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Legislation Introduced to Protect Children's Rights

January 28, 2019 -- Hawaii state representative John Mizuno has introduced legislation to protect the rights of children who come into contact with the criminal justice system.

International human rights norms, adolescent brain and behavioral development science, and evolving legal standards by the U.S. Supreme Court continue to change the way the nation treats children in the justice system. In its 2011 landmark decision *J.D.B. v. North Carolina*, the U.S. Supreme Court ruled that the age of a child defendant is relevant when determining whether or not law enforcement must administer Miranda warnings to a child in police custody. A year later, the court ruled in *Miller v. Alabama* that "youth diminishes the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes."

"One of the most important duties we have as lawmakers is to protect and advance the human rights of our children," said Hawaii Representative John Mizuno. "Nowhere is this more needed than in our criminal justice system where too often we treat children as if they were adults. Current policies allow children to be interrogated and sentenced with no regard for their child status. This is contrary to the spirit of Aloha which is codified in State [Statute](#), our Hawaiian values, and to basic human rights. That is why I have introduced [HB 217](#) and [HB 218](#) to ensure greater fairness and equity when our children come into contact with the criminal justice system. These bills will ensure that children consult with an attorney before they waive their Constitutional right to counsel and that if convicted, judges have greater discretion to depart from harsh sentences in appropriate cases involving child defendants. We must do better by our children, even when they make mistakes. These bills are a recognition and a promise to do just that."

Recently, legislatures in Nevada (2017) and the District of Columbia (2016) have passed new laws limiting the application of mandatory sentences to child defendants and State Supreme Courts in Iowa and Washington state have issued similar rulings. Last year, California became the first state to require children under the age of 16 to consult with an attorney before he or she is interrogated by police or before they waive their right to legal counsel.

"In every aspect of our society we must ask if we are doing everything we can to ensure that our children can grow up to pursue their dreams and reach their full potential," said James Dold, President of Human Rights for Kids. "This includes children in the justice system too, most of whom have unaddressed early childhood traumas and unmitigated [adverse childhood experiences](#). When children make mistakes we have a responsibility to protect

their rights and do all that we can to provide them with treatment and reintegrate them back into society. We are grateful to Representative Mizuno and applaud his leadership and dedication to children's rights.”

Human Rights for Kids is a non-profit organization dedicated to the promotion and protection of the human rights of children. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States and around the world. We work to protect children from harm; reform justice systems to ensure society focuses on rehabilitating children who come into conflict with the law; protect immigrant, non-native children from harm and discrimination; promote access to quality education for all children; and promote healthy communities for children to ensure access to housing and health care.

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