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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 7195

**ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -
- PROCEEDINGS IN FAMILY COURT**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender supports The Office of the Public Defender supports House Bill 7195, 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.

This bill would prohibit 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 and recognize that most children have a greater difficulty understanding both the constitutional concepts and the potential long-term effects of their waiver of their rights.¹ It is fitting that they are able to discuss these concerns with a parent or guardian before making such an important—and potentially life-changing—decision.

However, 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**

¹ See, e.g., Juvenile Law Center, *Youth Interrogations and Access to Counsel*, available at <https://jlc.org/issues/access-counsel#:~:text=Adolescents%20waive%20their%20Miranda%20rights,more%20easily%20coerced%20into%20confessing>, (last accessed April 14, 2026) (“Research on adolescent development and neuroscience explains why youth are uniquely vulnerable to coercive interrogation tactics and why they waive their Miranda rights at such high rates. Teenagers prioritize short-term benefits over long-term consequences and are especially prone to comply with the requests of authority figures like police. During adolescence, the reward-seeking part of the brain is highly active, while the frontal lobe, which governs measured decision-making, is still developing. In communities that have experienced police violence, teenagers may be even more easily coerced into confessing.”)

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 H7195 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,

/s/ Angela M. Yingling

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Legislative Liaison

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