

1        **4-905. Restraint of minors in juvenile court.**

2        Intent:

3        To provide for proper restraint of minors in juvenile court proceedings.

4        Applicability:

5        This rule applies to the juvenile court.

6        Statement of the Rule:

7        (a) Absent exigent circumstances, a minor, while present in a juvenile courtroom, shall not be  
8 restrained unless the court finds by a preponderance of the evidence that:

9        (a)(1) restraints are necessary to prevent physical harm to the minor or a third party present in the  
10 courtroom;

11        (a)(2) the minor is a flight risk;

12        (a)(3) the minor is currently in jail, prison or a secure facility as defined by Utah Code section 78A-6-  
13 105(36);

14        (a)(4) the seriousness of the charged offense warrants restraints; or

15        (a)(5) other good cause exists for the minor to be restrained.

16        (b) Any person with an interest in the case may move the court to restrain a minor during court  
17 proceedings. The court shall permit all persons with a direct interest in the case the right to be heard on  
18 the issue of whether to restrain the minor.

19        (c) If the court orders that a minor should be restrained, the court shall reconsider that order at each  
20 future hearing regarding the minor.

21        (d) Ex parte communications that provide information on the criteria listed in paragraph (a) are not  
22 prohibited. However, the judge or commissioner shall notify all other parties of the communication as  
23 soon as possible and shall give them an opportunity to respond.