

Education Advocacy Coalition
for Students with Disabilities

HOUSE JUDICIARY COMMITTEE

**HOUSE BILL 497: Residential Child Care Programs—Transportation Companies—Regulation
(Preventing Abduction in Youth Transport Act of 2025)**

Date: February 13, 2025

POSITION: SUPPORT WITH AMENDMENTS

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of nearly 50 organizations and individuals concerned with education policy for students with disabilities in Maryland, supports House Bill 497 with amendments. The bill would impose restrictions on how children and youth are transported to residential child care programs such as boot camps, educational or therapeutic boarding schools that serve students with disabilities or substance misuse or use disorders.

During the past few years, much attention has been directed to the “Troubled Teen Industry,” the name given to the practice of sending children and youth, often with developmental and/or behavioral or emotional disabilities, to residential programs where instead of meaningful treatment, the children are warehoused and, not infrequently, subjected to abuse and neglect, the overuse of restraint and seclusion, forced medication, and other aversive interventions. Testimony at Congressional hearings by former residents of some of these programs, including, notably, Paris Hilton, includes descriptions of strangers showing up at the child’s home at night, putting a hood or mask over their face and forcing them into a vehicle that transports them to the residential program.¹

House Bill 497 would prohibit youth transportation companies from using visually impairing materials such as blindfolds or hoods; the bill would also prohibit the use of physical restraints such as “handcuffs, chains, irons, straitjackets, cloth restraints, leather restraints, plastic restraints or other similar items” unless “the restraints are necessary due to an immediate and serious risk of dangerous or disruptive behavior and there are no less restrictive alternatives that will alleviate the immediate and serious risk of dangerous or disruptive behavior.” Because the listed restraints include a number of items that should never be used with children or youth regardless of the situation, such as irons, straightjackets, chains, or leather or plastic restraints, and because disruptive behavior should never be the reason why restraint is used, the EAC proposes the following amendment:

¹ See, e.g. https://www.nytimes.com/2024/06/27/style/paris-hilton-child-abuse-testimony.html?unlocked_article_code=1.vU4.ff8s.EONTxT4UAxSV&smid=em-share

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8-716 Lines 5-7 (A): SUBJECT TO SUBSECTION (B) OF THIS SECTION, WHILE TRANSPORTING CHILDREN TO A RESIDENTIAL CHILD CARE PROGRAM, A YOUTH TRANSPORTATION COMPANY MAY NOT USE:

8-716 (A)(2) line 9: ~~PHYSICAL MECHANICAL~~ RESTRAINTS, SUCH AS HANDCUFFS, CHAINS, IRONS, STRAITJACKETS, CLOTH RESTRAINTS, LEATHER RESTRAINTS, PLASTIC RESTRAINTS, OR OTHER SIMILAR ITEMS., ~~UNLESS~~

Line 12, (1): ~~THE IF RESTRAINTS ARE IS NECESSARY DUE TO AN IMMEDIATE AND SERIOUS~~
THE SUBSTANTIAL LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL HARM TO SELF OR OTHERS,
PHYSICAL RESTRAINT MAY BE USED ONLY SO LONG AS THE IMMINENT RISK PERSISTS;
~~DANGEROUS OR DISRUPTIVE BEHAVIOR;~~ AND

Line 14: (II) THERE ARE NO LESS RESTRICTIVE ALTERNATIVES THAT WILL ALLEVIATE THE
~~IMMEDIATE AND LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL HARM TO SELF OR OTHERS.~~
~~SERIOUS RISK OF DANGEROUS OR DISRUPTIVE BEHAVIOR~~

Additionally, House Bill 497 would prohibit a transportation company from picking up a child between 9:00 p.m. and 6:00 a.m. to take the child to a residential child care program. The bill would allow the Attorney General to bring an action against a youth transportation company for a violation of these provisions. The EAC welcomes the accountability provided by these provisions.

Although House Bill 497 does not address what happens to children and youth when they are placed in residential child care programs, it does address how children and youth get to those programs, recognizing the trauma and harm that these transportation companies have caused children and youth.

For these reasons, the EAC supports House Bill 497 with the suggested amendments regarding the use of restraint during transportation.

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Respectfully submitted,

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