



Advocates for Children and Youth improves the lives and experiences of Maryland's children and youth by advancing policies and programs across multiple issue areas that tackle racial disparities and improve outcomes to ensure that every child has the opportunity to thrive.

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Testimony before the Judiciary Committee

In SUPPORT of House Bill 0418- Juvenile Law – Waiver and Transfer of Jurisdiction

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Thank you for the opportunity to provide testimony on House Bill 0418- Juvenile Law – Waiver and Transfer of Jurisdiction. Advocates for Children and Youth (ACY) SUPPORTS this bill.

This bill will establish technical changes in the transfer process for youth charged adults; these changes would remove significant impediments for young people and ensure that they receive a fair and equitable transfer hearing.

Judges consider five factors in a transfer or waiver hearing to determine whether the young person's case should be moved to the juvenile court or to the adult court. Current law states that judges should consider "physical condition," or appearance, as one of the five factors, which clearly biases a judge against some young people based on appearance that the youth has no control over. We should be removing biases and requiring judges to factor behavioral health or physical disabilities, not appearance. House Bill 418 establishes this change.

Currently, youth who have been waived to the adult system for a previous offense can automatically be waived to the adult system for a subsequent juvenile offense, without a full and fair hearing. "Once an adult, always an adult" procedures are destructive to youth's rehabilitation outcomes and preclude valuable opportunities for treatment in the juvenile system. House Bill 418 would remove this ability, ensuring that judges make determinations based on current cases, not factoring in prior decisions.

Youth should not have to prove to the judge that they are youth and can benefit from services offered in the juvenile system. House Bill 418 would change the law



so that the burden of proof falls on the State in a transfer hearing, not on the youth and their attorney. Currently, defense attorneys and the youth must prove to the judge that youth belong in the juvenile system, indicating Maryland law's failure to recognize the capacity of youth to grow, mature, and age out of crime. Changing the system so that the State must prove that the youth should not be transferred provides youth a fair hearing and ensures that the judge sees youth as they are: children, who are amenable to change and treatment in the juvenile system

We urge this committee to issue a favorable report on House Bill 0418