

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

11 (1)(B) the minor is a flight risk;

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

14 (1)(D) the seriousness of the charged offense warrants restraints; or

15 (1)(E) other good cause exists for the minor to be restrained.

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

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

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

24 *Effective May/November 1, 20__*