

Testimony of Melissa Hackett  
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In support of LD 1849, An Act to Establish a Minimum Age at Which a Juvenile May be  
Adjudicated  
May 5, 2025

Senator Beebe-Center, Representative Hasenfus, and esteemed members of the Criminal Justice and Public Safety Committee. My name is Melissa Hackett. I am a policy associate with the Maine Children's Alliance, where I also serve as the coordinator for the Maine Child Welfare Action Network. In both capacities, I work to advance policy and best practice efforts to improve the safety and well-being of children, youth, and families. I offer testimony today in support of LD 1849. Establishing a minimum age for adjudication in Maine is important for a number of reasons.

**Young children lack the capacity to fully understand what is happening in court or to participate in their defense in any meaningful way.** The most comprehensive study of children's competency found that "juveniles aged 15 and younger are significantly more likely than older adolescents and young adults to be impaired in ways that compromise their ability to serve as competent defendants in a criminal proceeding." ([Grisso et al.](#)) Research on brain science and adolescent development consistently finds important developmental differences between youth aged 16 and older versus those 14 and below, leaving the younger children far less able to understand court proceedings and participate effectively in the court process. ([Katner](#)) Maine's own law recognizes 14 as the age under which the state must demonstrate a child is competent to proceed in juvenile court.<sup>1</sup>

**Youth who are formally involved in the system are more likely to reoffend, and less likely to experience positive and important outcomes like school completion.** Rather than providing a public safety benefit, youth who have had some justice system involvement are more likely to reoffend than those who were effectively diverted from the system.<sup>2</sup> Another study found any time in detention increased the likelihood of recidivism for low-risk youth by 28 percent within two years of release.<sup>3</sup> Studies consistently find that arrest and formal processing in the legal system significantly

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<sup>1</sup> See 15 M.R.S.A. § 3318-A(8) *Allocation of the burden of proof; standard of proof. The burden of proof of competence is on the State if the juvenile is less than 14 years of age at the time the issue of competence is raised.*

<sup>2</sup> Juvenile Justice Resource Hub, "Community-Based Alternatives: Key Issues," retrieved at: [http://jjie.org/hub/community-based-alternatives/key-issues/#\\_edn6](http://jjie.org/hub/community-based-alternatives/key-issues/#_edn6); citing Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg, "Formal System Processing of Juveniles: Effects on Delinquency," Campbell Systematic Reviews (January 29, 2010), 38. Available at <https://bit.ly/3Qmd72U>. See also National Juvenile Justice Network, "Emerging Findings and Policy Implications from the Pathways to Desistance Study," (Washington, DC: 2012). <http://bit.ly/14jXkQl>.

<sup>3</sup> Ogle, Meghan R., and Jillian J. Turanovic. *Is getting tough with low-risk kids a good idea? The effect of failure to appear detention stays on juvenile recidivism.* Criminal Justice Policy Review 30, no. 4 (2019): 507-537.

reduces the likelihood of completing high school ([Sweeten](#)), and dramatically reduces the odds of attending college ([Kirk & Sampson](#)). Notably, children arrested during middle school are far more likely than comparable peers to be held back in school, a powerful predictor of educational failure ([Hirschfield](#)). Another study found more than 8 out of 10 youth who had participated in a community-based program remained arrest-free and 9 out-of-10 were at home after completing the program, at a cost that is a fraction of what it would have cost to incarcerate these youth.<sup>4</sup>

**Young children should not be exposed to the trauma associated with arrest and formal system involvement and put at risk of further exacerbating mental health issues.** Nationally, 90 percent of all court-involved children and youth have suffered at least one type of serious trauma. A 2018 review found that incarceration before age 13 is associated with “substantially worse physical and mental health outcomes during adulthood, including worse adult general health, functional limitations, depressive symptoms, and suicidality.”<sup>5</sup> Given these serious emotional and psychological challenges, exposing young children to the legal system is likely to be traumatic, reopening emotional wounds and exacerbating mental health symptoms.

**There is broad support for establishing a minimum age.** The following organizations all support establishing a minimum age of 12: American Academy of Pediatrics, American Academy of Child & Adolescent Psychiatry, American Council for School Social Work, American Psychological Association, Clinical Social Work Association, National Association of Social Workers and Society for Adolescent Health and Medicine. Maine’s own law limits the detention of youth under age 12<sup>6</sup> and prohibits the commitment of youth under age 12 to Long Creek Youth Detention Center.<sup>7</sup>

Knowing that **overrepresentation of youth of color in the justice system starts young and at early decision-making points** in both the school (expulsion) and justice (arrest) systems, establishing minimum age would reduce the overall number of justice system-involved and help reduce the overrepresentation of youth of color at all stages.

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<sup>4</sup> [Safely Home: Reducing youth incarceration and achieving positive outcomes for high and complex need youth through effective community-based programs](#). (June 2014). Youth Advocate Programs, Inc.

<sup>5</sup> [Child incarceration and long-term adult health outcomes: a longitudinal study](#). Int J Prison Health. 2018 March 12; 14(1): 26–33. doi:10.1108/IJPH-09-2016-0052.

<sup>6</sup> See 15 M.R.S.A. § 3203-A(4)(G) *Notwithstanding any provision of law to the contrary, a juvenile who has not attained 12 years of age may not be detained at a secure detention facility for more than 7 days except by agreement of the parties.*

<sup>7</sup> See 15 M.R.S.A. § 3314(1)(F) *The court may commit the juvenile to a Department of Corrections juvenile correctional facility, except that, beginning October 1, 2021, the juvenile must be at least 12 years of age at the time of commitment to be committed to such a facility and 34-A M.R.S.A. § 3805(1-A) Eligibility. Beginning October 1, 2021, only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 12 years of age or older at the time of commitment may be committed to the facility pursuant to this subchapter and Title 15, Part 6.*

**It's time for Maine to join the many other states who have established a minimum age.** Twenty-three states, including Maine, have no minimum age at which a child can be arrested and processed in court. Over the past ten years, the number of states with such minimum age statutes has increased significantly, from one-third of states in 2014 to just over half of states as of 2024.<sup>8</sup> Maine and Rhode Island are the only New England states that have no minimum age of juvenile court jurisdiction (and RI has legislation under consideration).

We support this legislation as a good and important first step to establishing a minimum age for children to be adjudicated. And we would encourage the committee to consider if the age of 11 – a sixth grader – is too low, given the negative and harmful consequences that are evident for children and youth who are thrust into the criminal justice system at such a young age. For children to be successful in life, it is critical that we prevent the need for formal systems involvement that separates them from family and community at a critical time in their development, and instead, invest in home- and community-based solutions to address challenges.

Thank you.

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<sup>8</sup> Allie Smith, [Just Kids: Establishing a Minimum Age of Jurisdiction in Maine's Juvenile Court](#), 77 Me. L. Rev. 137 (2025).