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Justice Law Collaborative, LLC/Attorney Kim Dougherty Written Testimony in Support of HB 497: Residential Child Care Programs – Transportation Companies – Regulation 2 (Preventing Abduction in Youth Transport Act of 2025)

For far too long multiple institutions and programs have hidden behind a false façade of providing rehabilitation and therapeutic services to allegedly “troubled” teens. These programs include residential treatment centers, therapeutic boarding schools, wilderness programs and boot camps. There are hundreds of programs throughout the country (and world) that have inflicted severe emotional, physical, sexual and medication abuse on teenagers over the past several decades. The programs and facilities are privately run, with little to no governmental oversight. Over the years, the programs have become a multi-billion dollar industry, often now referred to as the “troubled teen industry” (“TTI”).

Tens of thousands of teens are held in these facilities nationwide and are often taken in the middle of the night, by brute force, violently retrained against their will, or by unregulated transport companies. This transportation practice has been under scrutiny since at last 2014 when scholars began exposing these unregulated youth-transport companies and addressing the harm they cause children:

Strangers come into a child's room in the middle of the night, drag her kicking and screaming into a van, apply handcuffs, and drive her to a behavior modification facility at a distant location...This scarcely publicized practice-known as the youth-transportation industry-operates on the fringes of existing law...The companies provide a service to parents who want to send their children to behavior-modification facilities, including boot camps and other residential re- form schools, but who are unable or unwilling to deliver the children themselves...Due to the circumstances in which these transports typically take place, however, this [parental] delegation of rights has far greater implications than simply authorizing the transportation of a child from point A to point B. After suffering the emotional trauma of being taken from their parents, children may suffer physical abuse as well, as the companies often use force in the form of handcuffs and other restraints.¹

In the article *Kidnapping Incorporated: The Unregulated Youth-Transportation Industry and the Potential for Abuse*, experts in the field have opined that industry needs regulation because the circumstances surrounding youth transport:

- “often constitutes child abuse;”²

¹ Ira Robbins, *Kidnapping Incorporated: The Unregulated Youth-Transportation Industry and the Potential for Abuse*, American Criminal Law Review 563 (2014). Available at: https://digitalcommons.wcl.american.edu/facsch_lawrev/432

² *Id.* at 590-592.

- “often constitutes kidnapping and false imprisonment;”³ and
- “facilitate unreasonable and unlawful conduct.”⁴

After extensive study of the youth transportation industry, the following conclusion was made back in 2014:

Without any regulation of the transportation services themselves, no parent or court-appointed fact-finder should, in good conscience, permit a child to be taken to a behavior modification facility by these companies. If we are actually committed to protecting the rights and ensuring the physical and emotional well-being of minors, transport companies should be federally regulated...It is imperative, therefore, that society become more aware of these services and that the government adequately regulate them to protect our children.

Delegate Stewart in proposed Bill HB 497 simply asks for what has been long overdue according experts in the industry, for these youth transport companies to be regulated to protect children. In short, HB 497 focuses on regulating teen transport companies in the following ways:

1. **Prohibiting excessive physical restraint**, including handcuffs and blindfolds.
2. **Banning nighttime extractions** (pickups between 9 PM and 6 AM), which are often the most traumatic.
3. **Establishing civil penalties** for violations, allowing both individuals and the Attorney General to take legal action against abusive transport companies.

Too many kids have been seriously injured and traumatized by these brutal, unregulated transport agencies, many who have survived the transport and program later take their life by suicide or accidentally overdose while trying to self-medicate to cope with the trauma they suffer from these transport and programs. Those who are still with us struggle every day with post-traumatic stress disorder. The trauma manifests in ways that prohibit them from trusting others and hinders their ability to reach their full potential in life and love. Children deserve better.

To any entity in opposition, they can limit their financial exposure by simply doing the right thing and not enable their employees to commit child abuse and other unlawful conduct. As a lawyer representing hundreds of survivors of trauma from the abuse they sustained in transport and within these programs, I implore the state of Maryland to acknowledge the consequences of allowing these transport companies to continue unregulated and take action by voting in favor of HB 497 sponsored by Delegate Stewart. Thank you for your consideration of this important Bill.

Respectfully,



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³ *Id.* at 592-595.

⁴ *Id.* at 600.

