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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 25-S 205 and S-577, RELATING TO PROCEEDINGS IN FAMILY COURT March 11, 2025

The ACLU of Rhode Island strongly supports this legislation, which would generally prohibit the detention of very young children in the Training School. S-205 would, with a few exceptions for particularly heinous crimes, bar children under the age of 12 from being committed to the Training School, while S-577 would impose this same ban for children 12 years of age or younger. Because S-577 offers a more protective role by one year, we prefer that bill over S-205.

Just a few years ago, the General Assembly passed a bill allowing young offenders who had committed their crimes before their 22nd birthday and were serving lengthy sentences to become eligible for parole after 20 years. This important step was taken based on, among things, the clear psychological research – also cited in a number of U.S. Supreme Court decisions on the topic – that juveniles have an underdeveloped sense of responsibility, are more vulnerable to peer pressure, are less capable than adults of perceiving and comprehending long-term consequences, and have much less control of their environment in ways that change with age.

The tremendous harm that placing a child who is only in elementary or middle school into what is, for all intents and purposes, a prison environment, is even more evident. In this context as well, the research is clear that there are significant deleterious consequences that flow from placing young children in a jail setting. It is why numerous pediatric and psychological organizations, as well as the American Bar Association, have called for limits in the age at which a child should be tried or jailed.

Courts retain the authority to impose appropriate conditions and restrictions on these children if necessary for their own or others' protection. No more should be allowed the government when dealing with such youthful offenders. Prison is simply no place for a child.

We urge the committee's passage of this important legislation.