

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

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

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

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

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

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

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

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

22 (4) **Ex parte communications.** Ex parte communications that provide information on the criteria
23 listed in paragraph (1a) are not prohibited. However, the judge or commissioner shall notify all
24 other parties of the communication as soon as possible and shall give them an opportunity to
25 respond.

26 *Effective: ~~May 1, 2020~~ November 1, 2024*