

May 15, 2025

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

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

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

We, the undersigned, represent organizations who support the healthy and successful development of Maine children and their successful transition into adulthood.

We believe that very young children do not belong in the justice system and this bill rightly establishes a minimum age under which children should not be subject to the criminal legal system. Children this young 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.

Rather than providing a public safety benefit, formal system processing often has the opposite result: children and youth who have had some justice system involvement are more likely to reoffend than those who were effectively diverted from the system.¹ Arrest and subsequent system involvement also significantly reduces the likelihood of young people completing high school or attending higher education. Children arrested during middle school are far more likely than comparable peers to be held back in school, a powerful predictor of educational failure.

In general, children should be diverted from the legal system into other settings as part of a continuum of care in which they can obtain the stability, support, and individualized services they need to become healthy, productive adults. Handcuffs, courtrooms, and incarceration are ineffective and harmful responses for young children. Understanding the concern that these children still need to be supported, it is most appropriate for the Department of Health and Human Services to respond to the youngest children who would otherwise be justice-involved. Responding holistically and leveraging community resources through families, schools, and DHHS will balance the child's needs with the community's goals of public safety.

Numerous professional associations 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 support establishing a minimum age of juvenile court jurisdiction of at least 12.² Many of us signed a similar letter to the Judiciary Committee at its public hearing on legislation considered by the 130th Legislature, which sought to establish a minimum age of juvenile court jurisdiction at age 12. While that bill was not successful, LD 1849 would bring Maine in line with national best practice in juvenile court by establishing a minimum age of juvenile court jurisdiction where there is currently none.

¹ Juvenile Justice Resource Hub, "Community-Based Alternatives: Key Issues." citing Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg, "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).

² See [Health Group Statement of Support for Instituting a Minimum Age of Jurisdiction for Juvenile Justice Involvement](#), American Academy of Pediatrics, August 16, 2021.

We also support the sections of the bill that bring all criminal offenses youth may be charged with under Maine's juvenile code to be heard in juvenile court. Children do not belong in adult court and these provisions would ensure that children and youth under age 18 charged with criminal offenses are appropriately handled in juvenile court.

Respectfully submitted,

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