

RULE 6 – COURT SECURITY

- 6.1** Pursuant to Rule 9 of the Rules of Superintendence for the Common Pleas Court and Rule 18 of the Rules of Superintendence for the County Courts, a Court Security Policy is hereby established effective July 1, 1995. **See Appendix A to Local Rule 6.**
- 6.2** Pursuant to Ohio Supreme Court Rule of Superintendence 5.01, the Belmont County Juvenile Court establishes the following rule in the use of juvenile restraints for court hearings:
- (A) Children appearing before the Court shall be free of physical restraint during any hearing unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint is necessary because of either of the following:
- (1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
 - (2) There is significant risk the child will flee the courtroom.
- (B) In making the necessary findings to use physical restraints, the judge or magistrate shall consider (1) the nature and severity of the offense for which the child is before the court; (2) the child's prior history with the court; (3) the child's prior and current behavioral history while being held in detention and in the presence of the Court; and (4) any other factors that judge or magistrate deem appropriate in making the individualized determination to apply physical restraints during the hearing.
- (C) The judge or magistrate shall permit the child who is the subject of a juvenile court proceeding, the child's spouse, the child's parent or parents, the child's custodian, guardian, or guardian ad litem, the state, and any other person specifically designated by the court, to be heard on the issue of whether the use of physical restraint is necessary for that particular child at the particular proceeding. This hearing may take place absent the presence of the child as long as the child is represented by an appropriate person and given the opportunity to respond at the time he or she appears in the court room. A child shall not be required to be free of physical restraint during the hearing to determine the necessity of physical restraint.
- (D) This rule applies to court appearances while in the courtroom and shall not be construed to include physical restraints of children when being transported to and from court appearances, throughout common areas or outside of the court or juvenile detention center.