

SUPREME COURT OF NEW JERSEY

It is ORDERED that the Rules Governing the Courts of the State of New Jersey are amended by adoption of the attached new Rule 5:19-4, to be effective January 1, 2017.

For the Court,

A handwritten signature in blue ink, likely of the Chief Justice, written over a horizontal line.

Chief Justice

Dated: November 9, 2016

5:19-4. Use of Restraints on a Juvenile [new]

(a) Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, cloth and leather restraints, and other similar items, shall not be used on a juvenile during a court proceeding and must be removed prior to the juvenile's entry into the courtroom. Instruments of restraint may be used if, on application to or by the court, the court finds that:

(1) The use of restraints is necessary due to one of the following factors:

(A) Instruments of restraint are necessary to prevent physical harm to the juvenile or another person; or

(B) The juvenile presents a substantial risk of flight from the courtroom; and

(2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the juvenile or another person, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.

(b) In making the determination that instruments of restraint are necessary, the factors that can be considered are:

(1) any past escapes or attempted escapes by the juvenile;

(2) evidence of a present plan of escape involving the juvenile;

(3) any credible threats by the juvenile to harm him or herself or others during court;

(4) evidence of self-injurious behavior on the part of the juvenile;

(5) any recent history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on the juvenile or others;

(6) any other factors the court deems relevant to assess present risk in the court proceeding.

(c) The court shall provide the juvenile's attorney and the prosecutor an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact on the record in support of the order.

(d) If restraints are deemed necessary, the least restrictive restraints shall be used. Any restraints shall allow the juvenile limited movement of the hands to

read and handle documents and writings necessary to the hearing. Under no circumstances should a juvenile be restrained to a stationary object or another person.

Note: Adopted November 9, 2016 to be effective January 1, 2017.