



*Testimony submitted to the Joint Committee on Children, Families and Persons with Disabilities
In support of S.48 An Act to promote the appropriate treatment of young children
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The League of Women Voters of Massachusetts supports policies that promote the well-being of all children, ensure their safety, and help them reach their full potential.

The League supports S.48 An Act to promote the appropriate treatment of young children, which would raise the age of delinquency from 7 years old to 12 years old.

Subjecting very young children to the criminal justice system is constitutionally problematic, as they are unlikely to be competent to stand trial. At present, children as young as 7 to 11 are being subjected to the criminal justice system at a time when they have limited capacity to understand the process or what is at stake and to exercise their rights in a meaningful way. Young children can be held accountable in more appropriate and effective systems, and there are already diversionary programs in place around the Commonwealth.

A National Academy of Science 2013 report articulated a “developmental approach” for holding juveniles accountable. Identified hallmarks of a developmental approach to juvenile justice include: accountability without criminalization; alternatives to justice system involvement; and individualized responses based on assessment of needs and risks.

Raising the age of juvenile delinquency is consistent with social science research regarding young children’s limited ability to fully appreciate and participate in judicial proceedings, and consistent with national practice regarding the capacity of very young children to participate meaningfully as defendants in a trial.

The League urges the Committee to consider the needs and capabilities of young children caught up in the judicial system and to report this bill favorably.

Thank you for your consideration.