

**MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 120
Juvenile Law – Custodial Interrogation – Parental Consultation
DATE: January 18, 2024
(2/13)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. We comment only to note that the use of the term “custodian” could be read to, as it often is in juvenile law, the Department of Juvenile Services, if the child is in detention or community detention. The term may also be read to include a local department of social services, if the child is in that agency’s shelter or foster care. For a child in kinship care or another informal care arrangement, the term could be read to apply to the kinship caregiver or other caregiver. As a result, the bill would give the agency, the kinship caregiver, or the other caregiver authority to by-pass the child’s parent or guardian and decide independently whether the child should speak with an attorney, a decision with possibly vital consequences for the child. That may be the intention of the bill but, should that not be the intention, the Judiciary wanted to bring it to your attention.

cc. Hon. Ron Watson
Judicial Council
Legislative Committee
Kelley O’Connor