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## **TESTIMONY IN SUPPORT OF SENATE BILL 323**

### **Juvenile Court - Jurisdiction (Youth Charging Reform Act)**

#### *House Judiciary Committee*

**March 31, 2026**

**Social Work Advocates for Social Change supports SB 323** which adjusts state law to remove automatic transfers of juveniles to adult courts for certain offenses, ultimately reducing exposure to the adult system for Maryland children. Our coalition's position is informed by direct practice, research, and policy expertise, as well as the professional standards articulated in the National Association of Social Workers (NASW) Code of Ethics.

**Maryland charges and incarcerates more children in our adult carceral system per capita than any other state except for Alabama: a shameful distinction made possible because of Maryland's laws.**<sup>1</sup> Current Maryland law permits the automatic charging of children as young as fourteen as adults for certain offenses, without individualized judicial review. Automatic charging of juveniles is an antiquated idea left over from the "tough on crime" mindset of the 80s and 90s – and an era of racist "super predator" narratives. These types of interventions are not only ineffective in promoting public safety, but also ineffective in reducing violent behavior and recidivism by offenders.<sup>2,3</sup> Moreover, this approach conflicts with well-established research on adolescent development and runs counter to the NASW ethical mandate to ensure that interventions are proportionate, fair, and responsive to developmental differences.

**Expanding the juvenile court's jurisdiction is more efficient than continuing to charge children as adults.** Under Maryland's current system, children charged as adults have their cases transferred to the juvenile court or dismissed at a rate of more than 80%.<sup>4</sup> As the adult court processes the case, children spend, on average, three and a half months detained in adult facilities awaiting a transfer hearing. The transfer hearing determines whether the case will remain in adult court or be transferred to juvenile court. Passing SB 323 would decrease the number of children detained and the length of time they spend in detention waiting for the adult court to process their cases for transfer to the juvenile court. SB 323 ensures cases that ultimately end up in the juvenile court will begin there, thus streamlining an existing process.

**Exposing children to the adult system undermines public safety.** Processing and punishing children as adults harms young people and undermines public safety and community wellbeing. The educational disruptions that youth experience, even if they are not ultimately convicted and incarcerated long-term in the adult system, compromise their life outcomes and public safety. Extensive research has demonstrated that youth incarceration both leads to decreased likelihood of high school graduation and shows strong correlations between low educational attainment and crime.<sup>5</sup> Reducing barriers to school completion can significantly improve public safety, including reducing rates of the most serious crimes.<sup>6</sup> Charging children as adults only to have their case transferred to the juvenile court or dismissed altogether weakens their academic prospects and increases recidivism rates among low-risk children to begin with, dealing a significant blow to public safety and the prospects for these children.<sup>7</sup>

**Maryland's current practice is harsh and out of step with most of the country, while disproportionately impacting Black children.** In 1945, Maryland became the second state to begin charging children as adults for murder.<sup>8</sup> Eighty years later, more than 85% of children automatically charged as adults in Maryland are Black, while Black residents account for only one third (31.6%) of the population.<sup>9</sup> Maryland is leading the way, but in the wrong direction. In a 2024 report covering the high prevalence of trauma among children prosecuted and incarcerated as adults in Maryland, Human Rights for Kids recommended that Maryland amend waiver and transfer statutes, starting all cases involving children in the juvenile court.<sup>10</sup> SB 323 does not go so far as to implement that recommendation, but it moves our justice system in the right direction.

SB 323 reflects contemporary research, professional ethics, and nationally recognized best practices in youth justice policy. By centering developmentally informed decision-making, the bill advances public safety, promotes equity, and upholds the ethical standards of the social work profession. Treating children in accordance with their developmental state is not inconsistent with accountability and essential to a humane and effective justice system.

### **Social Work Advocates for Social Change urges a favorable report on SB 323.**

*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy and to engage the communities impacted by public policy in the policymaking process.*

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<sup>1</sup> Disposable children: The prevalence of child abuse and trauma among children prosecuted as adults in Maryland - human rights for kids: Working to end children's rights abuses. (2024) <https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

<sup>2</sup> ACLU. American Civil Liberties Union. (2017) <https://www.aclu.org/news/smart-justice/diversion-programs-are-cheaper-and-more-effective-incarceration-prosecutors>

<sup>3</sup> A guide to juvenile justice. Brennan Center for Justice. (2018) <https://www.brennancenter.org/our-work/analysis-opinion/guide-juvenile-justice>

<sup>4</sup> Maryland Commission on Juvenile Justice Reform and Emerging and Best Practices. (2025). *Maryland's JJDPa compliance crisis: Children in adult detention*. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPa-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

<sup>5</sup> The Sentencing Project. (2022); Moretti, E. (October 2005). *Does education reduce participation in criminal activities?* Research presented at the 2005 Symposium on the Social Costs of Inadequate Education. Teachers College, Columbia University, New York, NY.

<sup>6</sup> Carnevale, A.P. et al. (2021). *The monetary value of economic and racial justice in postsecondary education: Quantifying the potential for public good*. Postsecondary Value Commission. <https://files.eric.ed.gov/fulltext/ED612641.pdf>

<sup>7</sup> Feeney, M., & Lesley, A. (2024, May 10). *Raise the age: Ensuring all kids have access to the juvenile justice system*. Human Rights for Kids. <https://humanrightsforkids.org/publication/raise-the-age-ensuring-all-kids-have-access-to-the-juvenile-justice-system/>

<sup>8</sup> Feld, B. C. (1987). The juvenile court meets the principle of the offense: Legislative changes in juvenile waiver statutes. *The Journal of Criminal Law and Criminology* (1973-), 78(3), 471–533.

<sup>9</sup> U.S. Census Bureau (2025). *Quickfacts: Maryland*. <https://www.census.gov/quickfacts/fact/table/MD/RHI225223>

<sup>10</sup> Disposable children: The prevalence of child abuse and trauma among children prosecuted as adults in Maryland - human rights for kids: Working to end children's rights abuses. (2024) <https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>