

HB 921 – Juvenile Law – Confinement and Restrictive Housing - Limitations

House Judiciary Committee

February 26, 2026

Position: FAVORABLE

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of HB 921.

HB 921 severely curtails the use of restrictive housing (solitary confinement) for minors. Solitary can only be used when a child poses a danger to themselves, others, or the security of a facility, and a youth can be kept in restrictive housing no longer than six hours. The bill requires that a mental health care provider must conduct a mental health screening of a minor placed in solitary confinement within one hour, and that the facility must provide the minor with any needed mental health services as indicated by the screen.

Mental health conditions are prevalent among juvenile offenders. Some estimates suggest that the numbers are as high as 30% with depression or dysthymia, 30% with attention-deficit hyperactivity disorder, 7% with bipolar disorder, and 32% with posttraumatic stress disorder.¹

Placing youth in restrictive housing causes mental health distress and exacerbates existing mental health conditions. Studies have shown that placing adults in isolation for an extended time causes serious psychological damage, and the negative impact on juveniles is more profound. Solitary confinement can cause both neurological damage as well as psychological damage and can lead to suicide.² Accordingly, President Obama banned the use of solitary confinement for juveniles in the federal prison system in 2016. Two years later, Congress passed bipartisan legislation, the First Step Act (S. 756), to prohibit the use of solitary confinement on children in the federal system. The bill was signed into law by President Trump.

HB 921 aligns Maryland practices with the resolution adopted by the American Psychological Association regarding the use of restrictive housing for youth. The APA declared that the solitary confinement of youth be prohibited except in extremely rare instances, and then only

¹ Lee Underwood et.al. Mental Illness and Juvenile Offenders. International Journal of Environmental Research and Public Health (2018).

² Minors in custody - Solitary Confinement. Child Crime Prevention and Safety Center.

<https://childsafety.losangelescriminallawyer.pro/minors-in-custody-solitary-confinement.html>

for a short period of time.³ HB 921 also aligns Maryland law with the provisions of the First Step Act of 2018.

Humane and rehabilitative treatment of juvenile offenders that doesn't cause debilitating damage requires strict restrictions on the use of solitary confinement. In the rare instances when solitary confinement is used, every effort must be made to preserve a child's mental health. For these reasons, MHAMD supports HB 921 and urges a favorable report.

³ APA RESOLUTION. Opposing Involuntary Individual Isolation of Youth in Juvenile Justice Settings (February 2024). <https://www.apa.org/about/policy/isolation-youth.pdf>