

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\_\_*