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HB269: Juvenile Law - Child Interrogation Protection Act
House Judiciary Committee
February 2, 2022
Position: Support

The Arc Maryland is the largest statewide advocacy organization dedicated to the rights and quality of life of children and adults with intellectual and developmental disabilities.

We support HB269 as we believe it will provide needed protections to children with intellectual and developmental disabilities. Often, children who become entangled in the legal justice system are questioned by law enforcement without a parent or attorney present. As a result, they face criminal charges, prosecution, and incarceration often without the basic due process rights to which adults are entitled. Without consideration for the due process rights of children, and supports to ensure those rights are upheld, our current system presents dangers for all children and particularly children with intellectual and developmental disabilities who may lack awareness or an appreciation for the severity of their situation.

Some children with disabilities may experience dysregulation of their emotions or have adverse reactions to their environment, causing them to become disruptive or even aggressive. In these situations, trauma-informed and restorative practices to include positive behavioral interventions are critical to safe and effective incident resolution. Unfortunately these practices are not uniformly employed in our schools. Students with disabilities, therefore, remain vulnerable to disciplinary responses from schools, and police involvement in incidents.

According to the Maryland Public Schools Arrest Data School Year 2018-2019(i), students with disabilities were referred to law enforcement 16% more often than students without disabilities. Also, in 2018-2019, Maryland students with disabilities made up 12% of the student population, but received 23% of school-related arrests(ii). We are hopeful that the committee will return a favorable report on HB269 to protect children from interrogation in the absence of their parents or their legal representatives.

Sincerely,
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i <http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20182019.pdf>

ii <http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20182019.pdf>