

Proposal 15-05
Amends Supreme Court Rule 941 and Creates Supreme Court Rule 943
Offered by the Illinois Judicial Conference Juvenile Justice Committee

ARTICLE IX. CHILD CUSTODY AND JUVENILE COURT PROCEEDINGS

Rule 941. General Provisions

In addition to the rules in Part A of this article, the rules in this Part C shall apply to child custody proceedings filed under articles II, III, and IV of the Juvenile Court Act of 1987, and all juvenile delinquency proceedings filed under article V of the Juvenile Court Act of 1987.

Rule 943. Use of Restraints on a Minor in Delinquency Proceedings Arising Under the Juvenile Court Act

- (a) Instruments of restraint shall not be used on a minor during a court proceeding unless the court finds, after a hearing, that the use of restraints is necessary for one or more of the following reasons:
- (1) Instruments of restraint are necessary to prevent physical harm to the minor or another person; or
 - (2) The minor has a history of disruptive behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or
 - (3) There is a well-founded belief that the minor presents a substantial risk of flight from the courtroom;
- and there are no less restrictive alternatives to restraints that will prevent flight physical harm to the minor or another person, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.
- (b) The court must provide the minor's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall enter an order setting forth its findings of fact.
- (c) Any restraints authorized under this rule must be the least restrictive restraints necessary and must allow the minor limited movement of the hands to read and handle documents and writings necessary to the hearing. Under no circumstances, should a minor be restrained to another minor, wall, the floor, or furniture while in the courtroom.

(d) For purposes of this rule:

- (1) “Instruments of restraint” and “restraints” are handcuffs, leg shackles, leg irons, belly belts, belly chains, or other restraint devices used to restrict a child’s free movement of limbs or appendages, including those made of cloth and leather; and
- (2) A “minor” is an individual under the jurisdiction of the juvenile court, as provided in Article V of the Illinois Juvenile Court Act.

Committee Comments

This rule is not intended to limit the Court’s inherent authority to control his or her courtroom and/or ensure the integrity of the proceedings are maintained in the event of disruptive behavior by the minor during the proceedings.