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Support SB 93

Juvenile Court – Jurisdiction (Youth Equity & Safety Act)

Ending Automatic Charging of Youth as Adults

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Senate Judicial Proceedings Committee

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

I am the Executive Director of the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC). CFCC's mission is to create, foster, and support a national movement to integrate communities, families, and the justice system to improve the lives of families and the health of the community. CFCC has operated the Truancy Court Program (TCP) in at least five Baltimore City Public Schools each year for more than 17 years, and we see first-hand the impact the legal system has on our TCP students. I also represented more than 1000 children in child welfare cases in Arizona and California over the course of my career, and many of those children were also involved in the juvenile justice system. I have written articles on trauma and the child welfare system and co-authored a book, *Representing Children in Dependency and Family Court: Beyond the Law*, focused on the psychological issues lawyers for children should understand. I was also a Fulbright Scholar in New Zealand studying the role of lawyers for children. **I urge you to issue a favorable report on SB93.**

The Youth Equity and Safety Act, SB93 is necessary to stop the automatic removal of juvenile cases to adult court based on a particular crime. Because the current law requires certain offenses to be transferred automatically to adult court, Maryland sends more youth per capita to adult court than any other state except Alabama.¹ Automatic removal does not further the goal of deterrence because data show that rather than reducing, it increases crime. Further, the major goal of the juvenile system is supposed to be rehabilitation, yet youth who are removed to adult court are more likely to experience increased trauma and recidivate upon release from prison.

Children who are removed to the adult criminal system are more likely to be assaulted and are nine times more likely to die by suicide.² The increased exposure to physical and sexual assault in adult jails and prisons increases the trauma to children. Further, youth have less experience navigating their own mental health issues, including anxiety, fear, and trauma. Unlike the juvenile system, the adult criminal system lacks the appropriate services to support youth and their mental health. Thus, youth react to their trauma, without support, and their reactions to these mental health issues get them more severely punished in adult jails and prisons.³ Thus, the adult system increases the likelihood of trauma, which increases the likelihood of traumatic responses, and it has no support for youth to learn to respond differently than from their

¹ <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

² Children in Adult Prison, <https://ejj.org/issues/children-in-prison/>

³ Children in Adult Prison, <https://ejj.org/issues/children-in-prison/>

automatic trauma responses.

Further, treating adolescents as adults ignores years of research on adolescent brain development. Brain development research is clear that adolescents are more likely to take risks.⁴ Data demonstrate that as adolescents get older, the likelihood of them recidivating is reduced. Treating children as adults when they are not, does nothing to impact how they will act in the future except to cause them more trauma. A key indicator of reducing recidivism is growing older.⁵ Thus, keeping children in the juvenile system will afford them access to age-appropriate services, and allowing children to grow older are the best ways to reduce recidivism.

Finally, the current law that automatically removes children to adult court perpetuates the racial disparities that exist in the criminal system. Youth of color are more likely to be tried as adults than white youth, even when being charged with similar crimes. In Maryland between 2017-2019, 93% of juveniles tried as adults were youth of color; 80% were Black.⁶

SB93 would protect youth from the adult criminal system, reduce trauma, reduce racial disparity, and reduce recidivism. For these reasons, **I urge you to support SB93.**

⁴ Juvenile Justice and the Adolescent Brain, <https://clbb.mgh.harvard.edu/juvenilejustice/>

⁵ "Why Judges Need to Understand the 'Developing Brain' for Juvenile Sentencing," <https://scholars.org/contribution/why-judges-need-understand-developing-brain-juvenile-sentencing>

⁶ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.