



Testimony for the House Judiciary Committee

House Bill 449 – Juvenile Justice Restoration Act

Unfavorable

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AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

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The ACLU of Maryland opposes HB 449, which seeks to allow law enforcement officers to conduct a custodial interrogation of a child without the child’s consultation with an attorney if the child’s parent, guardian, or custodian provides consent. This change would unravel the core protections established by the Child Interrogation Protection Act (CIPA) and would place children, who are uniquely vulnerable in interrogation settings, at heightened risk of coercion, false confession, and violate their Constitutional rights to counsel and against self-incrimination.¹

CIPA was enacted to safeguard a child’s constitutional rights in an environment where their developmental limitations make them exceptionally susceptible to pressure. The law requires that when a child is taken into custody for interrogation, police must connect the child with an attorney who can explain their Miranda rights in age-appropriate, developmentally appropriate terms. The Office of the Public Defender maintains a 24/7 hotline to ensure immediate access to counsel. This system already gives law enforcement the practical tools they need to protect public safety while ensuring that children understand their rights.

Importantly, current law already includes a public-safety exception: if police reasonably believe a child has information about an imminent threat, they may question the child without first contacting a parent or attorney, so long as those questions are limited to addressing the

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

threat.² HB 449 is therefore not needed to address urgent safety concerns — those are already fully accounted for in the statute.

Instead, HB 449 would create a harmful loophole allowing law enforcement to bypass legal consultation altogether simply by turning to a parent or guardian for consent. That approach is deeply flawed. Research shows that custodial interrogations place children under immense stress, and standard police tactics, such as rapid-fire questioning, suggestion, deception, or threats are far more coercive for youth. These dynamics are *compounded* for children and parents whose first language is not English, who face additional pressure, confusion, and fear in these settings.

The data is clear:

- Children are three times more likely than adults to falsely confess during custodial interrogation.³
- False confessions routinely lead police away from actual threats and generate wrongful arrests, undermining, not enhancing public safety.

Ensuring that a child speaks with an attorney is therefore not a procedural formality; it is an essential safeguard against coercion, misinformation, and unconstitutional practices.

A child's Miranda rights belong to the child, not to their parent. Although we would all hope parents can guide their children, research consistently shows that most adults do not fully understand the scope or consequences of Miranda rights themselves.⁴ Studies show:

- Adults frequently hold misconceptions about these rights, including the belief that remaining silent can be used against them.

² COMAR § 3-8A-14

³ What's Best for Kids is Best for Everyone. January 2024. Maryland Youth Justice Coalition. https://www.md youthjustice.org/_files/ugd/42b2a9_db7a00a63fe74865a401276619ec705b.pdf

⁴ Sahdev, Hana. M. *Juvenile Miranda Waivers and Wrongful Convictions* *Journal of Constitutional Law*. May 2018. Vol. 20:5.

<https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1667&context=jcl#:~:text=As%20compared%20to%20adults%2C%20juveniles,children%20from%20providing%20false%20confessions.>

- Nearly half of adults struggle to accurately interpret the legal terminology associated with Miranda warnings.⁵

Even well-intentioned parents may inadvertently pressure a child to speak, mistakenly believing cooperation is always the safest choice. In reality, that pressure can profoundly harm the child, undermine the integrity of the investigation, and erode trust in the justice system.

HB 449 would take Maryland backwards. It would weaken critical protections the General Assembly has already put in place to ensure children are treated fairly and in a manner consistent with their developmental capacities and their constitutional rights. CIPA was enacted because children are different and because our justice system must account for those differences. HB 449 ignores that reality.

For these reasons, the ACLU of Maryland respectfully urges an unfavorable report on HB 449.

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⁵ Rogesrs, Richard et al. (2013) .*General Knowledge and Misknowledge of Miranda Rights: Are Effective Miranda Advisements Still Necessary?* Psychology, Public Policy, and Law | 2013, Vol. 19, No. 4, 432-442