



# Supreme Court of Illinois

October 6, 2016

## **ILLINOIS SUPREME COURT ADOPTS NEW RULES ON JUVENILE SHACKLING**

The Illinois Supreme Court has adopted a new rule and amended another to address the use of restraints on a minor in delinquency proceedings arising under the Juvenile Court Act of 1987.

The new rule and rule changes take effect November 1, 2016.

New Supreme Court Rule 943 (Use of Restraints on a Minor in Delinquency Proceedings Arising Under the Juvenile Court Act) provides that instruments of restraint shall not be used on a minor during a court proceeding unless the court finds, after a hearing, that such restraints are necessary to prevent physical harm to the minor or another, the minor has a history of disruptive behavior that presents a risk of harm, or there is a well-founded belief that the minor presents a substantial flight risk. Amendments were also adopted to Rule 941 to state that the rules in Article IX apply to all juvenile delinquency proceedings filed under Article V of the Juvenile Court Act of 1987.

Proposed rules were originally offered to the Supreme Court Rules Committee last year by a number of state and national organizations, including the Illinois Justice Project, the Children and Family Justice Center of the Bluhm Legal Clinic, the Juvenile Justice Initiative, the National Center for Mental Health & Juvenile Justice, and others. The Rules Committee forwarded the original proposal to the Illinois Judicial Conference Juvenile Justice Committee for its review and recommendation. In response, the Juvenile Justice Committee submitted a revised proposal that recognized judicial discretion in determining the need for restraints.

The proposed rules, as revised by the Juvenile Justice Committee, were presented at a public hearing in July 2016 and received overwhelming support from state and national juvenile advocacy organizations, the Illinois Attorney General, public guardians and public defenders, and a retired judge.

"The amendments adopted by the Court will eliminate instances of indiscriminate shackling of minors in juvenile delinquency proceedings that were occurring without an individualized judicial determination," said Chief Justice Garman, "The rules govern the manner in which minors are to be shackled in juvenile court while ensuring that judges retain the discretion to make a case-by-case determination to use restraints when necessary to maintain safety and security in their courtrooms."

According to one commentator, 23 states have curtailed the practice of juvenile shackling through legislation, case law or court rule-making authority, policy or orders. Illinois has joined this growing nationwide trend.