

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 400
Finance

(Senator Gile)

Judiciary

**Residential Child Care Programs - Transportation Companies - Regulation
(Preventing Abduction in Youth Transport Act of 2025)**

This bill prohibits a “youth transportation company” from using specified visual impairment or physical or mechanical restraints while transporting children to a “residential child care program,” except under specified circumstances. Between the hours of 9:00 p.m. and 6:00 a.m., a youth transportation company may not pick up a child for transport to a residential child care program, unless the youth transportation company is under contract with the Department of Human Services (DHS). The Attorney General or an individual is authorized to bring an action against a youth transportation company that violates the bill’s prohibitions.

Fiscal Summary

State Effect: The bill does not substantively change State activities or operations. The Office of the Attorney General can implement the bill’s provisions using existing budgeted resources.

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

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Residential child care program” includes a facility or program that:

- provides a residential environment such as (1) a program with a wilderness or outdoor experience, expedition, or intervention; (2) a boot camp experience or other

experience designed to simulate characteristics of basic military training for correctional regimes; (3) an educational or therapeutic boarding school; or (4) a behavioral modification program; and

- serves children who have a history of diagnosis of (1) an emotional, behavioral, or mental health disorder; (2) a substance misuse or use disorder, including alcohol misuse or use disorder; or (3) an intellectual, developmental, physical, or sensory disability.

“Residential child care program” does not include (1) a hospital licensed by the State; (2) a detention facility licensed by the State; (3) a youth correctional facility; (4) a substance abuse treatment facility; (5) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians for which the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home; or (6) any other secure facility.

“Youth transportation company” means a business that specializes in transporting a child to a residential child care program. “Child” does not include an individual in the care, custody, or guardianship of a local department of social services.

While transporting children to a residential child care program, a youth transportation company may not use:

- visual impairment, such as blindfolds and hoods; or
- physical or mechanical restraints, such as handcuffs, chains, irons, straitjackets, cloth restraints, leather restraints, plastic restraints, or similar items, unless (1) the restraints are necessary due to a substantial likelihood of imminent serious physical harm to a child or others and (2) there are no less restrictive alternatives that will alleviate the substantial likelihood of imminent serious physical harm to the child or others.

Physical restraints may not be used as punishment, for convenience, or as a substitute for staff supervision. Only youth transportation company staff who have been adequately trained in restraint device usage may use and apply restraints during transportation. If restraints are necessary due to a substantial likelihood of imminent serious physical harm to a child or others, the restraints may be used only as long as the imminent risk persists.

The Attorney General may bring an action against a youth transportation company for violating the bill’s restrictions and may seek injunctive relief and statutory damages up to (1) \$1,000 for a first offense and (2) \$3,000 for a subsequent offense. An individual may bring an action against a youth transportation company for violation of the bill’s prohibitions and may seek restitution (and if awarded restitution, reasonable attorney’s

fees). If the court determines that an action is frivolous or brought in bad faith, the court may order the offending party to pay the reasonable attorney's fees of the other party.

Current Law: Under the Human Services Article, "residential child care program" means an entity that provides 24 hours per day care for children within a structured set of services and activities that are designed to achieve specific objectives relative to the needs of the children served and that include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of these services and activities. "Residential child care program" includes a program (1) licensed by the Maryland Department of Health, DHS, or the Department of Juvenile Services and (2) that is subject to the licensing regulations of the members of the Children's Cabinet governing the operations of residential child care programs.

Statute does not directly address or prohibit the use of physical restraints and visual impairment under the circumstances specific to the bill. However, there are similar prohibitions applicable to other situations. For example, certain entities, including the Maryland State Department of Education, a local school system, the Maryland School for the Deaf, the Maryland School for the Blind, and the Juvenile Services Education Program are prohibited from using physical restraint on a student as a behavioral health intervention unless (1) physical restraint is necessary to protect the student or another individual from imminent serious physical harm and (2) other, less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student. Additional restrictions are specified in applicable regulations.

Small Business Effect: Small business youth transportation companies may not use specified visual impairment or physical or mechanical restraints, except under certain circumstances, and are subject to legal action and specified penalties for violations.

Additional Information

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

Designated Cross File: HB 497 (Delegate Stewart) - Judiciary.

Information Source(s): Harford County; Maryland Association of Counties; Office of the Attorney General; Maryland State Department of Education; Maryland Department of Health; Department of Human Services; Military Department; Department of Legislative Services

Fiscal Note History:
rh/jkb

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