

## **Rule 53. Child Restraints**

- (A) The Court makes the presumption that a child, while appearing before the Court, shall not be physically restrained by any device, unless the judge or magistrate before whom the child is appearing makes an individualized determination, on the record, either before or during the juvenile's appearance, that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of any of the following:
- (1) There is a significant risk the child will flee the courtroom;
  - (2) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom.
- (B) (1) If physical restraint is found necessary by the judge or magistrate under (A)(1) to keep the child from fleeing, the restraint must be the least restrictive necessary to meet the risk requiring the restraint, including but not limited to the use of leg shackles/restraints without corresponding hand shackles/restraints.
- (2) Factors to be considered in making this determination include but are not limited to:
- (a) History of fleeing from custodial placement in the community, including the residence of parent or guardian or agency placement;
  - (b) History of absconding from juvenile probation services;
  - (c) History of absconding from the juvenile detention continuum, such as home detention, shelter care and the detention center;
  - (d) Any statements by the child indicating an intention to abscond;
  - (e) The child's case is being petitioned for transfer to the Cuyahoga County General Division pursuant to Juv. Rule 30;

- (f) The offense the child is being charged with is a felony of the first degree or a felony of the second degree;
  - (g) A restraint order was made on the child in prior hearings.
- (C) (1) If physical restraint is found necessary by the judge or magistrate under (A)(2) and that the child represents a current and significant threat to the safety of the child's self or other persons in the courtroom, the restraint must be the least restrictive necessary to meet the risk requiring the restraint, including but not limited to the use of both leg and hand shackles/restraints.
- (2) Factors to be considered in making this determination include but are not limited to:
- (a) Prior offenses of violence;
  - (b) Disruptive behavior in the community;
  - (c) Disruptive behavior in the detention center continuum, including the courtroom;
  - (d) Any statements or declarations by the child of future violence or disruptive acts;
  - (e) The child's case is being petitioned for transfer to the Cuyahoga County General Division pursuant to Juv. Rule 30;
  - (f) The offense the child is being charged with is a felony of the first degree or a felony of the second degree;
  - (g) A restraint order was made on the child in prior hearings.
- (D) Any party, as defined in Juv. R. 2(Y), or the Court on its own motion, may be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.