

Dear Senator Carney, Representative Harnett and the honorable members of the Judiciary Committee,

My name is Mikki Rice and I live in Freeman Township in Franklin County. I am the Director of Health Education at Maine Access Points and I am the parent of 2 teenage boys.

I am here today testifying in opposition to LD 139 because imposing restitution on children or their parents is counterproductive to what the Juvenile Justice System claims to do, which is to try to rehabilitate youth and reduce recidivism. Ordering families to pay restitution is shown not to work for the children that we are claiming to be trying to rehabilitate, families of these children, the “victims” of the crimes committed, or the communities that they live in. Ordering families involved in the Juvenile criminal legal system to pay restitution can cause communities to be less safe because the youth is more likely to engage in further criminal activity. Furthermore, requiring parents to pay money for the youth’s crime doesn’t show to help rehabilitate youth or reduce recidivism.¹

As I’m sure you know, as of 2018 Maine Law allows for courts to order youth to do community service to help pay any restitution owed. If a victim sues the parent(s) and the parent(s) is/are ordered to pay for the crime then the parent doesn’t have that option they either pay or face the consequences.. Also a child under 16 cannot be rearrested for failure to pay restitution in Maine, yet an adult ordered to pay victims compensation for the youth’s crime can be arrested if they fail to pay which could cause further harm like loss of income, less stable environment for the kid when the parent is in jail, family and parental stress, and alienation of the parent/child relationship among other things.

There is extensive research examining the link between poverty and what the law defines as criminal behavior (among youth and adults). According to the report published last year by the Juvenile Justice Center titled Reimagining Restitution, According to MIT’s Living Wage Calculator, the living wage for a full time (40 hours per week) job in Maine for a single parent with 1 child is \$34.80 per hour. The living wage of a 2 parent household (with both parents working full time) and 1 child in the home is \$24.86.² The average household size in Maine is between 2 and 3 people, yet the average total household income for Maine Families is only \$63,182³ which equals out to less than \$31 per hour (at 40 hours per week) for single parent households with 1 to 2 children and about \$15 per hour (with both parents working 40 hours per week) 1 child.

The criminal legal system also targets youth of color and marginalized youth. Even here in Maine we can see racial disparities from Cumberland and York counties all the way to Aroostook. For instance in York County black youth are arrested at a rate of 2.5 times that of their white peers, and In Aroostook County black youth are arrested at a rate of 2.75 times that of their white peers ⁴ even though black individuals as a whole only account for about 1.2% of the population in each county. ^{5, 6}

As you know, the cost of living is increasing. Food prices are going up, rent is going up, utilities are going way up. Another thing that is increasing? The number of single parent households in Maine.

In a world where we actually had Restorative Justice practices we would get rid of child restitution and parental liability for compensation for a child's crime, in an age where we know very well that our criminal legal system does not create safety, usually causes further harm and is systemically racist targeting non white individuals and youth we should be looking towards eliminating restitution not increasing parental liability.

I urge you to check out the report by the Juvenile Justice Center, Reimagining Restitution and the USM report, Youth of color in Maine's juvenile justice system which I have linked in the End Notes. I also urge you to vote no on LD 139 because the evidence shows that if we really do want to rehabilitate youth then increasing the amount that a parent can be liable for is the exact opposite of what we need to be doing.

Thank you for allowing me to submit testimony on this bill,

Mikki Rice

Director of Health Education and Participant Services

Maine Access Points

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End Notes:

1. Smith, L. E., Mozaffar, N. S., Feierman, J., & Juvenile Justice Center. (2022). REIMAGINING RESTITUTION. In <https://debtorsprison.jlc.org/documents/JLC-Reimagining-Restitution.pdf>. Juvenile Law Center.
2. *Living Wage Calculator*. (n.d.). Living Wage Calculation for Maine. Retrieved January 25, 2023, from <https://livingwage.mit.edu/states/23>
3. U.S. Census Bureau quickfacts: York County, Maine. (n.d.). United States Census Bureau QuickFacts. Retrieved January 25, 2023, from <https://www.census.gov/quickfacts/yorkcountymaine>
4. Dumont, R., King, E., & Shaler, G. (2015). Disproportionate contact: Youth of color in Maine's juvenile justice system. Portland, ME: University of Southern Maine, Muskie School of Public Service.
5. *U.S. Census Bureau quickfacts: York County, Maine*. (n.d.). United States Census Bureau QuickFacts. Retrieved January 25, 2023, from <https://www.census.gov/quickfacts/yorkcountymaine>
6. *U.S. census bureau quickfacts: Aroostook county, maine*. (n.d.). United States Census Bureau QuickFacts. Retrieved January 25, 2023, from <https://www.census.gov/quickfacts/aroostookcountymaine>