

DARKE COUNTY JUVENILE COURT LOCAL RULE ON CHILD RESTRAINT

PURPOSE: This rule is created in accordance with Rule 5.01 of the Rules of Superintendence for the Courts of Ohio.

PRESUMPTION AGAINST PHYSICAL RESTRAINT: No child shall be in restraints in any court proceeding 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 of the child 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.

HEARING ON ISSUE OF PHYSICAL RESTRAINT: The judge or magistrate shall permit any party, as defined in Juv.R.2(Y) to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.

LEAST RESTRICTIVE RESTRAINT NECESSARY: When physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk of requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

Note: This Local Rule shall be effective July 7, 2017, and posted upon the Court's website.

/s/ Jason Aslinger, Judge