

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 921
Judiciary

(Delegate Moreno, *et al.*)

Judicial Proceedings

Juvenile Law - Confinement and Restrictive Housing - Limitations

This bill alters and expands existing statutory requirements for Department of Juvenile Services (DJS) regulations to require DJS to adopt regulations that (1) prohibit the use of locked door seclusion and restraints as punishment, for convenience, as a staffing substitute, or in retaliation; (2) specify that locked door seclusion and restraints may be used only when all less restrictive measures have been exhausted; (3) limit the use of locked door seclusion and restraints to those instances where there is an immediate and substantial risk of physical harm to the child or others, or imminent risk of escape; and (4) require that the use of any locked door seclusion meet specified criteria.

Fiscal Summary

State Effect: DJS can implement the bill using existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: DJS must adopt regulations applicable to residential facilities it operates that require the use of any locked door seclusion (1) be trauma informed, developmentally appropriate, and time-limited; (2) require visual inspection of the child by direct care staff in intervals of less than 15 minutes; (3) require an initial and repeated medical and behavioral health assessment of the child to be conducted not later than 30 minutes after the initiation of the locked door seclusion and at regular intervals thereafter; (4) provide

scheduled meals and snacks, access to water, access to the bathroom and hygiene items, and access to educational services and materials; (5) be terminated immediately once the immediate and substantial threat has passed; and (6) be followed by a debriefing with a behavioral health review to prevent future use for the child.

Current Law:

Section 9-227 of the Human Services Article

DJS must adopt regulations applicable to residential facilities it operates that (1) prohibit the use of locked door seclusion and restraints as punishment and describe the circumstances under which locked door seclusion and restraints may be used and (2) prohibit abuse of a child.

Maryland COMAR 16.18.02.03 – Use of Locked Door Seclusion

A DJS facility employee may not place a youth in locked door seclusion as punishment. A facility employee may place a youth in locked door seclusion only (1) when it is clearly necessary to protect the youth or other individuals or to prevent escape and (2) after less restrictive methods have been tried or cannot reasonably be tried. A youth may not remain in locked door seclusion more than 24 hours without the review and approval of the superintendent or the duty officer, who must provide a written explanation for the decision. If one of these administrators was involved in the incident, the other one makes the determination. After the decision has been made to keep a youth in locked door seclusion for more than 24 hours, the youth must be seen by the superintendent or the duty officer at least once during each 12-hour period. The maximum stay in seclusion as a result of a single incident may not exceed 72 hours, unless a declared written emergency is issued by the superintendent. A youth must be released from locked door seclusion when the youth no longer fits the criteria for placement in locked door seclusion.

Maryland COMAR 16.18.02.04 – Use of Restraints

A DJS facility employee may apply restraints to a youth only for the protection of the youth or other individuals, secure transportation, or the prevention of escape.

Maryland COMAR 16.18.02.05 – Facility Policy

Use by an employee of locked door seclusion or restraint is governed by the policy applicable to the facility. Regulations further require a facility's policy to address a youth's right to a hearing before an impartial hearing officer regarding the use of locked door seclusion, as specified. A facility's policy, based upon the facility's physical structure and personnel, must describe (1) the permissible locations for locked door seclusion; (2) the

supervision that must be provided when locked door seclusion or restraints are used; (3) the services or treatment considered appropriate as a result of a youth's conduct; and (4) a process for releasing a youth from locked door seclusion or restraints.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Charles, Kent, Montgomery, and Worcester counties; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

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