

**Testimony of The University of Baltimore School of Law’s Sayra and Neil Meyerhoff
Center for Families, Children and the Courts (CFCC)
and
Center for Criminal Justice Reform (CCJR)**

In Opposition to HB 449

Juvenile Law - Custodial Interrogation

TO: Chair Bartlett, Vice-Chair Davis, and Esteemed Members of the House Judiciary
Committee
FROM: CFCC Executive Director Aubrey Edwards-Luce, MSW, Esq.

February 10, 2026

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law 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 and CCJR strongly opposes HB 449 and respectfully urge the House Judiciary Committee to issue an unfavorable report on HB 449 which would permit law enforcement to conduct a custodial interrogation of child without the child’s consultation with an attorney if the child’s parent, guardian, or custodian provides their consents. **HB 449 would undo recent progress made to protect the constitutional rights of children, and violate children’s rights, including by allowing parents to unknowingly consent to their child being deceived and distressed by law enforcement officers.**

I. HB 449 would violate the constitutional rights of children.

Youths’ Constitutional rights to counsel and against self-incrimination have long been confirmed by the United States Supreme Court.¹ 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.² 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.”³ Allowing a parent, custodian, or guardian’s consent to be substituted for a youth’s informed waiver functionally denies the child’s rights even when not required to protect against a threat to public safety.

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

² Maryland Code Courts and Judicial Proceedings § 3-8A-14.2

³ *Id.*, at (g)(1)(i) and (ii).

II. HB 449 would allow parents to unknowingly consent to their child being deceived and distressed by law enforcement officers.

Custodial interrogation are frequently distressing experiences for youth that can have life-long negative consequences, for youth and for the justice system. Under current Maryland law, police are allowed to trick and deceive youth during custodial interrogation. Substantial research demonstrates that these tactics, especially when used against the still-developing minds of youth, can lead youth to provide false confessions.⁴ Additionally, experts have found that a child's age alone increases the likelihood of a false confession during a custodial interrogation.⁵ False confessions can result in children being improperly confined. By allowing a parent's consent to stand in place of a youth's informed waiver, the parent may be exposing their 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, and is a right not intended to be easily waived.

False confessions are not just dangerous for the youth and families involved. They are terrible for public safety and for systemic legitimacy, which were all driving factors in the passage of the Child Interrogation Protection Act in 2022. These factors persist, including the durability of these rights. **A parent's consent cannot replace a youth's informed waiver.** For these reasons **CFCC and CCJR strongly opposes HB 449 and urge the committee issue an unfavorable report.**

⁴ Research shows that children are substantially more likely than adults to falsely confess to crimes they did not commit and to be especially vulnerable to deceptive tactics. See reference to numerous relevant studies here: <https://www.defendyouthrights.org/wp-content/uploads/Keeping-Cops-In-Line-Workshop-Resources.pdf>

⁵ 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/>.