

## **27. USE OF RESTRAINTS DURING JUVENILE COURT PROCEEDINGS**

Pursuant to Ohio Supreme Court Rule of Superintendence 5.01, the Lorain County Domestic Relations Court adopts this Rule regarding use of restraints during court hearings:

- A. Juveniles appearing before the Court shall be free of physical restraints during Court proceedings unless exigent circumstances exist. During transportation and while being escorted to a courtroom, a juvenile shall remain in restraints. If the juvenile becomes disruptive any time during a hearing, restraints shall be applied in order to maintain the safety of the juvenile, court personnel and the public. A return to restraints will be noted on the record.
  - a. Exigent circumstances shall be determined by the Judge or Magistrate before whom the juvenile is appearing, on the record, per the following criteria, both of which must be found:
    - i. There is no less restrictive alternative to the use of physical restraint that will prevent flight or physical harm to the juvenile or another person, including but not limited to, the presence of court personnel, law enforcement officers or bailiffs; and
    - ii. The necessity of the use of physical restraints is demonstrated to the satisfaction of the Judge or Magistrate by the presence of either of the following factors:
      - 1. The juvenile represents a current and significant threat to the safety of the juvenile's self or other person in the courtroom; OR
      - 2. There is a significant risk the juvenile will flee the courtroom.
- B. The Court shall provide the juvenile or any other party, as defined by Juv.R. 2(Y), an opportunity to be heard before the Court orders the use of restraints on a juvenile during a particular court proceeding.
- C. Any restraint ordered herein shall be the least restrictive necessary to meet the risk requiring the restraint. Any restraint shall not unnecessarily restrict the movement of the juvenile's hands.