



Empowering People to Lead Systemic Change
The Protection and Advocacy System for the State of Maryland

1500 Union Ave., Suite 2000, Baltimore, MD 21211
Phone: 410-727-6352 | Fax: 410-727-6389
DisabilityRightsMD.org

HOUSE JUDICIARY COMMITTEE

SENATE BILL 400: Residential Child Care Programs—Transportation Companies— Regulation (Preventing Abduction in Youth Transport Act of 2025)

Date: March 26, 2025

POSITION: SUPPORT WITH AMENDMENTS

Disability Rights Maryland (DRM) is the protection and advocacy organization for the State of Maryland; the mission of the organization, part of a national network of similar agencies, is to advance the civil rights of people with disabilities throughout the state. One of DRM's core mandates is to protect individuals with disabilities from abuse, neglect and other violations of their rights. DRM submitted testimony regarding Senate Bill 400 and its cross-filed bill, House Bill 497 earlier during the legislative session and submits this testimony to propose two technical amendments to clarify the bill.

First, on page 2, strike lines 25-26:

5 **PART III. TRANSPORTATION COMPANIES.**

8-715.

23 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE**
 MEANINGS

24 **INDICATED.**

25 **(B) "CHILD" DOES NOT INCLUDE AN INDIVIDUAL IN THE CARE, CUSTODY,**

26 **OR GUARDIANSHIP OF A LOCAL DEPARTMENT OF SOCIAL SERVICES.**

Rationale: In its written testimony, the Department of Human Services raised concerns about the possible need to transport students outside of the prohibited transport hours of 9:00 p.m. and 6:00 a.m. in order to avoid placing children in unlicensed settings or hospital overstay. This concern is addressed by the amendment adopted by the Senate Finance Committee on page 5, lines 8-10. To ensure that all children are transported with the least amount of trauma and risk

of harm, it is essential that the other provisions of Senate Bill 400, particularly with respect to the use of restraint, apply to any transportation conducted or contracted by the Department of Human Services and local departments of social services. As written, the bill is internally inconsistent because page 2 defines child to exclude children in the care of DHS agencies but then exempts the Department from the transport time prohibition for children in its care.

Second, on page 4, lines 12, 14 and 15 should be amended to make clear that mechanical restraint is prohibited with no exceptions and that physical restraint may be used if the standard outlined in the Senate amendment is met:

8-716.

8 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, WHILE TRANSPORTING
9 CHILDREN TO A RESIDENTIAL CHILD CARE PROGRAM, A YOUTH
TRANSPORTATION

10 COMPANY MAY NOT USE:

11 (1) VISUAL IMPAIRMENT, SUCH AS BLINDFOLDS AND HOODS; OR

12 (2) PHYSICAL OR MECHANICAL RESTRAINTS, SUCH AS HANDCUFFS,
13 CHAINS, IRONS, STRAITJACKETS, CLOTH RESTRAINTS, LEATHER RESTRAINTS,
14 PLASTIC RESTRAINTS, OR OTHER SIMILAR ITEMS, UNLESS; OR

(3) PHYSICAL RESTRAINTS UNLESS

15 (I) THE RESTRAINTS ARE NECESSARY DUE TO ~~AN IMMEDIATE~~
16 ~~AND SERIOUS RISK OF DANGEROUS OR DISRUPTIVE BEHAVIOR~~ A SUBSTANTIAL
17 LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL HARM TO A CHILD OR OTHERS;
AND

18 (II) THERE ARE NO LESS RESTRICTIVE ALTERNATIVES THAT
19 WILL ALLEVIATE THE ~~IMMEDIATE AND SERIOUS RISK OF~~
~~DANGEROUS OR~~

20 DISRUPTIVE BEHAVIOR — SUBSTANTIAL LIKELIHOOD OF IMMINENT
SERIOUS

21 **PHYSICAL HARM TO THE CHILD OR OTHERS.**

Rationale: Using items to restrain children and youth is traumatizing and increases the risk of injury. Mechanical restraint is prohibited by Maryland's restraint and seclusion law. There are no circumstances under which children and youth should be restrained with leather or plastic ties, straitjackets, or any other items such as the ones enumerated in this section.

DRM is willing to accept the exemption of Department of Human Services-contracted transportation companies from the 9:00 p.m. to 6:00 a.m. transport prohibition.

DRM supports Senate Bill 400 with these amendments.

Contact: Leslie Seid Margolis at lesliem@disabilityrightsmd.org or 410-370-5730 (cell).

Respectfully submitted,

Leslie Seid Margolis
Managing Attorney and Policy Counsel