

OPPOSE SB 531 – Juvenile Restoration Act



TO: Chair Will Smith and Judiciary Com.
FROM: Phil Caroom, MAJR Executive Committee
DATE: February 7, 2025

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) opposes SB 531 which seeks to re-write the Juvenile Restoration Act to permit parents to cancel their children's right to counsel. When the Child Interrogation Protection Act was passed by the Maryland General Assembly, this same compromise was considered and rejected. It should be rejected again. Here is why:

Primarily, it should be recognized that the constitutional right to counsel belongs to the juvenile facing delinquency or criminal charges; the right does not belong to the juvenile's parent. Compare, e.g., In re Blessen H., 163 Md. App. 1, 13, 877 A.2d 161, 168 (2005), aff'd, 392 Md. 684, 898 A.2d 980 (2006) and In re Christopher T., 129 Md.App. 28 (1999).

This is particularly important because parents may have a conflict of interest on the question of a juvenile's waiver of the right to counsel. (Compare Nagel v. Hooks, 296 Md. 123 (1983), denying parents the right to waive a child's right of confidentiality as to communications with a psychologist in a child custody case.)

In a delinquency or criminal matter, parents often are the complaining witnesses against their own children; for example, many children are victims of a parent's abuse when accused of assault by a parent.

The question of waiver as to a juvenile's right to counsel is one which, under Maryland case law and current statute, should be determined by a judge who has the opportunity to consider all the circumstances. It should not be assigned freely to parents or to police in the name of efficiency.

For these reasons, MAJR urges an unfavorable report on SB 531.

PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary or any other unit of state government.