



**TESTIMONY IN SUPPORT OF HB 409 BEFORE THE MARYLAND HOUSE
JUDICIARY COMMITTEE**

February 12, 2026

Dear Chairwoman Bartlett 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 409. We are grateful to Chair Bartlett for her 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 409 because it will reform the process of automatically sending children to adult court in Maryland. The continuing practice of disregarding child status and automatically sending children to adult criminal court is a clear human rights abuse. Specifically, Article 10 and 14 of the International Covenant on Civil and Political Rights require that "juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status . . . the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation." As such, automatically treating children as adults, regardless of the underlying charge, is a human rights abuse.

High Rates of 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 have substance abuse disorders, suffer from mental illness or are suicidal, or are incarcerated.

In Maryland, nearly 70% of children who were tried and convicted as adults had experienced at least 6 out of 10 Adverse Childhood Experiences prior to their incarceration. The average ACE score for this population was 6.4 out of 10. Nearly 74% had experienced physical abuse and around 40% experienced sexual abuse. The average age that this group of children first experienced abuse was just *six years old*. Notably, nearly **90%** of these children come from homes where one or both parents are absent. And in about 50% of those cases, parental absence is due to *parental incarceration*. These facts allow us to understand the contributing factors that lead children to become system involved in the first place.

Childhood trauma is the primary driver and root cause for how and why so many kids end up in the criminal justice system. Policies that permit children to be automatically charged as adults ignore this truth and divest juvenile court judges – who are trained in child development – from making a decision of what is in the best interest of the child and society.

Because most of the children accused of crimes have been victims themselves, automatic adult charging policies ignore and disregard both the victim and child status of these offenders. That is not to say that in appropriate cases public safety considerations may require the court to waive juvenile court jurisdiction, but that decision should rest with juvenile court judges. These judges are in the best position to weigh a child's trauma history with their potential for rehabilitation if kept within the juvenile system.

When a child comes before the juvenile system, their cases are processed fairly quickly. Children in the juvenile system are held in detention for an average of 71 days. During this time, youth are in the custody of the Department of Juveniles Services (DJS), which conducts a risk assessment and develops a treatment plan tailored to address the child's behavior and reduce the likelihood of recidivism.

However, less than a third of children placed in DJS facilities were originally charged in juvenile court. The other 68% are children who were automatically charged as adults waiting for a judge to determine whether adult or juvenile court is the right venue. It takes an average of 132 days, or over four months, before these cases are transferred from adult court to juvenile court and the child can begin receiving services in the juvenile system.

Even though a child is initially charged as an adult, 85% of the time they will be transferred back down to juvenile court or have their charges dismissed. But before the judge makes this decision, the child, who has most likely experienced severe trauma and abuse, sits in detention with no services, treatment, or accountability. This inefficient process delays true accountability for the children and does nothing to improve public safety.

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, in part, for its automatic charging policy that has resulted in the state being second in the nation, only to Alabama, in the number of youth charged in adult court every year. It should be noted that more than 80% of youth charged as adults in Maryland are Black. Such practices are contrary to human rights law and have made Maryland a national outlier.

While it is important to note that the vital reforms to the juvenile justice system passed since the aforementioned 2020 report resulted in Maryland’s recognition as the “most improved state” in the 2022 edition of our National State Ratings Report, Maryland is still penalized for its automatic charging policy.

In late 2022, Human Rights for Kids requested and received data from the State of Maryland on people who are currently incarcerated for crimes they were convicted of as children. According to our analysis of the data provided by the State, there are 1,132 currently incarcerated people who fit this description. This number represents 6.09% of Maryland’s overall prison population, which is more than double the national average of 3%. Maryland ranks 4th highest in the nation for the percentage of its overall prison population that has been incarcerated since they were children. Only Louisiana, Wisconsin, and South Carolina have higher percentages.

When considering the current law on automatic charging, Maryland’s status as one of the top incarcerators of children in the entire country should not be surprising. The state’s high rates of incarcerating children are a direct result of the longstanding policy of automatically charging high numbers of children as adults.

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 so many children, the vast majority of whom are Black, to be automatically charged as adults?

By beginning so many children in adult court and thereby becoming a mass incarcerator of children, Maryland is disregarding international human rights norms, juvenile brain and behavioral development science, and the fact that so many of these children are victims themselves.

With the passage of HB 409, Maryland can find redemption by recognizing that kids are different and should be treated differently in the legal system. **It is for the foregoing reasons that Human Rights for Kids respectfully requests that the Committee issue a favorable report on HB 409 by Chairwoman Bartlett.** Thank you for your time and consideration.

Submitted by:
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Chief Executive Officer & Founder
Human Rights for Kids