

Rule 13.01 Use of Child Restraints during Court Hearings

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

- (A) Children appearing before the Court shall be free of physical restraint during any hearing unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint is necessary because of either of the following:
- (1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
 - (2) There is a significant risk the child will flee the courtroom.
- (B) In making the necessary findings to use physical restraints, the judge or magistrate shall consider (1) the nature and severity of the offense for which the child is before the court; (2) the child's prior history with the court; (3) the child's prior and current behavioral history while being held in detention and in the presence of the Court; and (4) any other factors the judge or magistrate deem appropriate in making the individualized determination to apply physical restraints during the hearing.
- (C) The judge or magistrate shall permit the child who is the subject of a juvenile court proceeding (by himself or herself or through counsel), the child's spouse, if any, the child's parent or parents, or if the parent of a child is a child, the parent of that parent, in appropriate cases, the child's custodian, guardian, or guardian ad litem, the state, and any other person specifically designated by the court, to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding. This hearing may take place absent the presence of the child as long as the child is represented by an appropriate person and given the opportunity to respond at the time he or she appears in the hearing room. A child shall not be required to be free of physical restraint during the hearing to determine the necessity of physical restraint.
- (D) Where physical restraint is deemed necessary by the judge or magistrate, the restraint chosen must be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.