



Family Court of the State of Rhode Island  
One Barrance Plaza  
Providence, RI 02903

MICHAEL B. FORTE  
CHIEF JUDGE

The Honorable Robert E. Craven  
Chair  
House Judiciary Committee  
State House  
82 Smith Street  
Providence, Rhode Island 02903

March 7, 2025

**Re: 2025—H 5650**

Dear Chairman Craven and Members of the  
House Judiciary Committee:

I write to inform the committee that **the court does not support 2025 H-5650** which would amend and restrict the court's authority to detain a child under the age of twelve (12) years at the training school unless the youth is charged with murder, rape, or the attempt to do either. Additionally, this bill provides that if a child under twelve is found delinquent due to the murder or rape of another individual, the court cannot commit the juvenile to the training school unless there are no other reasonable placement locations and/or conditions that will ensure the safety of the juvenile or any other person or persons. While the court respects the underlying intent of this bill, the presently existing system of care in child welfare and juvenile justice will not support these limitations on the court's authority and discretion.

First, it is a rare occasion when a child under the age of twelve (12) years is detained at the training school. However, there are children under the age of twelve (12) who must be detained, for the safety of others – for example, a twelve-year-old who brings a gun to school and threatens others, or who participates in a home invasion with other gang members, or who is so out of control in the home that family members are attacked and injured. Dangerous events can happen in the middle of the night. The Family Court assigns a duty judge each night to handle calls from the police who request permission to hold serious youthful offenders at

the training school until the next court day. The breadth of this proposed amendment would handcuff the Family Court and would unnecessarily curb the discretion exercised so carefully by our judicial officers.

Secondly, the amendment limits the court's authority to commit to the training school youth under the age of twelve (12) years who are found delinquent due to the murder or rape of another individual unless there are no other reasonable placement locations or conditions that will ensure the safety of the juvenile or any other person. The current deficiencies in the juvenile justice and child welfare systems of care in Rhode Island make the option of alternative placement illusory. Over the past several years, the alternative placements available to Family Court to protect both the safety of the youthful offender and others have been drastically reduced. "Staff Secure" placements, which were defined by the ability to lock the facilities' doors and stop a resident from leaving by some physical action, no longer exist in Rhode Island. Pediatric and adolescent beds in psychiatric hospital facilities are full.

Sometimes, it is necessary to detain a juvenile offender, even a 12-year-old, at the training school for his or her own safety because the incident with which he or she is charged can be attributed to a serious mental health issue. These children need to be protected from themselves and others until appropriate treatment can be secured. Today that doesn't happen overnight. If the judicial officer is not allowed to detain this child, the child will be placed in a shelter with older youth. Shelters have few guardrails. At the training school, the child will be assessed and kept safe until an appropriate option can be identified.

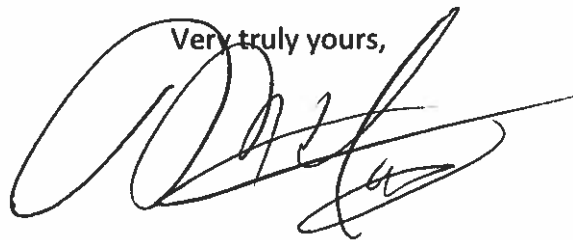
Additionally, the Department of the Attorney General typically will file a motion to waive serious youthful offenders into the adult system which places them at risk of incarceration at the Adult Correctional Institute and puts them out of reach of the intensive treatment services available in the juvenile system.

Moreover, removing the court's ability to place a juvenile under the age of twelve at the training school erodes the purpose of the certification system. Certification allows the court, under appropriate circumstances, to keep a juvenile within the juvenile system until age 19 rather than waive the juvenile directly into the adult system where the intensive treatment options available in the juvenile system would not be available.

Honorable Robert E. Craven  
March 7, 2025  
Page three

The court thanks the committee for considering its comments and asks that this bill be held for further study.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Forte", written over the closing "Very truly yours,".

Michael B. Forte