

OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL: info@ripd.org

WEBSITE: www.ripd.org

April 1, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5298

ENTITLED, AN ACT RELATING TO DELIQUENT AND DEPENDENT CHILDREN – PROCEEDINGS IN FAMILY COURT

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender supports HB5298, which seeks to enact crucial protections for juvenile suspects during interrogations. We do, however, wish to raise a concern regarding the designation of a guardian for juveniles whose parent's rights have been terminated.

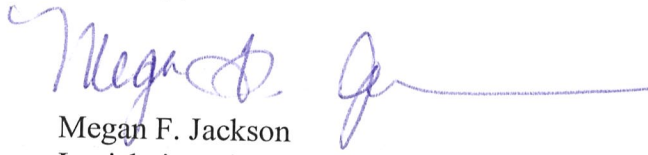
HB5298 prohibits the use of a juvenile's interrogation statements unless they were advised of the right to have a parent or guardian present, and their parent or guardian was advised of their child's the right to remain silent, the potential use of their statement against them in court, and the right to legal representation during questioning. These provisions align with constitutional principles and ethical standards.

However, we have concerns pertaining to the designation of a guardian for juveniles in such circumstances. The bill currently allows for the Department of Children, Youth, and Families (DCYF) to stand in as a guardian for juveniles whose parent's rights have been terminated. While we acknowledge the intention behind this provision, it is imperative to highlight that legally, Court Appointed Special Advocates (CASA) serve as the guardians for such juveniles, not DCYF. CASA is appointed by the court to advocate for the best interests of children in family court proceedings. They play a crucial role in ensuring that the child's voice is heard and that their rights are protected throughout the legal process. In contrast, DCYF's role primarily involves providing services and oversight in cases involving child welfare.

Therefore, we propose an amendment to HB5298 to clarify that CASA shall serve as the designated guardian for juveniles whose parental rights have been terminated. This amendment would ensure consistency with existing legal framework.

In conclusion, while we fully support the objectives of HB5298 in enhancing protections for juvenile suspects during interrogations, we urge the committee to consider our concerns regarding the designation of a guardian for juveniles.

Sincerely,

A handwritten signature in blue ink, appearing to read "Megan F. Jackson", followed by a long horizontal line.

Megan F. Jackson
Legislative Liaison
Office of the Public Defender
401-222-1509
mjackson@ripd.org