



ON OUR OWN
OF MARYLAND

onourownmd.org

7310 Esquire Court
Mailbox 14
Elkridge, MD 21075

410.540.9020

WRITTEN TESTIMONY IN SUPPORT OF HB 1060: Primary and Secondary Schools – Petitions for Emergency Evaluation – Requirement for Tracking and Reporting and Study

Thank you Chair Wilkens, Vice-Chair Feldmark, and committee members for your commitment to improving the quality and accessibility of healthcare services for Marylanders, especially community members who experience significant behavioral health challenges. On Our Own of Maryland (OOOMD) is a nonprofit behavioral health education and advocacy organization, operating for 30+ years by and for people with lived experience of mental health and substance use recovery.

OOOMD is in strong support of HB 1060, which would require the Maryland State Department of Education (MSDE) to implement a tracking system to collect and analyze data on the use of Emergency Petitions (EP) in primary and secondary schools. EPs enable forced psychiatric evaluation for involuntary hospital admission.

In 2017, the Department of Justice entered into a settlement agreement with Wicomico County to address racial disparities in how students were disciplined - including the overuse of EPs. According to an article published in The Hechinger Report in 2023, Wicomico County public schools have used EPs on students at an alarmingly increased rate since the settlement. In 2022, there were 117 times that a child was forcefully transported by county police to the emergency room to be evaluated, 40% were 12 years old or younger, and more than 50% of those children were Black.¹ This means that at least a few times a week, a child was pulled out of their classroom by law enforcement for an EP, handcuffed, and transported to an emergency room for an evaluation.

Maryland statute (Health General Code §10-622) dictates specific criteria under which an EP may be legally used. The intended use of an EP is for an individual living with a mental health condition, who is currently presenting as a danger to themselves or others, to be transported by law enforcement involuntarily to a hospital for a psychiatric evaluation. This evaluation would be the first step to determining whether this individual will be involuntarily admitted to a psychiatric hospital for treatment.

However, The Hechinger Report investigation includes stories from multiple parents in Wicomico County about their children being subjected to EPs for behaviors relating to their disability, rather than an incidence of danger:

¹ Kolodner, M., & Ma, A. (2023, December 5). Widely used and widely hidden: The district where kids as young as 5 are sent to psychiatric hospitals more than three times per week. *The Hechinger Report*.

<https://hechingerreport.org/widely-used-and-widely-hidden-the-district-where-kids-as-young-as-5-are-sent-to-psychiatric-hospitals-more-than-three-times-per-week/>



“The Wicomico mother whose son was handcuffed said she fought for years with administrators to obtain accommodations for her child, who is autistic, an experience echoed by other parents. Her son, who also has ADHD, was several years behind in reading by the time he got to middle school. The mother said he was sent to the hospital after an outburst rooted in frustration, not mental illness... Her son had grown increasingly discouraged and agitated over an assignment he was unable to complete, she said. The situation escalated, she said, when the teacher argued with him. The student swiped at his desk and knocked a laptop to the floor, and the school called for an emergency petition. After being taken to the hospital in handcuffs, he was examined and released.”

The EP data we do have available in Maryland is incredibly limited, despite this being a key recommendation with broad stakeholder support made by the 2021 Behavioral Health Administration’s Involuntary Commitment Stakeholder Workgroup.² The statistics from Wicomico County schools that were provided above were specifically requested from the local Sheriff’s Department. Without robust and routine data collection and analysis across all jurisdictions, our state is unable to adequately assess how Emergency Petitions are being utilized, who is being impacted, and how to implement solutions that keep children safe and learning in their classrooms. HB 1060 will be a critical step in providing accountability and protection for many children who are living with a disability and needing additional support. **We respectfully urge a favorable on HB 1060.** Thank you!

² Maryland Department of Health. Behavioral Health Administration. Involuntary Commitment Stakeholders’ Workgroup Final Report (2021). <https://health.maryland.gov/bha/Documents/Involuntary%20Commitment%20Stakeholders.Final%20report%208.11.21.docx.pdf>