

**Marilyn Gabriel, PhD, LICSW  
Gabriel and Gabriel, LICSW PLLC  
PO Box 223, Grafton, VT 05146**

House Judiciary Committee

Testimony Regarding Bill S.190

March 29, 2024

Thank you for inviting my comments regarding Bill S.190 that could extend the age for testimonial accommodations from sexual abuse victims who are 12 years old to 16 years old and extend this same accommodation to serious physical abuse victims.

By way of introduction, I hold a doctoral degree and am licensed as an independent clinical social worker. I have been working with children, many who were victims of abuse, since the 1980's. I have an Advanced Certificate in Forensic Social Work and for the last six years, I have been working with state prosecutors testifying on the behalf of victims related to 804a. It is so important that you consider strengthening the protections for young crime victims in Vermont.

Scientific research has found many factors are involved in how a person develops over time. We have a better understanding of the individual, not just from a brain perspective but from the complexities of culture, environment, and the differences between individuals even as young as 16 years old. Simply put, no two people are alike, and one size cannot fit all. Using 12 years old as an age limit for testimonial accommodations is far too limiting given the vast number of factors that can account for individual differences and their corresponding needs as a crime victim.

It is well established that the brain undergoes a "rewiring" process that is not complete until about 25 years of age. The adolescent brain is quite vulnerable during the ages of 10-25 due to the hormonal changes that result in significant physical, cognitive, and social-emotional development. This can be a time of great turmoil and studies suggest a period when youth are much more likely to experience problems with substance abuse and other risky behaviors. Because of these inherent vulnerabilities, even for more well-adjusted, healthy youth, having a broader age of protection for testimonial accommodations recognizes this critical developmental period. <sup>1</sup>

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<sup>1</sup> Gavin L, MacKay AP, Brown K, et al. (2009) Centers for Disease Control and Prevention (CDC) Sexual and reproductive health of persons aged 10–24 years – United States, 2002–2007. *MMWR Surveill Summ.* 58(6):1–58.

Arian, M, Haque, M, Johal, L., Mathur, P., Wynnand, N., Rais, A., Sandhu, R., Sharman, S. (2013) Maturation of the adolescent brain. *Neuropsychiatric Disease and Treatment*, vol. 9.

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In the field, we also know that many individuals experience “Adverse Childhood Events” (ACE’s) and these increase our chances of later health and mental health problems.<sup>2</sup> The ACE’s involve stressors like growing up in families with alcohol or drug problems, a family member in jail, economic problems or housing insecurity, neglect, abuse, or witnessing violence. 64% of us have experienced at least one ACE. About 18% have experienced 4 or more. Many youth who are victims of sexual or physical abuse have experienced one or more ACE’s. The presence of these factors is a hidden vulnerability and does not qualify as a mental health problem, *so they won’t meet criteria for any other testimonial protections*. ACE’s have a compounding effect and, later in life, are associated with higher rates of addiction, depression, chronic illnesses, suicide, and other health or mental health problems. By extending the age to 16 for testimonial accommodations, we are recognizing the need for protections for youth who are grappling with these stressors like poverty, housing insecurity or domestic violence. These are youth who do not have the safety net of a stable and protective home, are vulnerable, and need formal protections.

Many of these older youth have not started the recovery work to process their trauma. They are often in survival mode with no real control over their lives and only limited supports. From a social-emotional perspective, they still have not developed much insight or self-awareness. They need these testimonial accommodations because of the risks of further traumatization.

Finally, it is important to keep in mind that every person is unique, and all youth develop at different rates according to various factors like genetics, environment, their wellbeing, health, and history. By increasing the age to 16, it allows the court to bring these individual needs into better focus and with greater discretion.

Respectfully submitted,



Marilyn G. Gabriel, PhD., LICSW

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<sup>2</sup> Centers for Disease Control and Prevention, Adverse Childhood Experiences online website