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**Testimony Re: H-5650 Relating to Delinquent and Dependent Children
– Proceedings in Family Court**

House Judiciary Committee

April 1, 2025

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Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony today. We would also like to thank Representative Stewart for sponsoring this important bill and Representatives Casimiro, Cruz, J. Lombardi, Kislak, Caldwell, Batista, and Handy for co-sponsoring. Rhode Island KIDS COUNT strongly supports House Bill 5650, which would prohibit the detention and/or commitment of children age 12 or younger at the Rhode Island Training School for any offense other than murder, first degree sexual assault, or an attempt to commit such offenses, and the Family Court determines that there is no other reasonable placement to ensure the safety of the youth and the general public.

Why younger children should not be incarcerated

Nationally and in Rhode Island, pre- or early adolescent children only make up a small portion of youth involved in the youth justice system. Rhode Island does not have a statutory minimum age for detention or commitment. This bill ensures that young children ages 12 and younger are protected from early exposure to a correctional setting.

During adolescence, the part of the brain that controls reasoning, weighs consequences, helps youth consider the implications of their behavior, and is responsible for emotion regulation is still developing.

Youth justice systems have a range of options for monitoring and rehabilitating youth, including restorative justice programs, evidence-based treatment programs, probation, and incarceration. **Alternatives to incarceration have been shown to be more effective in preventing recidivism, more cost effective, and are often the more appropriate response to developmentally typical child and adolescent behavior that is often criminalized.**

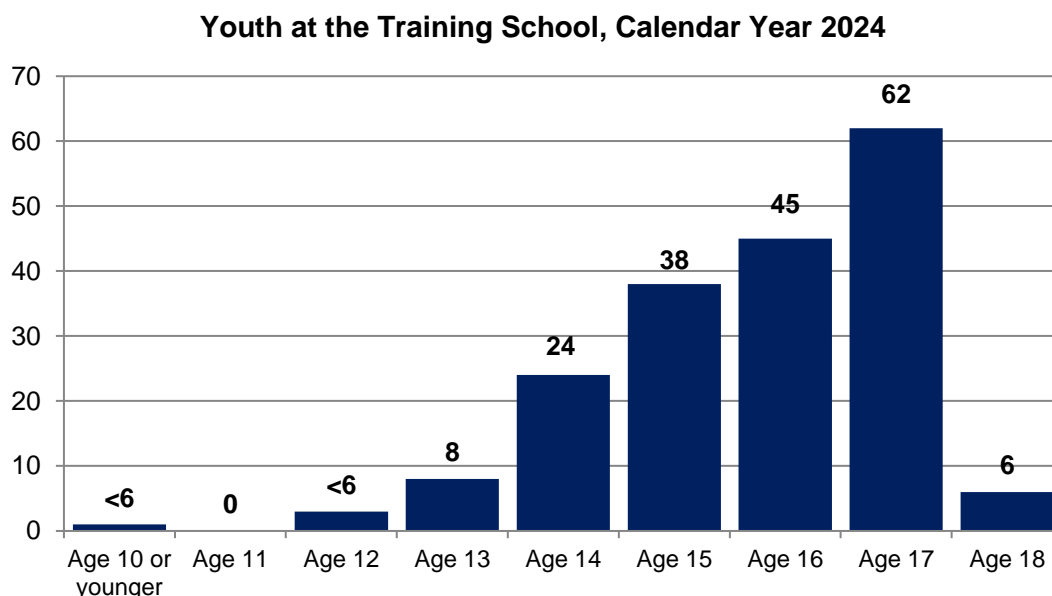
Youth with mental health needs that go unaddressed are often funneled into the youth justice system due to historic criminalization of behaviors associated with mental health needs, and the justice system they interact with is not always designed to meet those needs. The more disruptive behaviors are often the result of unmet needs and untreated trauma that could be more appropriately addressed through culturally and developmentally appropriate behavioral health services and not the justice system. Approximately 65-70% of youth arrested annually in the United States have a diagnosable mental health disorder. Some youth may be incarcerated due to an unmet mental health need that resulted in a behavior that was criminalized, and many more develop mental health issues due to the trauma of incarceration.

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Protecting public safety is critically important, and we recognize that children who engage in law-breaking behavior need to be held accountable. However, preventing future offending is best achieved in a setting that is conducive to addressing children's behavioral, mental health, and family needs. Research clearly shows that incarcerating children can exacerbate criminal behavior and that children who are incarcerated are more likely to be arrested again in the future. It is especially concerning and harmful for younger children to be placed with much older and more serious offenders. Research also demonstrates that youth in secure confinement experience a significant stagnation in psychosocial maturity including temperance, perspective and responsibility, essentially intensifying the issue that brought them in contact with the justice system to begin with.

How our youth justice system can better support younger children

During 2024, there were *fewer than 6 children* ages 12 and younger held at the Training School at some point during the year. **Those ages 12 and younger represented only 2% of the youth at the Training School during the calendar year** (see chart below).



Source: Rhode Island Department of Children, Youth and Families (2024).

Additionally, those children ages 12 and younger who spent time at the Training School were on average only there for two days. It is hard to argue that a young child who is only in custody for what one could reason is a weekend stay needed to be there at all.

We know that the Family Court and DCYF work hard to find ways to address law-breaking behavior without sending children to the Training School, and we support their significant efforts. Children ages 10 and under committed <1% of offenses referred to Family Court during 2024, 2.2% were committed by children age 11, and 7% were committed by children age 12. The overwhelming majority of these children were not incarcerated.

Rhode Island has made tremendous progress over the past several years in reducing the number of children that are held at the Training School. From 2008 to 2024, the annual total number of youth at the Training School decreased by 83%. This decline of youth at the Training School began after 2008 when the General Assembly instituted a daily census cap of 148 boys

and 12 girls at the Training School. Rhode Island has existing service providers capable of caring for children with serious issues and challenging behavior, and there are many service options that would be more appropriate and significantly more cost effective than incarcerating a young child at the Training School.

However, lack of placement options can result in children being inappropriately placed in the Training School. We as a state need to provide and fund alternatives to incarceration for all youth, and especially young, middle-school-age youth, and protect them from correctional settings that may harm their development. If this is the *only* option we can offer young adolescents, then this is a symptom of a lack of investment in appropriate community-based prevention, diversion, and mental health services – a symptom we can and must treat.

There is a push nationally for states to raise their minimum age laws for detention/commitment as well as for age of juvenile prosecution. Our neighbors in New Hampshire, Massachusetts, Connecticut, Vermont, and New York among others, have instituted minimum age laws. It is time for Rhode Island to provide these same protections.

This legislation establishes into law what is already being practiced for all but a handful of children and adolescents referred to Family Court each year.

This legislation also provides protection for children whose parents may not have the resources needed to effectively advocate for their children's needs. For children from well-resourced families, a child's arrest would likely lead their parents to frantically call anyone they could think of to avoid having their child held at the Training School. Children from families struggling with substance use disorders, mental health needs, poverty, or other contributing factors may not have adults in their lives who are able to provide this level of advocacy. This is an equity issue.

House Bill 5650 will ensure that the system prioritizes connecting young children and their families with community-based services and supports and help Rhode Island continue its path of youth justice reform, and we urge passage.

Thank you for the opportunity to provide testimony.