

## FAQ

### **What types of restraints does Sup. R. 5.01 encompass?**

Physical restraints contemplated by the rule include handcuffs, waist chains, ankle restraints, zip ties, and any other mechanical device that is designed to impede movement.

### **Who is “child” for purposes of this rule?**

“Child” is defined by Ohio Juv. R. 2(D)

### **May a judgment entry constitute an “individualized determination on the record”?**

Yes, an individualized determination on the record may be issued through a judgment entry. The determination may be entered through an order pursuant to a hearing.

### **Is a finding that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary a final and appealable order?**

No, the finding is not a final and appealable order.

### **Can the court issue a blanket finding that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary for all children appearing in the courtroom due to security concerns, courtroom layout, etc.?**

No, in order to overcome the presumption against restraint, the rule requires an individualized determination for each child.

### **May a determination that a child is a current and significant threat to safety be based on the child’s charge(s) or level of the offense?**

No, the determination cannot be based solely on the child’s charge(s) or level of the offense. Other factors must be taken into consideration, including the child’s current behavior and demeanor.

### **Will implementation of this rule place additional time burdens and requirements on the court?**

Since the rule creates a presumption against restraints, the only instances in which the court has additional duties are in cases where the court is contemplating a determination that a child must be restrained.

### **Does the rule require the court to provide the child with an opportunity to be heard?**

No, the rule does not require the court to provide the child with an opportunity to be heard. However, in order to most effectively evaluate a child’s threat to safety, the court may implement a local rule or practice to provide the child with an opportunity to be heard prior to issuing a restraint determination.

### **In a hearing on the issue of restraint, should the child be restrained?**

The court has discretion in restraining or not restraining a child during a hearing on the issue of restraint. Dependent upon technological capabilities, the court may choose to hold the restraint hearing

via video conference if the court has safety concerns regarding a child before the restraint determination is made.

**Does this rule require that youth are unrestrained during transportation?**

No, the rule only applies to restraint during court proceeding.

**I have concerns about the security of my courtroom. Who can I contact for a security assessment of my county's courthouse?**

The Supreme Court of Ohio offers security assessments to local courts. For more information or to schedule an assessment, please contact XXX-XXXX.