

Maryland Alliance for Justice Reform

Working together for a criminal justice system that better serves our communities



To: Chair Sandy Bartlett and Judiciary Committee members
From: Phil Caroom, Bill Carlson, and Jenny Zito, MAJR Executive Committee
Subject: **UNF - HB0449 - Juvenile Justice Restoration Act**

February 12, 2026

The Maryland Alliance for Justice Reform (MAJR) asks you to oppose HB 0449, “Juvenile Justice Restoration Act”. This act would **not** restore juvenile justice; it would instead give parents or guardians the ability to cancel their child’s right to consult with an attorney before they are subject to custodial interrogation. This very same provision was considered and rejected three times in the past and should be again, for the following reasons:

The constitutional right to counsel belongs to the juvenile facing delinquency or criminal charges; the right does not belong to the juvenile’s parent. Compare, e.g., In re Blessen H., 163 Md. App. 1, 13, 877 A.2d 161, 168 (2005), aff’d, 392 Md. 684, 898 A.2d 980 (2006) and In re Christopher T., 129 Md.App. 28 (1999).

This is particularly important because parents may have a conflict of interest on the question of a juvenile’s waiver of the right to counsel:

- Compare Nagel v. Hooks, 296 Md. 123 (1983), denying parents the right to waive a child’s right of confidentiality as to communications with a psychologist in a child custody case.
- In a delinquency or criminal matter, parents often are the complaining witnesses against their own children. For example, many children are victims of a parent’s abuse when accused of assault by a parent.
- In addition, children are sometimes treated as accomplices, and encouraged to “take the rap” for a parent.

The question of waiver as to a juvenile’s right to counsel, under Maryland case law and current statute, should be determined by a judge who has the opportunity to consider all the circumstances. It should not be assigned to parents or to police in the name of efficiency.

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this legislation and urges the committee to give HB 0449 an unfavorable report.

PLEASE NOTE: Phil Caroom offers this testimony for the Maryland Alliance for Justice Reform and not for the Maryland Judiciary or any other unit of state government.

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