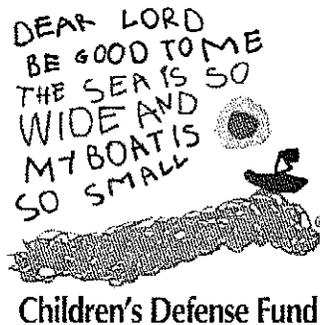


**Statement
of
Marian Wright Edelman
President, Children's Defense Fund**



Hearing on the Youth PROMISE Act

**Before the
Subcommittee on Crime, Terrorism and Homeland Security
of the
House Committee on the Judiciary
U.S. House of Representatives
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Good afternoon. I am Marian Wright Edelman, President of the Children's Defense Fund (CDF). I appreciate the invitation to testify today before the Subcommittee on Crime, Terrorism and Homeland Security of the House Committee on the Judiciary on the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education Act (Youth PROMISE Act). CDF lends its full and enthusiastic support to the Act and what it promises for the children and youth of our nation. It gives many of our children who now have no hope, the chance to have safe, nurturing lives and productive futures. It gives us all hope for a better tomorrow.

The Children's Defense Fund has worked very hard for 36 years to ensure every child in America a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities. CDF seeks to provide a strong, effective and independent voice for *all* the children of America who cannot vote, lobby, or speak for themselves, but we pay particular attention to the needs of poor and minority children and those with disabilities. CDF encourages preventive investment in children before they get sick, get pregnant, drop out of school, get into trouble, suffer family breakdown, or get funneled into the dangerous Cradle to Prison Pipeline.

The Cradle to Prison Pipeline is a growing national crisis lodged at the intersection of race and poverty. A Black boy born in 2001 has a 1 in 3 chance of going to prison during his lifetime; a Latino boy a 1 in 6 chance; a White boy and a Black girl a 1 in 17 chance; a Latina girl a 1 in 45 chance; and a White girl a 1 in 111 chance. Hundreds of thousands of children and youth are being funneled into the pipeline each year, so many at younger and younger ages. Most do not receive the help they need to prevent them from entering or help them get out at the earliest possible moment and get into a pipeline to college and productive work. Incarceration is becoming the new American apartheid and poor children of color are the fodder. We must take action now, and that is why we are so pleased to see the growing support for the Youth PROMISE Act.

Challenges Pulling Children and Youth into the Cradle to Prison Pipeline and Keeping Them There

The Cradle to Prison Pipeline crisis reflects the lack of a level playing field for all children and our nation's failure to value all children's lives equally.

Many poor babies in rich America enter the world with multiple strikes already against them and never, ever get on the track to successful adulthood. A child is born into poverty every 33 seconds, is born without health insurance every 39 seconds, is abused or neglected every 40 seconds, is born to a teen mother every 60 seconds, and is killed by guns every 3 hours. And, as life progresses, many children experience multiple risks which accumulate and overwhelm fragile child lives. We know from research that a young child exposed to six or more risk factors is ten times as likely to commit a violent act by age 18 as one who experiences only one or a few risk factors.

Overburdened and underfunded child welfare systems in states across the country are one of the major feeder systems into the cradle to prison pipeline and a perpetrator of racial disparities. A National Institute of Justice study reported that being abused or neglected as a child increased the likelihood of arrest as a juvenile by 59 percent. Abuse and neglect increased the likelihood of adult criminal behavior by 28 percent and violent crime by 30 percent.

- Low family income increases the likelihood that children will come to the attention of public systems and be identified as abused or neglected. Children in families with annual incomes less than \$15,000 are 22 times as likely to be abused or neglected as children in families with annual incomes of \$30,000 or more
- Twice as many Black children are in foster care as we would expect given their representation among all children. Although they constitute 15 percent of the child and youth population, they account for 32 percent of children and youth in foster care.
- Children who age out of foster care experience more serious mental health problems than children generally, are less likely to receive adequate health and mental health care, and are more likely to experience homelessness and to be involved in the criminal justice system.

We must act now with urgency to stop the growing criminalization of children at younger and younger ages and tackle the unjust treatment of minority youths and adults in the juvenile and adult criminal justice systems.

- Black juveniles are more than four times as likely as their White peers to be incarcerated. Black youths are more than five times as likely to be incarcerated as are white youths for drug offenses.
- Blacks constitute one-third and Latinos one-fifth of our imprisoned population. One in three Black men, 20 to 29 years old, is under correctional supervision or control. Unjust drug sentencing policies have greatly escalated the incarceration of minority adults and youths.
- At mid-year 2008, there were more than 2.3 million persons incarcerated in the United States. Black males are more than 6.5 times as likely as White males to be incarcerated.

And the cycle continues with 1.7 million children having a parent who is imprisoned. Black children are seven times, and Latino children almost three times, as likely as White children to have a parent who is imprisoned. Studies have shown the increased risk that children with an incarcerated parent face in becoming incarcerated themselves. The past continues to strangle the present and the future.

their strengths and offer them the comprehensive supports they need. Law enforcement and the justice system also need to embrace the importance of investments in these other areas and at the same time redirect their resources toward prevention and early intervention.

The Act Promotes Shared Responsibility between All Levels of Government and Among Government, Communities, Families and Youths

The Youth PROMISE Act recognizes that no single or just a few organizations can tackle this crisis alone. It makes clear that serving youths involved in, or at risk of involvement in, juvenile delinquency and criminal street gang activity must be a joint federal, state and community responsibility, and that youths must be engaged from the beginning. The PROMISE Coordinating Councils will bring to the table the multiple local agencies and Indian tribal organizations that are needed to keep youths out of the delinquency system and criminal street gangs, and also the community leaders, parents and nonprofit organizations already serving these youths. Each of the councils will assess its own community's needs and strengths, evaluate current funding priorities, and then develop a comprehensive plan for implementing evidenced-based and promising prevention and intervention strategies. CDF is especially pleased that the PROMISE Coordinating Councils will be required not only to connect youths to evidence-based and promising approaches but also to address the needs of youths already in the system. In planning they must include the legal defense of groups disproportionately represented in the delinquency and criminal justice systems, and training for court staff on the developmental needs, challenges and potential of youths already in the system.

The Act Focuses Resources on Communities and Youths Most in Need and Recognizes the Benefits of Individualized Approaches to Services and Treatment

The PROMISE Advisory Panel and PROMISE Coordinating Councils established by the Act will help ensure that resources are targeted on communities, youths and families most in need. At the same time it recognizes the importance of taking precautions against inappropriate profiling of youths. The PROMISE Plans, PROMISE Assessment and Planning Grants, and PROMISE Implementation Grants as structured recognize the need for individualized resources and approaches in different communities and for varying services and supports for youths with differing needs. One of the common characteristics of evidence-based and promising approaches to helping children across the country is their recognition of the need to focus on the individual needs and strengths of those being served. Families and youths need to be engaged in the planning and delivering of services.

The Act Gives Special Attention to the Need for Comprehensive Gang Prevention and Relief

The Youth PROMISE Act recognizes that the key to gang prevention is not increased federal prosecution of more youths by federalizing certain gang crimes or implicating more youths in communities. It is not higher penalties and more incarceration. Instead,

be new investments over and above what the local entities would otherwise have available for these purposes. Any savings sustained from the new investments in prevention and intervention must be reinvested in other activities in the PROMISE Plan. There is also a requirement that local investments be maintained over time. All of these provisions are key to ensuring that youths truly will benefit from the services and treatment under the Youth PROMISE Act. Too often there is little attention given to how to maintain investments over time that can improve outcomes for children and youths.

The Act Supports the Need for Federal Leadership to Increase Federal Attention to Crime Prevention and Intervention in Existing Programs

New investments will not have the impact desired if existing public dollars and other resources continue to fund detention and incarceration at the expense of prevention. The PRECAUTION Act, new to the Youth PROMISE Act in this Congress, will establish a National Commission on Public Safety through Crime and Delinquency Prevention, which will help to examine the extent to which the federal governments' law enforcement plans are incorporating crime prevention strategies. At the same time, the National Institute of Justice will have funding to implement effective evidence-based strategies that can then be incorporated in existing federal programs.

The Act Maximizes the Impact of Investments in Evidence-Based Practice and Promising Approaches by Ensuring the Ongoing Exchange of Information on Outcomes and New Research Findings

The Youth PROMISE Act recognizes the importance of sharing widely findings from the work of PROMISE Coordinating Councils so the benefits of activities can be maximized. It increases the likelihood that it will be a two-way exchange by establishing a new National Research Center for Proven Juvenile Justice Practices that will keep abreast of local practices and also notify PROMISE Coordinating Councils and the broader public about research and other information on evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention. Anticipated collaborations between PROMISE Coordinating Councils and institutions of higher education in their areas will also be valuable in promoting helpful research to promote more effective policies and practices.

Ensuring a Strong Health Care Safety Net to Give Children Every Opportunity for a Healthy Start in Life

As we work together to shift the paradigm to prevention and early intervention from delinquency and incarceration, as the Youth PROMISE Act does so well, we must also take other steps to level the playing field for children and families across the country if we are to truly dismantle the Cradle to Prison Pipeline and replace it with a pipeline to success for the millions of children excluded from America's dream. Despite the best efforts of all of the stakeholders in PROMISE communities and the new energy at the

1. Health Coverage Must be Affordable. All children and pregnant women must have affordable health coverage with a national eligibility floor of 300 percent of the Federal Poverty Level (\$66,150 for a family of four).

Just as all senior citizens are entitled to a health safety net and all children in the U.S. are entitled to a free public education, all children should be entitled to affordable and accessible health care wherever they live. The high number of uninsured children exacts a high health, economic and social toll on these children, their families and our nation. Research shows that uninsured children are almost ten times as likely as insured children to have an unmet medical need, and the consequences of untreated conditions are likely to continue to adulthood. Undiagnosed, untreated and poorly managed health and mental health problems increase a child's chances of falling behind in school or having disciplinary problems and decrease a child's chances of succeeding in and out of school. The lack of access to needed community-based mental health services causes thousands of children to go into foster care for help and the unnecessary incarceration of thousands of children and youths in costly juvenile detention facilities solely to receive those needed mental health services.

All children deserve a fair playing field on which they can survive and thrive regardless of the state they live in or their family status. Yet currently each state sets its own income eligibility levels for CHIP and Medicaid within broad federal guidelines and this has resulted in a profoundly inequitable patchwork of eligibility across the country. Thirty-three states have children of different ages eligible for different benefit levels. Is a child in one state more worthy of comprehensive health coverage than a child in another state, or is a 5-year-old more deserving of care in a state than a 7-year-old in the same state? Of course not. Congress must not leave children's ability to survive, thrive and learn to the unjust lottery of geography.

Another key aspect of affordability is the need to help families pay premiums and a portion of the costs of care their children need. There are cost sharing protections now in CHIP and Medicaid that must be preserved in the new health reform package, for in no case should vulnerable children be worse off under health reform.

2. All Children Must Have Comprehensive Health and Mental Health Coverage

All children need a benefit package that reflects their unique health care needs and is designed to support their sound development. Children in Medicaid are now guaranteed regular and periodic screenings and assessments throughout their youth, the full range of comprehensive primary and preventive coverage they need, and all medically necessary treatment to address health, mental health and developmental problems and chronic health conditions identified through these screens. Particularly relevant to our focus today on troubled youths, this comprehensive benefit package also gets health care to children where they are most likely to be, including child care programs, schools and mobile vans that come to their neighborhoods. It also covers case management and other supports to help ensure children benefit from the treatment they receive.

The challenges to dismantling the Cradle to Prison Pipeline are enormous but so are the opportunities. I applaud Chairman Scott and Representative Castle for developing and promoting, with the 224 co-sponsors, the Youth PROMISE Act, which takes such very important steps forward in helping to dismantle the pipeline. The Children's Defense Fund and I personally look forward to helping you ensure its enactment so we can make prevention and early intervention not just the right message for children but the right solution for children. I also urge you all to ensure that any final health reform package approved by the Congress will give all children in America the comprehensive health and mental health support they need and will make sure that they are better—not worse—off.

It is absolutely imperative that we develop and implement comprehensive program, practice and policy solutions that keep our children on the road to successful adulthood. This is the only way that we will create a nation and world that is safe, free and filled with the opportunities about which too many children now only dream. Thank you.