

§ 7B-905.2. Transportation of high-risk juveniles.

(a) The director of a county department of social services who has invoked the jurisdiction of the court under this Article, and who is serving as custodian over a juvenile, is authorized to make a written request to a high-risk juvenile transporter to transport a high-risk juvenile upon determining assistance with placement responsibilities for the juvenile is necessary. If a high-risk juvenile transporter agrees to provide transportation pursuant to this section, transportation shall be provided in the county in which the juvenile resides but is not limited to transportation within that county. For purposes of this section, the following definitions shall apply:

- (1) High-risk juvenile. – A juvenile who is under 18 years of age who has been abused or neglected, who has serious emotional, mental, or behavioral disturbances that pose a risk of harm to self or others, and who resides outside of a residential placement due to the serious emotional, mental, or behavioral disturbances.
- (2) High-risk juvenile transporter. – A law enforcement agency, the Division of Juvenile Justice of the Department of Public Safety, or the Department of Adult Correction and includes the designated staff of those agencies.

(b) In providing transportation as required by this section, a high-risk juvenile transporter may use reasonable force to restrain the high-risk juvenile if it appears necessary to protect the high-risk juvenile transporter or other individuals. Any use of restraints shall be as reasonably determined by the high-risk juvenile transporter to be necessary under the circumstances for the safety of the high-risk juvenile, the high-risk juvenile transporter, or other persons.

(c) No high-risk juvenile transporter providing transportation of a high-risk juvenile may be held criminally or civilly liable for assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under the authority of this Article. Additionally, a high-risk juvenile transporter is immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of any omission or action taken pursuant to the requirements of this section, provided the high-risk juvenile transporter was acting in good faith. The immunity established by this subsection does not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.

(d) The director of the county department of social services may enter into a "transportation agreement" with a high-risk juvenile transporter to establish requirements, procedures, and guidelines for transporting high-risk juveniles. The cost and expenses of transporting a high-risk juvenile pursuant to this section are the responsibility of the county department of social services having custody of the high-risk juvenile. (2023-134, s. 9J.13.)