

Adultification Bias Against Black Girls



DEFINITION: *The perception of Black girls as older and less innocent than their white peers.* Research shows that Black girls face this form of discrimination when they are as young as 5 years old. Adultification bias is a unique form of intersectional bias against Black girls — *rooted in a combination of their sex, age, and race.*

A FORM OF IMPLICIT BIAS: Adultification bias reflects *automatic assumptions* about Black girls without any individuating contexts. It is a form of bias based on unconsciously rendered stereotypes. Operating as a bias, it can affect judicial findings of fact, adjudication, and disposition.



Racial and Ethnic Disparities in the Juvenile Justice System. The data is clear: Black girls experience harsher outcomes in the juvenile justice system. They are disproportionately arrested, are less likely to be diverted out of the system, and are confined for longer periods for the same level of offense. For example:

Adultification Bias as a Cause of Disparities. Adultification bias is likely one cause of these disparities, resulting in outcomes that contradict the rehabilitative mission of the juvenile justice system. Black girls experience adultification bias in unique ways that judges should recognize so that the juvenile justice system can achieve greater equity in judicial outcomes – because studies show that when bias is recognized and addressed, it can be overcome.

- Black girls are **2.7** times more likely than white girls to be referred to juvenile justice and are 1.2 times more likely to be detained.
- Black girls are **three times** more likely to be removed from their homes and placed in state custody than are white girls.
- Prosecutors are **20%** more likely to formally petition in cases involving Black girls than in cases involving white girls.
- Judges consistently hand down **more severe dispositions** to Black girls than to white girls, even after accounting for seriousness of the offense, prior record, and age.
- The placement rate for all girls between ages 10 and 17 is 21 per 100,000 girls, yet Black girls are incarcerated at over 2.5 times the rate of white girls (46 per 100,000)

1. UNDERSTANDING ADULTIFICATION BIAS AS A ROOT CAUSE OF DISPARATE LEGAL OUTCOMES

A. Subconsciously Treating Black Girls as if they Were Adults

When judges subconsciously view Black girls as less innocent than their age merits, they are more likely to further believe that Black girls need less compassion, nurturing, and leniency than white girls of the same age. This contradicts Supreme Court precedent that children must be treated differently — more leniently — than adults. When judges view Black girls as adult-like and less innocent, they are more likely to render harsher decisions than white girls of the same age, in ways that contradict the science of brain development.

It also contradicts Supreme Court precedent, which has recognized the constitutional differences between children and adults in judicial decision making, including:

- The inability to self-regulate,
- Vulnerability to peer pressure and similar influences, and
- Limited ability to evaluate risk and consequences.

As held in *Roper v. Simmons*, and then affirmed and expanded upon in *Graham v. Florida*, *Miller v. Alabama*, and *Montgomery v. Louisiana*, these differences, grounded in biological and maturational development, mandate more lenient treatment for all children – regardless of their race or gender.

“[O]ur history is replete with laws and judicial recognition that children cannot be viewed simply as miniature adults.” — J.D.B. v. North Carolina

B. The Influence of Adultification Bias On Decision-Making Points In The System.

When Black girls are misperceived as more sexualized, they may be unfairly punished when they are victims of gender-based violence. Similarly, when Black girls are seen as threatening and not innocent/childlike, they are more likely to be assigned culpability and denied leniency and compassion. Examples of the effects this bias include:

- Evaluations of Juvenile Competency to Stand Trial
- Harsher Sentencing Recommendations for Black Girls

“We agree that adultification may detrimentally affect children of color at criminal sentencings.” — Washington State Court of Appeals

“As competency and maturity are intertwined, children who are adultified and viewed as more mature may also be more likely to be viewed as competent and able to participate fully in the legal process in the eyes of the court – ... despite their biological age and/or developmental status.” — Polito & Berryessa (2024)

2. STRATEGIES TO PREVENT ADULTIFICATION BIAS FROM INFLUENCING DECISION-MAKING: TREAT BLACK GIRLS AS CHILDREN, NOT AS ADULTS.

A. Bias Interruption in the Courtroom

One of the ways to address our own potential biases is to stop and ask ourselves specific questions at every stage of the case. These may elicit some of our own biases we may not even be aware we hold.

a. Self-reflection inquiries can help identify when biases are impacting our decisions. The following questions have been adapted from the NCJFCJ Enhanced Resource Guidelines, as well as feedback from judges, which prompts judges to ask themselves at each decision point or hearing:

- What assumptions have I made about the cultural identity, genders, and background of this family?
- What is my understanding of this family's unique culture and circumstances?
- How is my decision specific to this youth and this family?
- How has the court's past contact and involvement with this family influenced (or how might it influence) my decision-making process and findings?
- What evidence has supported every conclusion I have drawn, and how have I challenged unsupported assumptions?

- How am I convinced that reasonable efforts (or active efforts in Indian Child Welfare Act (ICWA) cases) have been made in an individualized way to match the needs of the family?
- Have I considered relatives as a preferred placement option as long as they can protect the youth and support the permanency plan?

b. Courtroom Communication: use language to maintain the sense that we are dealing with a child at all times.

- Address Black girls by using their first name; avoid use of adultifying terms like “young lady.” Avoid use of adult terms like defendant, perpetrator, convicted, and other identifying words that raise the tenor to adult offenses.
- Talk to Black girls. Ask them, *What is the best way for YOU to get in touch with your lawyer? Does the proposed court date work for you and your mom/dad? What do you think could happen if you aren't here on time?*
- Humanize Black girls. Utilize words that humanize and individualize the girl whose case is before the court.
- Avoid angry responses and speak to them in a compassionate manner. Seek to find reasons for such inappropriate behavior.

B. Judges as Stakeholders: Leading the way Toward Systemic Race and Gender Equity for Black Girls

As outlined above, Black girls receive disproportionately harsh treatment in the juvenile justice system. Uprooting systemic bias requires careful consideration and reform of the policies and practices that drive structural gendered racism. To eliminate these disparities, we must change systemic practices to ensure Black girls are treated equally.

- Training. Ensure that you and your judicial colleagues, stakeholders, and court staff are educated about implicit bias.
- Slow down the process. Because implicit bias is a shortcut to organize and categorize information, slow down the process of making decisions, induce deliberation, and ensure that decisions are based in fact, rather than an aggregate of
- biases. Schedule hearings with critical case decisions when you are most alert and least fatigued in the day (this may be different for every judge),

remember that we are prone to decision fatigue, gather as much information as you can, and use checklists as reminder of what questions to ask.

- Engage in “de-biasing,” a practice of developing a greater
- appreciation of cultural communities different from our own,
- through active engagement with those communities.
- Question the information you receive from others. It is not enough to correct our own biases; we must also question others’ biases. (For example: a police report states “the juvenile had a belligerent attitude and she was uncooperative.” Are there specific facts to support that conclusion, or could the officer’s perception have been based on implicit or explicit biases?)
- Consider risk assessment indices and other tools. Do these tools adequately account for the age of the juvenile?
- Collect and act on progress. Collect data that can reflect patterns of improvement or persistent inequity in the outcomes of Black girls.
- Exercise leadership in dismantling bias. Collaborate and convene meetings of juvenile court stakeholders in the delinquency and child welfare systems to develop concrete plans to address bias.

“I think that... adults in general need to... be reminded that Black young girls are still kids.”
- Center on Gender Justice & Opportunity at Georgetown Law, Focus group participant, Age group 13-17

TRAINING AND ASSISTANCE

This bench card provides an introduction to the concept of adultification bias to support the end of the disparate treatment of Black girls in the justice system. Comprehensive training is strongly recommended in conjunction with use of this card. To connect with leading experts in the field of adultification bias, please contact the Center on Gender Justice & Opportunity at gender-justiceandopportunity@georgetown.edu.

BIBLIOGRAPHY & RESOURCES

Jamalia J. Blake & Rebecca Epstein, Georgetown L. Ctr. on Poverty & Ineq. (now the Center on Gender Justice & Opportunity at Georgetown Law), *Listening to Black Women and Girls: Lived Experience with Adultification Bias* (2019), <https://www.law.georgetown.edu/poverty-in-equality-center/wp-content/uploads/sites/14/2019/05/Listening-to-Black-Women-and-Girls.pdf>.

Rebecca Epstein, Jamalia J. Blake & Thalia González, Georgetown L. Ctr. on Poverty and Ineq. (now the Center on Gender Justice & Opportunity at Georgetown Law), *Girlhood Interrupted: The Erasure of Black Girls' Childhood* (2017), <https://www.genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/girlhood-interrupted.pdf>.

In re Pers. Restraint of Miller, 505 P.3d 585, 589 (Wash. Ct. App. 2022).

Isabella Polito and Colleen M. Berryessa, [The Neurobiological and Psychological Nature of 'Adultification:' Implications for Legal Decision-Making in Cases Involving Adolescents](#), *Youth Deviance, Crime, and Justice: The Neuro-Psycho-Criminological Perspective* (H.C. Chan & E. Svingen eds. forthcoming 2024).

A. Rochaun Meadows-Fernandez, *Why Won't Society Let Black Girls Be Children?*, N.Y. Times (Apr. 17, 2020), <https://www.nytimes.com/2020/04/17/parenting/adultification-black-girls.html>.

Kristen M. Budd, *Incarcerated Women and Girls*, The Sentencing Project (July 24, 2024), <https://www.sentencing-project.org/app/uploads/2024/07/Incarcerated-Women-and-Girls-1.pdf>.

Jamalia J. Blake & Rebecca Epstein, *Listening to Black Women and Girls: Lived Experience with Adultification Bias*, The Annie E. Casey Foundation, (2019), <https://www.aecf.org/resources/listening-to-black-women-and-girls>.

Other NCJFCJ Resources

- [Addressing Bias bench card](#)
- [Applying Principles of Adolescent Development in Delinquency Proceedings bench card](#)



This material was funded by the Annie E. Casey Foundation, and we thank them for their support; however, the findings and conclusions presented in this report are those of the author(s) alone, and do not necessarily reflect the opinions of the Foundation.