

HB0096_LindaBergofsky_FAV

Date of Hearing: March 2, 2023

Your Full Name: Linda R. Bergofsky

Your City/Town, State Zip: Poolesville, MD 20837

TESTIMONY ON HB#0096 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Equity & Safety Act)

TO: Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee

FROM: Linda Bergofsky

OPENING: My name is Linda Bergofsky. I am a resident of District 15. I am submitting this testimony in support of HB0096, Juvenile Court - Jurisdiction (Youth Equity & Safety Act).

I am writing as a member of Oseh Shalom, a Reconstructionist Synagogue in Laurel, MD and as a substitute teacher in Montgomery County Public Schools. As a substitute, I work in five different school clusters, mostly with students aged 10 to 14. I have observed many middle and high school students whose adult-like physical appearance (and attitude) belies their true age and social-emotional capacity. It's an easy trap to assume that students who are adult-size can fully grasp the consequences — or accurately weigh the pros and cons— of their actions. As a social worker earlier in my career, I concur with implicit bias research that shows Black kids are more likely to be seen and treated as adults than white kids in every system they encounter. Charging youth as adults also ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.

Equally important, automatically charging youth as adults does not deliver justice. In addition to being more expensive than proceedings initiated in juvenile court, recent research shows more than 87% of Maryland cases where a youth was charged in adult court did not result in an adult criminal conviction. Maryland needs to join the 26 other states who have passed laws to treat kids like kids and limit the pathways into adult courts.

Jewish history and values have long recognized the differing capacities of children and adults. *Yetzer harah*, the “evil inclination,” is seen as a drive toward pleasure that can be tempered by *yetzer hatov*, the “good inclination” or moral sense that leads to benefits toward oneself and society. The ability to “tame” the basic instincts, *yetzer harah*, with higher level reasoning, *yetzer hatov*, grows stronger as we mature, warranting different treatment of children and adults.

For all these reasons, I respectfully urge this committee to return a favorable report on HB0096.