

**Testimony of The University of Baltimore School of Law's Sayra and Neil Meyerhoff  
Center for Families, Children and the Courts (CFCC)**

**In Opposition to HB 622**

**Juvenile Law - Custodial Interrogation**

TO: Chair Clippinger, Vice-Chair Bartlett and Esteemed Members of the House Judiciary Committee:

FROM: CFCC Executive Director Aubrey Edwards-Luce, MSW, Esq.

**February 26, 2025**

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. The CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities as we work towards transforming systems that create barriers to family well-being.

CFCC strongly opposes HB622 and respectfully urges the House Judiciary Committee to issue an unfavorable report on HB 622 which would permit law enforcement to conduct a custodial interrogation of child without the child's consultation with any attorney if the child's parent, guardian, or custodian consents. **HB622 would violate youth's rights, would fail to inform parents before they provide consent, and would allow law enforcement officers to engage in the unauthorized practice of law.**

**I. HB622 would violate youth's rights.**

Youths' Constitutional rights to counsel and against self-incrimination have long been confirmed by the United States Supreme Court.<sup>1</sup> Maryland law currently provides youth the right to consult with a private attorney or an attorney from the Office of the Public Defender prior to being subjected to a custodial interrogation by a law enforcement officer.<sup>2</sup> These rights belong to the youth by nature of their humanity and presence in the United States of America. Youth's rights to counsel can only be infringed upon to advance a narrowly tailored government of interest, which is to "protect against the threat to public safety."<sup>3</sup> Allowing a parent, custodian, or guardian's consent to be substituted for a youth's informed waiver functionally denies the youth's right without requiring a narrowly tailored government interest. HB622 would deny a right guaranteed by a youth's humanity and existence just because their parents' say so.

**II. HB622 does not inform parents before they provide consent.**

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<sup>1</sup> *In re Gault*, 387 U.S. 1, 32-55 (1979).

<sup>2</sup> Maryland Code Courts and Judicial Proceedings § 3-8A-14.2

<sup>3</sup> *Id* at (g)(1)(i) and (ii).

Custodial interrogation are frequently unpleasant experiences for youth that can have life-long negative consequences. Experts agree that a child's age alone increases the likelihood of a false confession during a custodial interrogation.<sup>4</sup> Under current Maryland law, police are allowed to trick and deceive youth during custodial interrogation. These tactics when used against the still-developing minds of youth can lead youth to provide false confessions. By allowing a parent's consent to stand in place of a youth's informed waiver, the parent may be exposing their innocent child to emotional or physical harm and the possibility of making statements that could close their child off to options for housing, employment, or participation in certain military or educational programs. Deciding to consent to your child's interrogation is the type of decision that parents should receive all the risks about beforehand.

To be clear, **a parent's consent should never take the place of the child's informed waiver.** But if HB622 were passed out of committee, it should at least be amended to ensure that parents informed of the risks of harm to themselves and their child, which should include the harm to their family's relationship if their consent leads to their child's wrongful adjudication.

For these reasons **CFCC strongly opposes HB622 and urges the committee issue an unfavorable report.**

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<sup>4</sup> Grove, Lauren J., et al., *Do Laypeople Recognize Youth as A Risk Factor for False Confession? A Test of the 'Common Sense' Hypothesis*, (Jun. 16, 2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8547885/>.