

RULE XIX

Use of Restraints

A. Instrument of restraint, including, but not limited to handcuffs, chains or shackles shall not be used on a juvenile during a court proceeding unless both of the following apply:

1. The necessity of using restraints is demonstrated to the satisfaction of the judge or magistrate by the presence of one or more of the following factors:

- (a) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or
- (b) There is a significant risk that the child will flee the courtroom; and

1. The court determines that there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

B. When used, restraints should allow the juvenile limited movement of the hands to read and handle documents and writings necessary to the hearing unless there is a demonstrated need for more restricted movement.

C. This rule shall not limit the ability of law enforcement, security personnel or other court staff from restraining a juvenile if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities. This rule shall not apply to duly adopted policies of law enforcement agencies in their custodial transportation of juveniles outside of the courtroom.

D. Upon written or verbal request of any party, the prosecuting attorney, court security staff, the probation department, or the victim advocate, the court may order any child who is brought before the court to be restrained. If such an order issued, the order and the reasons for the order shall be communicated to the child, the child's parents, and the child's attorney, the parties shall be advised of the right to be heard on the use of physical restraints as provided in Ohio Sup. R. 5.1(B).