



Council on American-Islamic Relations

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Chair Sandy Bartlett
House Judiciary Committee
100 Taylor House Office Building
Annapolis, MD 21401

Re: Testimony Opposing HB 449 Juvenile Justice Restoration Act

Dear Chair Bartlett and Members of the House Judiciary Committee:

On behalf of the Maryland office of the Council on American-Islamic Relations Maryland (CAIR), we respectfully urge an unfavorable report on House Bill 449, the Juvenile Justice Restoration Act. CAIR is the nation's largest Muslim civil rights and advocacy organization. Our mission includes protecting civil rights, promoting justice, and advancing policies that ensure Maryland's legal system treats children in a manner consistent with research, fairness, and public safety.

HB 449 would significantly weaken existing critical legal safeguards that protect children during custodial interrogations and risks undermining both constitutional protections and the integrity of juvenile investigations.

Maryland enacted its current requirement that children consult with an attorney prior to custodial interrogation to address well-documented concerns regarding youth vulnerability in police questioning. Research consistently demonstrates that children, due to their developmental stage, are significantly more likely than adults to misunderstand their rights, comply with authority figures, and provide false or coerced statements - even when innocent.

HB 449 would erode these protections by allowing a child's parent, guardian, or custodian to consent to custodial interrogation without the child first consulting with an attorney. While parental involvement is valuable, parents are not trained legal advocates and may themselves feel pressured by law enforcement or misunderstand the long-term consequences of waiving legal consultation. This change places children at risk of making statements without fully understanding their constitutional rights or the legal ramifications of their responses.

Children require independent legal counsel, not substitute consent.

The current law appropriately recognizes that a child's constitutional protections cannot depend solely on parental decision-making. Parents may have conflicting interests, limited legal knowledge, or may unintentionally prioritize cooperation with law enforcement over protecting a child's legal rights. Independent legal counsel ensures that children receive accurate, confidential advice tailored specifically to their legal interests and developmental capacity.

Allowing parental consent to substitute attorney consultation removes a critical safeguard designed to prevent involuntary or unreliable statements. Courts across the country have recognized that youth interrogations present unique risks of false confessions and wrongful convictions, which ultimately undermine public trust and waste law enforcement resources.

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HB 449 risks producing unreliable evidence and undermining public safety.

Protecting children's rights during interrogations does not impede public safety; rather, it strengthens investigations by helping ensure that statements are reliable, voluntary, and legally sound. Statements obtained without proper safeguards are more likely to be challenged or excluded in court, jeopardizing prosecutions and potentially allowing serious cases to collapse.

Maryland's existing attorney consultation requirement promotes accountability and enhances the credibility of juvenile investigations. Weakening this protection increases the likelihood of contested confessions, litigation, and miscarriages of justice that harm both youth and victims.

Current law already provides a carefully tailored public safety exception allowing law enforcement to question a child without attorney consultation when necessary to address immediate threats. HB 449 is therefore unnecessary to protect urgent investigative needs and instead expands interrogation authority beyond what is required for safety.

Maryland has made meaningful progress toward aligning juvenile justice policy with modern research on adolescent brain development and fairness in legal proceedings. HB 449 would reverse that progress by prioritizing expediency over constitutional protections and developmental science.

Children deserve meaningful access to legal counsel when facing custodial interrogation - a moment that can permanently alter the trajectory of their lives. Preserving these safeguards protects not only individual rights but also the legitimacy and reliability of Maryland's justice system.

For these reasons, CAIR respectfully urges the Committee to issue an **unfavorable report on House Bill 449** and to preserve the critical legal protections that ensure Maryland's juvenile justice system remains fair, evidence-based, and constitutionally sound.

Thank you for your consideration and commitment to protecting Maryland's children and communities.

Sincerely,

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