

# TESTIMONY IN SUPPORT OF HB 1187 BEFORE THE MARYLAND HOUSE JUDICIARY COMMITTEE

#### February 25, 2021

Dear Chairman Clippinger and Members of the Maryland House Judiciary Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our support for HB 1187. We are grateful to you, Chairman Clippinger, for your leadership in introducing this bill and appreciate the Maryland Legislature's willingness to address these important human rights issues concerning Maryland's children.

Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports HB 1187 because, among other things, it will increase the minimum age for children to be adjudicated delinquent in Maryland. The continuing practice of criminalizing young children in Maryland is a human rights abuse. Specifically, Article 40 of the UN Convention on the Rights of the Child states that lawmakers must create "a minimum age below which children shall be presumed not to have the capacity to infringe the penal law." Setting a minimum age under 10 when young children lack the capacity to develop criminal intent is a human rights abuse.

## **Adverse Childhood Experiences**

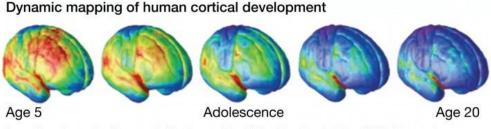
In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who are

substance abusers, suffer from mental illness or are suicidal, or are formerly incarcerated. Studies have shown that approximately 90% of children in the juvenile justice system have experienced at least 2 ACEs, and 27% of boys and 45% of girls have experienced at least 5 ACEs.

## **Juvenile Brain & Behavioral Development Science**

Studies have shown that children's brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults to regulate their emotions, control their impulses, evaluate risk and reward, and engage in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, and being heavily influenced by their surrounding environment.

Children's underdeveloped brains and proclivity for irrational decision-making is why society does not allow children to vote, enter into contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities. This is especially true for young children under the age of 12.



Source: "Dynamic mapping of human cortical development during childhood through early adulthood," Nitin Gogtay et al., Proceedings of the National Academy of Sciences, May 25, 2004; California Institute of Technology.

## **Human Rights Violations**

Because of the way children are treated in the criminal justice system, we designated Maryland one of the "Worst Human Rights Offenders" in the nation in our 2020 National State Ratings Report. Maryland was penalized in our assessment for not having laws in place that prohibit children under the age of 10 from being adjudicated delinquent in the juvenile justice system. For national context, conservative states including Texas, Arkansas, Louisiana, and Mississippi have enacted legislation prohibiting children under 10 from being adjudicated delinquent.



We would ask this Committee and the General Assembly to treat children like children and begin the process of ending the school-to-prison pipeline.

## **Redemption for Maryland**

Nelson Mandela once said, "There is no keener revelation of a society's soul than the way in which it treats its children." What does it say about our soul then if we allow very young children to be arrested and adjudicated in the juvenile justice system when they are too young to even develop criminal culpability?

Maryland's current policies have firmly established the state as one of the worst human rights abusers in the nation when it comes to children in the justice system. But with the passage of HB 1187, Maryland can find redemption by recognizing that kids are different and should be treated differently in the justice system.

For these reasons, we strongly urge this committee to vote favorably upon HB 1187 and end the human rights abuse of adjudicating young children in the juvenile justice system. Thank you for your consideration.

James. L. Dold CEO & Founder

Human Rights for Kids