

May 5, 2025

Submitted Electronically

Senator Pinny Beebe-Center
Representative Tavis Hasenfus
Joint Standing Committee on Criminal Justice and Public Safety
100 State House Station, Room 436
Augusta, ME 04333

RE: LD 1849: An Act to Establish a Minimum Age at Which a Juvenile May Be Adjudicated

Dear Senator Beebe-Center, Representative Hasenfus, and members of the Criminal Justice and Public Safety Committee,

My name is Jill Ward, and I am a resident of Portland, Maine. I have worked on juvenile justice policy and reform for more than 20 years and for the past decade have served as a policy consultant on juvenile justice and children's issues both nationally and here in Maine. Most recently, I served as a Senior Policy Advisor to the Administrator at the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. Currently, I direct the Maine Center for Youth Policy at Maine Law and have been involved in efforts to reform Maine's youth justice system, including serving as one of three co-chairs of the 2019 Maine Juvenile Justice System Assessment and Reinvestment Task Force.¹ My testimony is follow-up to information provided to the Committee this morning and represents my personal views only and not the position of the University of Maine School of Law or the University of Maine System.

Minimum age laws are a recommended national best practice because research shows that young children lack the capacity to fully understand court processes. Several Committee members were interested in the adolescent development research and brain science behind the recommendation that Maine establish a minimum age of juvenile court jurisdiction. In general, young children lack the capacity to fully understand what is happening in court or to participate in their defense in any meaningful way, and they are at greater risk of being physically harmed and emotionally traumatized by the experience.

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."² Research on brain science and adolescent development consistently finds striking 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.³ Maine's own law recognizes 14 as the age under which the state must demonstrate a child is competent to proceed in juvenile court.⁴

A detailed documentation and analysis of the research and Maine's history on this issue can also be found in a recent Maine Law Journal article, *Just Kids: Establishing a Minimum Age of Jurisdiction in Maine's Juvenile Court*.⁵

¹ For more information see, www.mainejjtaskforce.org.

² Grisso T, Steinberg L, Woolard J, Cauffman E, Scott E, Graham S, Loxton F, Reppucci ND, Schwartz R. Juveniles' competence to stand trial: a comparison of adolescents' and adults' capacities as trial defendants. *Law Hum Behav*. 2003 Aug;27(4):333-63. doi: 10.1023/a:1024065015717. PMID: 12916225.

³ Katner DR. Eliminating the Competency Presumption in Juvenile Delinquency Cases. *Cornell J Law Public Policy*. 2015 Spring;24(3):403-50. PMID: 26809160.

⁴ 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.*

⁵ Allie Smith, [Just Kids: Establishing a Minimum Age of Jurisdiction in Maine's Juvenile Court](#), 77 Me. L. Rev. 137 (2025).

Research shows that formal involvement in the legal system increases the likelihood of reoffending, decreases educational achievement, and is unnecessarily harmful. Rather than providing a public safety benefit, formal system processing often has the opposite result: youth who have had some justice system involvement are more likely to reoffend than those who were effectively diverted from the system.⁶ Research studies consistently find that youth who've been arrested (and become known to authorities) are far more likely than their comparable peers to be arrested again in the future, especially if their cases are formally processed in juvenile court.⁷ Studies also consistently find that arrest and formal processing in the legal system significantly reduces the likelihood of completing high school, and dramatically reduces the odds of attending college.⁸ Children arrested during middle school are also far more likely than comparable peers to be held back in school, a powerful predictor of educational failure.⁹

Nationally, 90 percent of all court-involved children and youth have suffered at least one type of serious trauma (physical or sexual abuse, emotional abuse, neglect, serious illness or injury, witnessing community violence, loss of a loved one). 75% meet the diagnostic criteria for a mental health disorder, including 30% who suffer with post-traumatic stress disorder.¹⁰ 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. For these reasons, national children's health organizations including, the American Academy of Pediatrics, the American Academy of Child & Adolescent Psychiatry, the American Council for School Social Work, the American Psychological Association, the Clinical Social Work Association, the National Association of Social Workers and the Society for Adolescent Health and Medicine all support establishing a minimum age of juvenile court jurisdiction at age 12.

Maine has no established minimum age under which children are not subject to prosecution in court. Over the past ten years, the number of states with minimum age of juvenile court jurisdiction statutes has increased significantly, from one-third of states in 2014 to just over half of states as of 2024.¹¹ Just last month, Hawaii became the 27th state to enact a minimum age of juvenile court jurisdiction law, setting it at age 12.¹²

Maine and Rhode Island are the ONLY New England states that have no minimum age of juvenile court jurisdiction.

- New Hampshire has a minimum age of 13 with exceptions for violent crime.
- Massachusetts has a minimum age of 12.
- Vermont just amended its law in March raising the minimum age from age 10 to age 12.¹³
- Connecticut has a minimum age of 10 and there is proposed legislation to raise it to age 14.
- Rhode Island has no minimum age, but there is proposed legislation to establish a minimum of age 12 with exceptions for murder, manslaughter, and first-degree sexual assault.

⁶ Juvenile Justice Resource Hub, "Community-Based Alternatives: Key Issues," citing Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburger, "Formal System Processing of Juveniles: Effects on Delinquency," Campbell Systematic Reviews (January 29, 2010), 38. See also National Juvenile Justice Network, "Emerging Findings and Policy Implications from the Pathways to Desistance Study," (Washington, DC: 2012).

⁷ Lieberman, A. et al. [Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning](#), Justice Policy Center, Urban Institute (2014) and Wilson, H. and Hoge, R. [The Effect of Youth Diversion Programs on Recidivism: A Meta-Analytic Review](#), CRIMINAL JUSTICE AND BEHAVIOR, Vol. 40, No. 5, May 2013, 497-518.

⁸ David S. Kirk and Robert J. Sampson. [Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood](#), Sociology of Education, American Sociological Association, 86(1) 36–62. (2013).

⁹ Paul Hirschfield, [The Impact of Juvenile Justice Involvement on Educational Outcomes](#),

¹⁰ Dierkhising, C. and Ko, S. et al. [Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network](#). National Center for Child Traumatic Stress, University of California, Los Angeles, CA, USA and National Center for Child Traumatic Stress, Duke University School of Medicine, Durham, NC, US (2013).

¹¹ *Id.* at note 5.

¹² Hawai'i [House Bill 691](#), 2025.

¹³ Vt. [H.B. 2](#), 2025.

through 2024.¹⁴

14.¹⁵

should be approved.

Joe M. Ward

Jill M. Ward

jill.ward@maine.edu

¹⁴ [Raising the Minimum Age of Prosecuting Children](#), National Youth Justice Network, Washington, D.C.

¹⁵ United Nations Convention on the Rights of the Child (CRC), Committee on the Rights of the Child, [General Comment No. 24](#) (2019) on Children's Rights in the Child Justice System (2019): 6, CRC/C/GC/24.