



"Being here for Maryland's Children, Youth, and Families"

Testimony submitted to Senate Judicial Proceedings

January 27, 2022

**Senate Bill 53 – Juvenile Law – Child Interrogation Protection Act
Support**

The Maryland Association of Youth Service Bureaus, which represents a network of Bureaus throughout the State of Maryland, Supports SB 53 – Juvenile Law – Child Interrogation Protection Act. Youth Service Bureaus are community-based programs that work with youth and their families to decrease the likelihood of youth involvement or re-involvement with the Department of Juvenile Services. This bill will ensure that youth are fully informed of their rights before and during interrogation. We believe that this action corresponds with the State's movement toward a juvenile system that is developmentally informed.

A developmentally informed approach to juvenile justice recognizes the need to hold youth accountable for their actions while also offering them the resources and opportunities to divert them from future involvement with the juvenile justice system. It recognizes that youth are still maturing and that their brains are not fully developed until after age 24. Youth in custody should be afforded the right to counsel or parental guidance before speaking with law enforcement or waiving their rights. The Supreme Court held in *Gault* that children have the right to remain silent and that no child can be convicted unless compelling evidence is presented in court, under the due process clause of the 14th amendment. Yet, in Maryland, law enforcement is not required to inform a child or youth of their rights to have a parent or attorney present, that their statements can be used against them, and that they can request the interrogation to stop at any time. A child or adolescent needs the advice and protection of an adult in making decisions that can have great impact on their future, such as being questioned by law enforcement. This bill requires law enforcement to accurately inform children and youth of their rights, just as they do with adults.

Children, youth and their parents/caregivers need to not only know their rights but also how to access legal representation for the child. Maryland has no uniform process to appoint public defenders and no eligibility criteria for indigency. Parents with low income who need public defender services for a child face confusing procedures that vary from county to county.

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For example, parents may not have the required financial documentation or \$25 intake fee to apply for services immediately, or may not be aware that they must apply within a certain time period. This bill ensures that the child has legal representation before interrogation and thus allows parents and caregivers the opportunity to understand these systems and navigate them appropriately.

A developmentally informed system is also fair and works to ensure that all youth receive fair and equal treatment. This bill will assist the State of Maryland in addressing racial and ethnic disparities (RED) found in the juvenile justice system. Data in Maryland shows that youth of color are disproportionately impacted at each decision point in the juvenile justice system. Maryland data shows that of the total complaints received by DJS in 2021 (7129) 67% were youth of color. For Youth whose cases were formalized, (2941) 58% were youth of color. When one looks at youth committed to DJS care (323) 78% (252) were youth of color (Data Resource Guide 2021 for the Department of Juvenile Services). This bill will help ensure fair treatment for youth of color as currently they are more likely to move further into the juvenile system.

MAYSB believes that following a developmental informed approach to juvenile justice is important as it works to establish a fair and equal system for all youth and allows youth the opportunity to be held accountable for their actions while also offering them the resources to develop into to productive and responsible adults.

We ask that you give this legislation a favorable finding.

Respectfully Submitted:

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