

House Bill 449
Juvenile Justice Restoration Act
Judiciary – February 12, 2026
UNFAVORABLE

Thank you for the opportunity to provide testimony in opposition to HB 449. I am a long-time resident of Montgomery County, where I previously served as a citizen member of its Commission on Juvenile Justice.

I do not support HB 449 because it would eviscerate the central due process protection provided by the Child Interrogation Protection Act, that is, the right for a child who has been taken into custody by law enforcement for interrogation to consult with an attorney before the interrogation. It does so by allowing a child's parent or guardian to waive this right on behalf of the child.

While CIPA appropriately requires the police to notify the child's parents or guardian when a child is taken into custody, it is access to an attorney that ensures that the child understands his or her constitutional rights and does not unknowingly waive them.

We know from science that youth often lack the psychological and cognitive capacity to knowingly, voluntarily, and intelligently waive their rights. They are susceptible to being intimidated and are vulnerable to police deception. They rarely understand the consequences of the interrogation. Children waive their Miranda rights at a rate of 90 percent.

While parents can provide invaluable support to a child in this situation, parents are poorly positioned to protect the child's best legal interests. Professor Cleary has identified 10 reasons why parent involvement is not enough to protect adolescents during custodial interrogations.¹

Allowing parents to step in and waive a child's right to consult with counsel, as HB 449 provides, can put a child at risk of devastating consequences, including falsely confessing to a serious crime.

Allowing young people to make false confessions does not improve public safety. Moreover, there are no benefits whatsoever when children are wrongly convicted. It is in the public interest to preserve the right of a child to consult with an attorney before being interrogated.

For these reasons, I urge an Unfavorable report for HB 449.

Carol Cichowski

¹ H. Cleary, "10 Reasons Why Parent Involvement Is Not Enough to Protect Adolescent Suspects During Custodial Police Interrogations," *The Champion*, National Association of Criminal Defense Lawyers (December 2022), <https://www.nacdl.org/Article/Dec2022-10ReasonsWhyParentInvolvementIsNotEnoughto>

