

## In the Iowa Supreme Court

CLERK SUPREME COURT

**In the Matter of Adoption of New** )  
**Iowa Rule of Juvenile Procedure** ) **Order**  
**8.41 Prohibiting Routine Use** )  
**of Restraints** )

The Iowa Supreme Court adopts new Iowa Rule of Juvenile Procedure 8.41 prohibiting the routine use of restraints on juveniles during court proceedings. At least 28 states have now banned or limited the use of restraints on children in juvenile court proceedings. The rule is designed to promote fair and considerate treatment of juveniles while preserving courtroom and public safety according to available resources. New Iowa Rule of Juvenile Procedure 8.41 is provided with this order.

The rule will require decisions regarding the use of restraints to be made in advance of court proceedings, on a case-by-case basis, communicated to counsel and the court, and subject to judicial review prior to the proceeding. The rule is flexible enough to address situations when individual juveniles may pose a risk of flight or a danger to themselves or others. The rule applies only to use of restraints in courtrooms during court proceedings.

The court promulgates rule 8.41 following a February 2016 request from a number of juvenile justice proponents, full consideration of the proposed rule by the court's Advisory Committee on the Rules of Juvenile Procedure, consultation with the Chief Juvenile Court Officers in the state, a 60-day period of public comment, and the court's own consideration of the rule during its Administrative Term. The court appreciates the time and expertise of all involved, including those who submitted well considered public comments.

Iowa Rule of Juvenile Procedure 8.41 as provided with this order will be effective January 1, 2018, subject to Legislative Council review consistent with

the provisions of Iowa Code section 602.4202.

Dated this 25th day of October, 2017.

The Supreme Court of Iowa

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