



Testimony Re: Senate Bill 2046 - Relating to Delinquent and Dependent Children – Proceedings in Family Court

Senate Judiciary Committee

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Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony today. We would also like to thank Senator Acosta for sponsoring this important bill and Senators Gallo, Mack, DiMario, Quezada, Valverde, Vargas, and Murray for co-sponsoring. Rhode Island KIDS COUNT strongly supports Senate Bill 2046, which would prohibit the detention and/or commitment of children age 12 or younger at the Rhode Island Training School for any offense other than murder, first degree sexual assault, or an attempt to commit such offenses, and the Family Court determines that there is no other reasonable placement to ensure the safety of the youth and the general public.

Why younger children should not be incarcerated

Nationally and in Rhode Island, young children only make up a small portion of youth involved in the youth justice system. Rhode Island is **the only state in New England with no minimum age of jurisdiction, pre-trial detention, or commitment**. This bill ensures that elementary and middle school aged children 12 and younger are protected from early exposure to a correctional setting.

Youth justice systems have a range of options for monitoring and rehabilitating youth, including restorative justice programs, evidence-based treatment programs, probation, and incarceration. **Alternatives to incarceration have been shown to be more effective in preventing recidivism, more cost effective, and are often the more appropriate response to developmentally typical child and adolescent behavior that is often criminalized.**

Protecting public safety is critically important, and we recognize that children who engage in law-breaking behavior need to be held accountable. However, preventing future offending is best achieved in a setting that is conducive to addressing children's behavioral, mental health, and family needs. **Research clearly shows that incarcerating children can exacerbate criminal behavior and that children who are incarcerated are more likely to be arrested again in the future.** It is especially concerning and harmful for younger children to be placed with much older and more serious offenders. Research also demonstrates that youth in secure confinement experience a significant stagnation in psychosocial maturity including temperance, perspective and responsibility, essentially intensifying the issue that brought them in contact with the justice system to begin with.

What are young children capable of understanding?

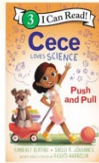
During adolescence, the part of the brain that controls reasoning, weighs consequences, helps youth consider the implications of their behavior, and is responsible for emotion regulation is still developing.

Elementary and middle school age children do not have the capacity to stand trial, meaningfully exercise their legal rights, or understand the system or implications of their behaviors at the level they are expected to. In fact, [the Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) stated that,

“Generally speaking, children younger than 12 have not matured enough to 1) understand competency and capacity as defined by the legal system, and 2) benefit from treatment available through [youth] justice interventions, especially programs that may have been designed for older [youth].”

S2046 would prevent elementary and middle school age children from interacting with an environment that was designed for much older youth. It is often difficult to imagine the state of mind of the very young children this bill would protect. This chart on young children’s comprehension levels is a compilation of popular books for kids at a Providence library location. Many of the books included in this chart still have pictures in them. Moreover, while the average age of youth at the RI Training School is 16, the average reading and math skills are at a 5th grade level.

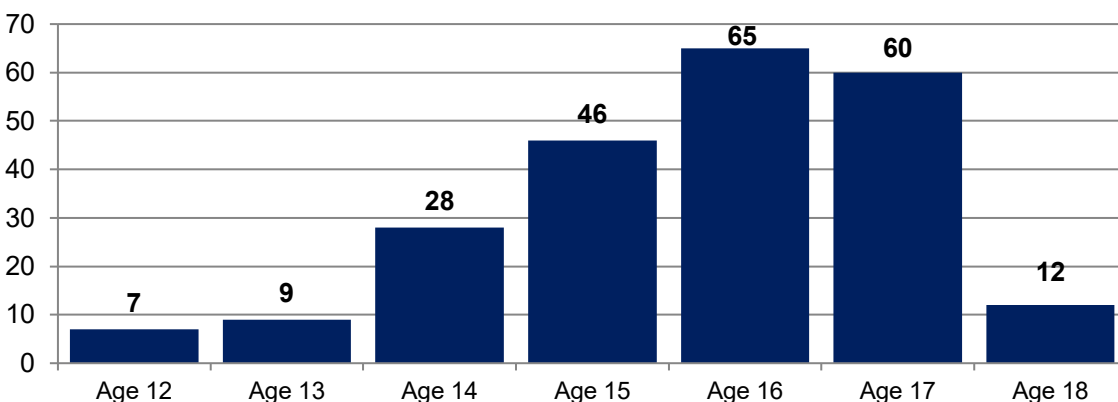
What is a young child’s comprehension level?

Age	Grade	Popular Books
9	3 rd -4 th	 
10	4 th -5 th	 
11	5 th -6 th	 
12	7 th	

How our youth justice system can better support younger children

During 2025, there were *only seven youth* held at the Training School at some point during the year who were 12 years old, **representing only 3% of the youth at the Training School during the calendar year** (see chart below).

Youth at the Training School, Calendar Year 2025



Source: Rhode Island Department of Children, Youth and Families, RICHIST (2025).

We know that the Family Court and DCYF work hard to find ways to address law-breaking behavior without sending children to the Training School, and we support their significant efforts. Children ages 10 and under committed about 1% of the offenses referred to Family Court during 2025, 3% were committed by children age 11, and 8% were committed by children age 12. The overwhelming majority of these children were not incarcerated.

Rhode Island has made tremendous progress in reducing the number of children held at the Training School. From 2008 to 2025, the annual total number of youth at the Training School decreased by 80%. This decline began when the General Assembly instituted a daily census cap of 148 boys and 12 girls at the Training School. **After 2008, we as a state needed to find creative solutions to comply with the census cap and reduce the number of youth held at the Training School, and we can be creative again to ensure young children have alternatives to detention.** Rhode Island has existing service providers capable of caring for children with serious issues and challenging behavior, and there are many service options that would be more appropriate and significantly more cost effective than incarcerating young elementary and middle-school-aged children at the Training School.

However, lack of placement options can result in children being inappropriately placed in the Training School. We as a state need to provide and fund alternatives to incarceration for all youth, and especially young, elementary and middle-school-aged children, and protect them from correctional settings that may harm their development. If this is the *only* option we can offer young adolescents, then this is a symptom of a lack of investment in appropriate community-based prevention, diversion, and mental health services – a symptom we can and must treat.

This legislation establishes into law what is already being practiced for all but a handful of children and adolescents referred to Family Court each year.

Senate Bill 2046 will ensure that the system prioritizes connecting young children and their families with community-based services and supports and help Rhode Island continue its path of youth justice reform. We urge passage. Thank you for the opportunity to provide testimony.

DID YOU KNOW?

Rhode Island has **no minimum age** of incarceration for youth.



Rhode Island is **the only state** in New England with no minimum age of jurisdiction, pre-trial detention, or commitment.

Research shows that incarcerating children can exacerbate criminal behavior and that children who are incarcerated are more likely to be arrested again in the future. It is especially concerning and harmful for younger children to be placed with much older and more serious offenders.

Alternatives to incarceration have been shown to be more effective in preventing recidivism, are more cost effective, and are often the more appropriate response to developmentally typical child and adolescent behavior that is often criminalized.

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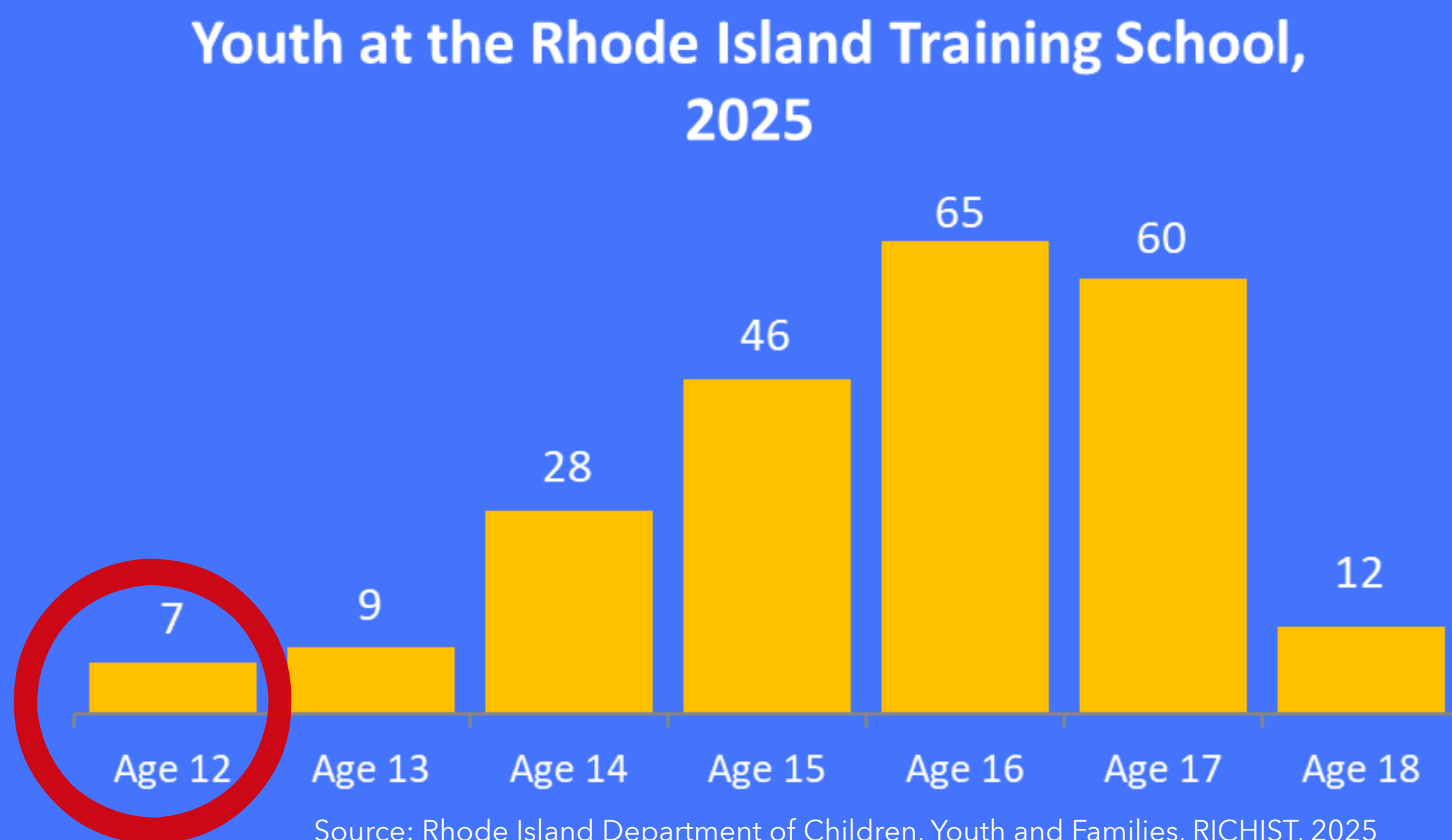
-The Office of Juvenile Justice and Delinquency Prevention

S2046 (Acosta) and H7818(Stewart) establish a minimum age of detention and commitment in Rhode Island.

How many children would need an alternative?

Fewer than 10 children a year would need an alternative to detention.

This is a small lift that would **dramatically impact the trajectory** of these vulnerable lives.



What about serious offenses?

Most young children commit low level offenses.

These bills have carveouts for VERY serious crimes such as murder, first degree sexual assault, or an attempt to commit such offenses. Any youth who commit these serious crimes, regardless of age, would still be sent to the Rhode Island Training School.

S2046 (Acosta) and H7818 (Stewart) will protect young children from the harms of incarceration.

If not the Training School, then where?

Most young children ages 12 and younger do not spend more than 1-3 days in detention before their court hearing, and are then referred to a program or service that both holds them accountable for their actions and is age appropriate for helping them learn from their mistakes. With that being the case, **it is hard to argue they needed to spend any time in detention.**

Simple alternatives can include keeping youth at home, having them stay with a relative or caring adult before their court hearing, and calling mobile response and stabilization services.