

In the Iowa Supreme Court

**Request for Public Comment)
on Proposed New Iowa Rule of)
Juvenile Procedure Prohibiting)
Routine Use of Restraints)**

Order

CLERK SUPREME COURT

The Iowa Supreme Court seeks public comment on a proposed new rule of juvenile procedure that would prohibit the routine use of restraints on children during juvenile court proceedings. The court’s Advisory Committee on Rules of Juvenile Procedure (advisory committee) proposes a new rule for inclusion in chapter 8 of the Iowa Court Rules. The advisory committee’s recommendation and report are provided with this order.

In February 2016, the court received a request to consider a model rule prohibiting the routine restraint of juveniles during juvenile court proceedings. The request came from a number of juvenile justice proponents, including the Middleton Center for Children’s Rights at Drake University Law School, ACLU of Iowa, Youth Law Center, League of United Latin American Citizens of Iowa, Iowa-Nebraska NAACP, Des Moines Branch NAACP, Disability Rights Iowa, National Juvenile Defender Center, National Center for Mental Health and Juvenile Justice, American Orthopsychiatric Association, and National Center for Health and Juvenile Justice. The court referred the request to the advisory committee for its review and to recommend whether a rule change should be made, and if so to propose language for the rule.

The advisory committee reports that 28 states have now banned or limited use of restraints on children in juvenile court proceedings. According to the advisory committee “a growing body of research [reveals] that use of restraints is harmful to children and impairs the ability of children to pay attention, focus, learn, listen, and communicate effectively in court. There are

evidence-based concerns that use of restraints may actually increase the likelihood that children will act out in the courtroom setting.” Materials the advisory committee considered are also provided with this order.

The advisory committee’s report states that the proposed rule “requires decisions regarding the use of restraints to be made in advance, on a case-by-case basis, communicated to counsel and the court, and subject to judicial review prior to the hearing,” and that it allows flexibility for those situations where restraints may be necessary.

Prior to further consideration of this proposed Iowa Rule of Juvenile Procedure, the supreme court seeks public comment on the proposal. The advisory committee’s recommendation and report as well as supporting materials are provided with this order and may be found on the judicial branch website at: www.iowacourts.gov/About_the_Courts/Supreme_Court/Orders/. In addition, copies are available at the office of the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

Any interested organization, agency, or person may submit comments regarding the proposed rule. Comments should refer to the line number of the proposed rule to which the comments are directed. Comments sent by email must be emailed to **rules.comments@iowacourts.gov**, must state **“Proposed Juvenile Rule”** in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

**The deadline for submitting comments is 4:30 p.m. on June 21,
2017.**

Dated this 21st day of April, 2017.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice