reproductive health and rights. Yet, this is not the case for all young people in Maryland. A lack of comprehensive and inclusive sex education, affordable forms of contraception, and access to family planning resources limit the ability for too many youth to exercise control over their futures; while others struggle with establishing and maintaining their legal right to parent. Unfortunately, sometimes girls do not receive the services that need until they are brought into the system. We must ensure that youth involved with juvenile services have the same access to services and rights as their peers who are not in the system.

In 2017, our organization convened the coalition, Reproductive Justice Inside, to advocate for the sexual and reproductive healthcare, services, and rights of any adult or juvenile in the various correctional and detention facilities in our state. We were the lead advocates for the passage of a state law in 2018 establishing that each facility must have a written policy that addresses all pregnancy-related issues, and that a copy of that policy shall be provided to each individual residing in a facility that has received a positive pregnancy test result. By law, the Maryland Department of Juvenile Services (DJS) is a child-serving agency responsible for assessing the individual needs of referred youth and providing intake, detention, probation, commitment, and after-care services.ⁱ For the last several years, our organization has participated in statewide coalitions to protect and advance the rights of systems-involved youth, and have noted little attention towards girls. Yet, we cannot also ignore that there have been workgroups about girls formed in the past; in fact, there is a 2019 report by DJSⁱⁱ which was legislatively mandated that discusses the disproportionality of systems-involved girls, such as they are more likely to be detained and incarcerated for lower levels crimes than boys, as well as details on the

services that are provided, such as sexual and reproductive healthcare. Of course, there is much more work to be done, for example making sure that there are beds available in level 1 and 2 facilities for girls, and supporting girls who decide to parent during the length of time that they are under the care/control/custody of the state. However, we recommend not creating new workgroups that identify the problems and available services, and instead invest in the identification of best practices, implementation strategies, and accountability protocols for reform. Our organization urges passage of SB0905 – Juvenile Services – Workgroup to Develop Evidence-Based, Research-Based, and Culturally Competent Practices, or perhaps there can be a directive that the data that has already been collected about systems-involved girls inform this year’s work of the Juvenile Justice Reform Council.

We must work to better equip our systems-involved youth with the resources necessary to make informed decisions on protecting their bodily autonomy and their right to decide when they want to form their own families. Youth in juvenile services need access to health experts to get their questions answered and make decisions regarding their personal health that are best for them. Those who are parenting need access to legal resources to assist them with issues concerning custody and visitation. For too long the emphasis has been on boys, as if girls coming into the system is a temporary abnormality, rather than an increasing trend.

Thank you for your time and consideration.

ⁱ Maryland Department of Juvenile Services. Retrieved February 22, 2021, from <https://djs.maryland.gov/Pages/about-us/About.aspx>

ⁱⁱ Services for DJS-Involved Girls, January 2019 <https://djs.maryland.gov/Documents/publications/DJS-Services-DJS-Involved-Girls-Jan-2019.pdf>