

# Twelve is not “adult enough” for adult court



By Laura Nicks

**Picture a 12-year-old sitting in a courtroom, listening as adults debate whether they should be prosecuted as an adult.** That isn't a rhetorical exercise. It's a real possibility when our laws allow children, still barely out of elementary school, to be treated like fully formed adults in the justice system.

I know what happens when the system decides a child is “adult enough” to punish. At 17, I was sentenced to die in prison. I served 32 years before I came home. I'm not writing to minimize harm or pain. I'm writing because I've lived the consequences of policies that treat kids as disposable and because Hawai'i has a chance to choose a smarter path with Senate Bill 2108.

Transfer to adult court is often justified as necessary for the “most serious” cases. But the question Hawai'i should be asking is: **what does transfer actually produce: accountability and safety, or deeper trauma and a higher likelihood of future harm?** SB 2108 is necessary because it strengthens the guardrails judges must apply before a child is pushed into the adult system, and it keeps Family Court focused on rehabilitation where it belongs.

The facts are clear: children who end up in the adult system are overwhelmingly children who have already survived adult-sized adversity. In Human Rights for Kids' *The Childhood Trauma-to-Prison Pipeline*, based on [responses](#) from **more than 2,200 individuals in 38 states**, the **average ACE score was 6.31** - a level of childhood trauma associated with serious lifelong harm. For those who experienced abuse, the **average age of onset was just six years old.**

This is not a fringe pattern. The report found extremely high rates of childhood adversity: **77.45%** reported emotional abuse; **70.38%** physical abuse; **47.83%** sexual abuse. More than half reported neglect - **71.37%** emotional neglect and **51.93%** physical neglect. **80.64%** experienced parental separation, **66.92%** household substance abuse, and **59.41%** had an incarcerated household member.

These are the lives behind the charges. And when the system ignores this context, it doesn't erase trauma, it compounds it.

Hawai'i can do better and SB 2108 moves us in that direction.

The bill strengthens what courts must consider before waiving a child into adult court, including adverse childhood experiences, exploitation, and coercion. It also recognizes a reality too many people would rather not face: sometimes the child in court is not only accused of harm, they too have been harmed. HRFK's national data shows **31.01%** of respondents reported being trafficked, **27.55%** reported forced criminality, and **9.23%** reported that the victim or co-defendant in their case had sexually abused, raped, or trafficked them.

That is not a loophole. That is what it looks like when a justice system finally becomes honest about victimization, grooming, and adult influence in children's cases. None of this is about excusing harm. It is about choosing responses that actually reduce it. Public safety is not served by funneling children into an adult system built for punishment and permanence. It is served when we insist on accountability **and** interventions that address trauma, stabilize families, and build a real path away from future violence. SB 2108 is a necessary step toward a justice system that can hold kids responsible without throwing them away. Hawai'i lawmakers should pass it - and the public should demand nothing less.

### **About Laura Nicks**

Laura Nicks is an Arkansas-based juvenile justice reform advocate with Human Rights for Kids. Sentenced to life without parole at 17, she served more than 32 years in prison before her release in 2017.