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Date: February 26, 2026
Bill Number/Title: HB 921- Juvenile Law – Confinement and Restrictive Housing – Limitations
Committee: Judiciary
DJS Position: Favorable with Amendments

The intent of HB 921 is to clearly outline how room seclusion may be used for youth in DJS care. DJS shares the goal of this legislation: to ensure that any use of seclusion is tightly limited, clearly defined, and aligned with nationally recognized best practices for juvenile facilities.

DJS is proposing amendments to strengthen the bill and ensure consistency within Maryland law. Specifically, the Department’s amendment would:

- Place the language in the Human Services Article, rather than the Correctional Services Article, as most statutes governing DJS are contained in the Human Services Article.
- Update terminology to better reflect the rehabilitative mission of DJS and the goals of the proposed legislation.
- Allow DJS to incorporate its existing practices, which significantly limit the use of seclusion beyond what is required in current law or the proposed bill, into regulation.

These changes would align Maryland law with nationally recognized standards for restrictive housing in juvenile facilities, while preserving the limited safety tools necessary to protect youth and staff.

Amendment:

Human Services Article § 9–227.

(b) The Department shall:

(2) adopt regulations applicable to residential facilities it operates that:

(i) prohibit the use of locked door seclusion and restraints as punishment OR CONVENIENCE, STAFFING SUBSTITUTE, OR RETALIATION, AND;

(ii) SPECIFY THAT LOCKED DOOR SECLUSION AND RESTRAINTS MAY BE USED ONLY WHEN ALL LEAST RESTRICTIVE MEASURES HAVE BEEN EXHAUSTED AND LIMITED TO SITUATIONS WHEN THERE IS AN IMMEDIATE AND SUBSTANTIAL RISK OF PHYSICAL HARM TO THE YOUTH OR OTHERS OR TO PREVENT ESCAPE.

(II) REQUIRE THAT ANY USE OF LOCKED DOOR SECLUSION:

1. **BE TRAUMA-INFORMED, DEVELOPMENTALLY APPROPRIATE, AND TIME-LIMITED;**
2. **REQUIRE VISUAL SUPERVISION IN AT LEAST 15-MINUTE INTERVALS BY DIRECT CARE STAFF;**

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3. **REQUIRE AN INITIAL MEDICAL AND BEHAVIORAL HEALTH ASSESSMENT OF THE CHILD TO BE CONDUCTED NO LATER THAN 30 MINUTES AFTER THE BEGINNING OF LOCKED DOOR SECLUSION;**
4. **REQUIRE REPEAT MEDICAL AND BEHAVIORAL HEALTH ASSESSMENTS AT REGULAR INTERVALS THEREAFTER.**
5. **PROVIDE SCHEDULED MEALS AND SNACKS, ACCESS TO WATER, BATHROOM USE, AND ACCESS TO HYGIENE ITEMS;**
6. **BE TERMINATED IMMEDIATELY ONCE THE IMMEDIATE AND SUBSTANTIAL RISK HAS PASSED; AND**
7. **BE FOLLOWED BY A DEBRIEF WITH BEHAVIORAL HEALTH REVIEW TO PREVENT FUTURE USE; AND**

[(ii)] (iii) prohibit abuse of a child.

For context, current law already places meaningful limits on this practice. Under Human Services Article § 9–227, DJS is prohibited from using locked door seclusion or restraints as punishment. Additionally, COMAR 16.18.02.03 provides that DJS residential facilities:

- May not use locked door seclusion as punishment;
- May use locked door seclusion only to protect the youth, others, or to prevent escape, and only after less restrictive measures have been attempted; and
- Must comply with strict time limitations, including no more than 24 hours without review; after 24 hours, the youth must be seen every 12 hours by the superintendent; and an overall maximum of 72 hours.

However, inserting the amended language would better align the statute with current DJS practice and nationally recognized standards. It would also require DJS to promulgate regulations in compliance with Maryland's Administrative Procedure Act, including publication in the Maryland Register, a public comment period, review by the Joint Committee on Administrative, Executive, and Legislative Review (AELR), and final adoption and codification in COMAR.

HB 921, as amended, would codify a framework consistent with our rehabilitative mission, reinforce accountability and transparency, and ensure Maryland law reflects best practices in juvenile care.

For these reasons, the Department respectfully urges a favorable report on HB 921 with the proposed amendment.