



**Family Court of the First Circuit – THE JUDICIARY • STATE OF HAWAII**  
RONALD T.Y. MOON KAPOLEI COURTHOUSE • 4675 KAPOLEI PARKWAY • KAPOLEI, HAWAII 96707-3272

**R. MARK BROWNING**  
SENIOR JUDGE

**FA'AUUGA TO'OTO'O**  
CIRCUIT COURT JUDGE

**JEFFREY P. CRABTREE**  
CIRCUIT COURT JUDGE

**DISTRICT FAMILY JUDGES**  
JENNIFER L. CHING  
SHERRI L. IHA  
LANSON K. KUPAU  
PAUL T. MURAKAMI  
STEVEN M. NAKASHIMA  
CATHERINE H. REMIGIO  
KEVIN A. SOUZA  
BODE A. UALE  
MATTHEW J. VIOLA

June 25, 2015

**MEMORANDUM**

**TO:** Judge Jennifer Ching, Judge Sherri Iha, Judge Lanson Kupau, Judge Paul Murakami, Judge Steven Nakashima, Judge Catherine Remigio, Judge Kevin Souza, Judge Bode Uale, Judge Matthew Viola, Judge Patricia Aburano, Judge Gale Ching, Judge Darryl Choy, Judge Brian Costa, Judge Peter Fong, Judge James Hershey, Judge Na'unanikina'u Kamali'i, Judge Wilson Loo, Judge Linda Martell, Judge Paul Meares, Judge Trish Morikawa, Judge William Nagle, Judge Karen Radius, Judge Nancy Ryan, Judge Frances Wong, Deputy Prosecuting Attorney Charlene Ikeda, Deputy Public Defender William Bento, and Lt. Albert Cummings

**FROM:** R. Mark Browning  
Senior Judge

**RE:** Family Court Policy on Juvenile Shackling ~~effective~~ immediately

Use of Restraints on the Child.

1. Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, cloth and leather restraints, and other similar items, may not be used on a child during a court proceeding and must be removed prior to the child being brought into the courtroom and appearing before the court unless the court finds that:
  - (A) The use of restraints is necessary due to one of the following factors:
    - (i) Instruments of restraint are necessary to prevent physical harm to the child or another person;
    - (ii) The child has a history of disruptive courtroom 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
    - (iii) There is founded belief that the child presents a substantial risk of flight from the courtroom; and
  - (B) There are no less restrictive alternatives to restrains that will prevent flight or

physical harm to the child or another person, including, but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

2. The court shall provide the juvenile's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make written findings of fact in support of the order.
3. Any restraints shall allow the child limited movement of the hands to read and handle documents and writings necessary to the hearing. Under no circumstances should a child be restrained using fixed restraints to a wall, floor, or furniture.