

# OFFICE OF THE PUBLIC DEFENDER

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April 14, 2026

## **TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:**

**House Bill No. 7037**

**ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -  
- PROCEEDINGS IN FAMILY COURT**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender strongly supports H7037, which would prevent the handcuffing of children twelve or under at initial police contact unless needed for public safety or if the child is using or threatening physical force against an office.<sup>1</sup>

The OPD has long promoted the idea that children are fundamentally different than adults—a belief that is well-grounded in decades of social science research.<sup>2</sup> Accordingly, modifying the rules for their engagement with law enforcement is both good public policy and based on the latest understandings of developmental psychology.<sup>3</sup> This bill recognizes that children are particularly vulnerable to long-term post-traumatic stress effects resulting from being handcuffed unnecessarily. The American Psychiatric Association has long promoted the idea that physical restraints should be used with juveniles only when strictly necessary<sup>4</sup>—which is exactly what this bill will accomplish for the most vulnerable of juveniles, those twelve years old or under.

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<sup>1</sup> The bill would also reserve the term “delinquent child” for those juveniles who have been adjudicated to have committed the elements of an offense that, if committed by an adult, would be considered a capital offense in this state. The OPD supports this reclassification, but would suggest that this bill also include a revision of the term “‘delinquent,’ when applied to a child,” contained in § 14-1-3 to ensure consistency.

<sup>2</sup> See, e.g., *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 567 U.S. 460, 479 (2012), (all relying heavily on developmental sciences sources to distinguish the juvenile brain from that of an adult).

<sup>3</sup> See, e.g., National Institute of Mental Health, *The Teen Brain: 7 Things to Know*, U.S. Department of Health and Human Services, National Institutes of Health, available at <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know> (last accessed April 14, 2026).

<sup>4</sup> See American Psychiatric Association, *The Use of Restraint and Seclusion in Correctional Mental Health Care*, 4 (2006); Howard Bath, *The Physical Restraint of Children: Is It Therapeutic?*, 64 *Am. J. Orthopsychiatry* 40, 41, 48 (1994).

Limiting this bill to only the most vulnerable and smallest of our juveniles undercuts the claim that some minors are as strong or as much of a physical threat as adults. The vast, vast majority of those twelve years old or under will not pose a credible threat to law enforcement—and, in the rare case where there is a safety concern, the bill would allow law enforcement officers to use the restraints necessary for their own or public safety.

In addition, there is a likely racial disparity as well. An Associated Press study of more than 3,000 instances of police using force against children under sixteen showed that black children made up more than fifty percent of those handled “forcefully”—which included takedowns, strikes and muscling—even though they are only fifteen percent of the nation’s juvenile population. While the study did not explicitly study the racial breakdown of when handcuffs were employed, the proven disparate treatment of Black children by police suggests that the trend would carry across all form of police force, including arm restraints.

**In short, this bill promotes good public policy that will ensure that children will suffer fewer long-term trauma from their juvenile interactions with law enforcement, while allowing the appropriate carveout to ensure that public and officer safety is not sacrificed.**

Accordingly, the OPD strongly supports the passage of H7037.

Sincerely,  
/s/ Angela M. Yingling  
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