

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1577 Session of
2025

INTRODUCED BY SHUSTERMAN, HOHENSTEIN, HANBIDGE, DOUGHERTY, HILL-
EVANS, KHAN, D. WILLIAMS, SANCHEZ, WARREN, CEPEDA-FREYTIZ,
MAYES, McNEILL, RIVERA AND BOYD, JUNE 6, 2025

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 8, 2025

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in children and youth,
4 providing for ensuring safe and humane institutional
5 practices.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
9 as the Human Services Code, is amended by adding a section to
10 read:

11 Section 724.1. Ensuring Safe and Humane Institutional
12 Practices.--(a) The safe and humane care of children in
13 facilities demands that restrictive procedures, including
14 chemical restraints, manual restraints, mechanical restraints,
15 seclusion, exclusion, strip searches and body cavity searches,
16 only be used as measures of last resort to protect a child from
17 behavior that poses a serious and immediate risk of physical
18 harm to self or others.

1 (b) To ensure safe and humane institutional practices:

2 (1) Restrictive procedures, including restrictions on a
3 child's rights, including the right to a quality education, may
4 not be used for punishment, retaliation, administrative
5 convenience, staffing shortages or for any reason other than
6 securing the immediate physical safety of a child.

7 (2) Inappropriate use of restrictive procedures shall be
8 grounds for full investigation, including a criminal
9 investigation, and license revocation.

10 (c) The department shall:

11 (1) Establish standards consistent with the law and
12 regulations of various departments of the Commonwealth for all
13 facilities within this Commonwealth that include a prohibition
14 on:

15 (i) The use of restrictive procedures unless used as
16 measures of last resort to protect a child from behavior that
17 poses a serious and immediate risk of physical harm to the child
18 or others.

19 (ii) The restriction of a child's rights, including the
20 right to privacy, receive mail, make phone calls, have in-person
21 visitation with family members and receive a quality education.

22 (iii) Any and all instances of abuse.

23 (2) Be responsible for the maintenance of safe and humane
24 care at a facility. The department or its representative shall
25 have free and full access to the premises and records of a
26 facility and full opportunity to interrogate or interview any
27 officer, employe or resident of the facility. The department
28 shall make routine announced and unannounced daytime and
29 nighttime inspections of all facilities.

30 (3) Expeditiously review all allegations of unsafe or

inhumane care and maintain a public record of confirmed instances that have occurred in a facility.

(4) Whenever the department, upon inspection, investigation or complaint, finds a facility in violation of law, or that a facility has failed to establish, provide or maintain standards of care required by this section, give immediate written notice of the violation or failure to the officers charged with managing the facility. The following procedure shall apply:

(i) The notice shall include a description of the violation or failure, the corrective action needed and a specified time frame for making any necessary corrections.

(ii) Upon receipt of the notice, an officer charged with managing the facility shall comply with the direction of the department. If the officer charged with managing the facility fails to comply with the department's direction within the specified time frame, the department may:

(A) Revoke the facility's license.

(B) Request the Attorney General to institute appropriate legal proceedings to enforce compliance with the direction.

(C) Withhold any State money available for the facility until the officer charged with managing the facility complies with the direction.

(D) Refer the matter for criminal investigation.

(d) The following exceptions apply to this section:

(1) A limited period of cool down or time out for a child is not considered solitary confinement if the period conforms to the following:

(i) The child's behavior is creating an imminent risk of physical harm to self or others and is for a maximum of three hours, with release of the child as soon as the child has

1 regained self-control.

2 (ii) Support staff, including a social worker, is notified
3 and made available to the child to assist the child in calming
4 down.

5 (iii) Staff closely monitors the child during the period and
6 maintains physical proximity.

7 (iv) Restriction beyond three hours is documented and
8 reported to both the department and the Office of Child
9 Advocate.

10 (2) Strip searches and body cavity searches may be conducted
11 only as a last resort and where there is probable cause that the
12 child being searched possesses drugs or a weapon that could not
13 be discovered through less intrusive means and authorization
14 from an individual in the agency overseeing the facility. The
15 following shall apply to searches under this clause:

16 (i) When authorized, strip searches shall be performed by
17 two staff or medical personnel of the same gender as the child
18 in an area that ensures the privacy and dignity of the child.

19 (ii) Body cavity searches may only be performed by outside
20 medical providers.

21 (iii) To the degree possible, and only when searches are
22 necessary, a facility shall rely on alternatives such as wands
23 or metal detectors.

24 (iv) The use of a strip search or body cavity search shall
25 be documented and reported to the department. Documentation
26 shall include:

27 (A) The probable cause that the child being searched
28 possesses drugs or a weapon that could not be discovered through
29 less intrusive means.

30 (B) The authorization for the search.

1 (C) The names and positions of the individuals conducting
2 the search.

3 (3) Staff may use manual restraints on a child when the
4 child's behavior creates an imminent risk of serious physical
5 harm to self or others and shall be conducted in accordance with
6 the following:

7 (i) A facility shall ensure that manual restraints adhere to
8 a model approved in advance by the department.

9 (ii) Staff shall terminate manual restraints immediately
10 when the child's behavior no longer poses a risk of serious
11 physical harm to self or others.

12 (iii) Staff shall observe and document the child's physical
13 and emotional condition every ten minutes while manual
14 restraints are being applied to the child.

15 (iv) In accordance with 55 Pa. Code § 3800.211(c) (relating
16 to manual restraints), prone position manual restraints are not
17 used.

18 (e) A facility shall have the following duties:

19 (1) Use a program model that incorporates evidence-based and
20 evidence-informed practices. Staff shall deliver the practices
21 with the training and education required to maintain fidelity to
22 the program model or practices.

23 (2) Ensure that staff receive regular training on cultural
24 competence, evidence-based models for recidivism reduction and
25 the provisions of 55 Pa. Code Ch. 3800 (relating to child
26 residential and day treatment facilities).

27 (3) Maintain a discipline plan approved by the department as
28 part of the program model used under clause (1). Facilities
29 shall ensure that the discipline plan focuses on the use of
30 incentives rather than punishment or sanctions.

1 (4) Ensure and facilitate access to a quality education.

2 (f) The department shall ensure that children and their
3 families and guardians understand how to report a grievance or
4 any instances of unsafe or inhumane care, in written or oral
5 form, formally or informally, or anonymously, without fear of
6 retaliation. The following shall apply:

7 (1) Assistance to file a grievance shall be available upon
8 request by a child.

9 (2) An adult with whom a child seeks assistance shall be
10 permitted to provide assistance and, notwithstanding mandated
11 reporting, shall keep confidential any information shared by the
12 child for purposes of filing the grievance.

13 (3) A facility shall accept any grievance, whether formal or
14 informal, as notice of the child's concerns and may not require
15 specific forms or processes.

16 (g) Beginning not later than ninety days after the effective
17 date of this subsection, the department shall prepare and
18 publish a ~~monthly~~ QUARTERLY public report detailing enrollment <--
19 in educational programming, use of seclusion, use of restraints
20 and invasive searches involving children committed by order of
21 court to a facility operated under the direction or supervision
22 of the court or other public authority. The following shall
23 apply:

24 (1) Each quarterly report shall include, at minimum, the
25 following disaggregated data:

26 (i) Number of children subjected to seclusion.

27 (ii) Number of children subjected to seclusion more than
28 once.

29 (iii) Number of children secluded for more than three hours

30 (iv) Number of children secluded for more than three hours

on more than one occasion.

(v) Number of children restrained physically or mechanically.

(vi) Number of children subjected to strip searches.

(vii) Number of children subjected to cavity searches.

(viii) Number of children educated in public school, on-grounds school or cyber program.

(2) All data under paragraph (1) shall be disaggregated by the following:

(i) Race.

(ii) Gender.

(iii) Ethnicity.

(iv) Sending jurisdiction.

(v) Disability status, including a diagnoses under an Individualized Education Program, 29 U.S.C. § 794 (relating nondiscrimination under Federal grants and programs) or the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition: DSM-5, 2013, published by the American Psychiatric Association.

(3) Each quarterly report shall be published on the department's publicly accessible dashboard by the twentieth day of the month following the reporting quarter and shall be available in machine-readable and open data formats.

(h) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Chemical restraint" means a drug used to control acute, episodic behavior that restricts the movement or function of a child. The term does not include a drug ordered by a licensed physician as part of ongoing medical treatment or as

1 pretreatment prior to a medical or dental examination or
2 treatment.

3 "Exclusion" means the removal of a child from the child's
4 immediate environment and restricting the child alone to a room
5 or area, even if the door is unlocked. The term does not include
6 a situation in which a staff person remains in the exclusion
7 area with the child.

8 "Facility" means a setting, including a children's
9 institution, youth development center, camp or other facility at
10 which a child is held as a result of the child's alleged or
11 actual dependency or delinquency under 42 Pa.C.S. Ch. 63
12 (relating to juvenile matters).

13 "Manual restraint" means a physical hands-on technique that
14 lasts more than one minute and that restricts the movement or
15 function of a child or portion of a child's body. The term does
16 not include a manual assist of any duration for a child during
17 which the child does not physically resist or a therapeutic hold
18 for a child who is eight years of age or younger for less than
19 ten minutes during which the child does not physically resist.

20 "Mechanical restraint" as follows:

21 (1) A device that restricts the movement or function of a
22 child or portion of a child's body.

23 (2) The term includes handcuffs, anklets, wristlets,
24 camisoles, helmets with fasteners, muffs and mitts with
25 fasteners, restraints to prevent exiting a hospital bed
26 unassisted, waist straps, head straps, papoose boards,
27 restraining sheets and similar devices.

28 (3) The term does not include a device used:

29 (i) To provide support for functional body position or
30 proper balance.

1 (ii) For safe transportation to and from a facility or
2 medical treatment such as sandbags to limit movement after
3 medical treatment, a wheelchair belt used for body positioning
4 and support or a helmet used for prevention of injury during
5 seizure activity.

6 "Solitary confinement" means isolating a child in a cell or
7 room, locked or unlocked, for punitive or disciplinary purposes.
8 The term does not include a cool-down or time-out period as
9 described under subsection (d)(1).

10 Section 2. This act shall take effect in 60 days.