Prior to 2014, most states allowed the indiscriminate shackling of young people in juvenile court. As states considered the traumatic impact of shackling youth, many worked quickly to adjust their policies, with 18 states implementing reforms between 2014 and 2018.

As of July 2019, 32 states including the District of Columbia have enacted legal limitations (legislation, court rule, or administrative order) on the use of restraints in juvenile court proceedings.\(^1\) While these reforms eliminate the indiscriminate shackling of youth in juvenile courts, significant inconsistency remains as to when and why restraints can be used.

Eighteen of the 32 states define the types of restraints that are prohibited. However, only seven explicitly require that, even when restrained, children must maintain limited hand movement to write and handle documents, which is critical to a child’s right and ability to participate in their defense.

Procedures for challenging an order to use restraints on a child also vary considerably. In some states, the child and their counsel must have an opportunity to speak before shackles are ordered, while other states leave the decision solely to the discretion of the judge or place the burden on the prosecution to justify the use of shackles. In some jurisdictions, courts allow transporting, probation, or detention officers to recommend the use of restraints.

Importantly, all states that have established a ban on the indiscriminate use of shackling require that any use of restraint is based on an individualized assessment.

The effort to eliminate the indiscriminate shackling of youth in juvenile courts continues. States that have already adopted shackling reforms would benefit from further clarification of procedures and increased oversight to ensure policies are enacted effectively. NJDC urges the remaining nineteen states that have yet to create a presumption against the automatic use of restraints to do so swiftly.
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