



RHODE ISLAND KIDS COUNT

ONE UNION STATION
PROVIDENCE, RHODE ISLAND 02903
401/351-9400 • 401/351-1758 (FAX)

Testimony Re: H-5298, An Act Relating to Delinquent and Dependent Children – Proceedings in Family Court

House Judiciary Committee

April 1, 2025

Kelsey Bala, Senior Policy Associate

Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony today. We would also like to thank Representative Kislak for sponsoring this important bill and Representatives Knight, Cruz, Ajello, Felix, Craven, Caldwell, Batista, McEntee, and Potter for cosponsoring. Rhode Island KIDS COUNT would like to voice its strong support for House Bill 5298 which would prohibit any questioning of a youth who is suspected of delinquent or criminal behavior unless the parent or guardian of the youth, the Department of Children Youth & Families (DCYF) when parental rights are terminated, or an attorney is present, the youth and their parent have waived their presence, or the youth is emancipated or has misrepresented their age as being age 18 or older.

According to the American Academy of Child and Adolescent Psychiatry, the part of the brain that controls reasoning and helps us fully think through the implications of our behavior goes through many structural changes throughout childhood and is not fully developed until at least age 26, and this can be further delayed when alcohol or drug use are present. This ongoing development means that adolescents make decisions and solve problems differently than adults. Adolescents are more likely to be impulsive, misread social and emotional situations, get into accidents and fights, and engage in risk taking behaviors. They are also less likely to avoid risky situations and to fully consider all possible consequences of their actions. Adolescents need guidance from caring adults to develop these skills and learn to manage their behaviors as their brain develops.

When police arrest a young person, they are required to give *Miranda* warnings that state, “You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you.” According to the Juvenile Law Center, while some adolescents receive these warnings, **90% of them waive their *Miranda* rights, and they make false confessions at much higher rates than adults.** Many youth do not realize they have a right to remain silent, and that they may not have to speak to anyone until a parent or attorney arrives. Several states have recognized how damaging the short- and long-term consequences that waiving these rights or not being fully informed or cognizant of these rights may have and that the still developing adolescent brain cannot fully understand.

In 2021, California instituted a non-waivable right for youth to consult with an attorney before a custodial interrogation. As of 2024, California, Maryland, New Jersey, and Washington have passed legislation prohibiting police from interrogating youth until they have spoken to a lawyer.

Youth have the same rights as adults, but youth do not have the same capacity as adults to understand those constitutional rights, especially under the stress of an arrest when comprehension may be significantly reduced. For these reasons, it is critical that parents or guardians be involved in this decision before an interrogation moves forward, as well as the opportunity to consult counsel.

Additionally, because Youth of Color are much more likely to be arrested despite committing crimes at similar rates to white youth, the waiving of *Miranda* rights creates inequities that can persist throughout the youth's entire life if they are found guilty of a crime based on an interrogation or false confession made when a parent or guardian would have insisted on having an attorney present to protect their rights.

Lastly, we support including the option for a child to have a CASA (Court Appointed Special Advocate) representative present for youth who may be involved with DCYF to support the best interest of the child.

Rhode Island KIDS COUNT strongly urges you to pass this legislation. Thank you for the opportunity to provide testimony today.