

WHERE ARE THERE STATEWIDE BANS ON AUTOMATIC JUVENILE SHACKLING?

The following laws/court rules/administrative orders/opinions “prohibit” automatic juvenile shackling, but none of them eliminates all juvenile shackling. These rules simply state they cannot be applied to every single in-custody child who comes into the courtroom. In other words, if there is a need for it, judges still can turn to mechanical restraints in the courtroom.

Legislatively, 11 states have ended the practice of automatically shackling children in court proceedings. Those states are: Connecticut, Delaware, Indiana, Nebraska, Nevada, New Hampshire, North Carolina, Oregon, Pennsylvania, South Carolina, and Utah. Vermont has codified a ban on automatically shackling children in transportation, which has the effect of limiting the number of children that are shackled in court. New York has a similar regulation on the books.

The following states do not have laws ending the practice of indiscriminate juvenile shackling—rather, these states have court rules (which carry the same authority as laws, but only govern courts/court procedure), policies (which do not have the same authority as statute, but in practice should operate the same), and court opinions (which also, in theory, have the same effect as a codified statute):

Alaska, Arizona, Florida, Kentucky, Illinois, Maine, Maryland, New Jersey, New Mexico, North Dakota, Ohio, Tennessee, and Washington State have curtailed the practice through the rule-making authority of those states’ highest courts, and Massachusetts and Washington, D.C. have done so through statewide official court policy or administrative order. Courts in California and Idaho have issued opinions against indiscriminate juvenile shackling. The opinion of the court in Idaho covers only shackling of juveniles at adjudication, and does not cover any other hearing.

The following states (and D.C.) limit the automatic shackling of youth in court:

Alaska	Kentucky	North Carolina
Arizona	Louisiana	North Dakota
California	Maine	Oregon
Connecticut	Maryland	Ohio
Delaware	Massachusetts	Pennsylvania
District of Columbia	Nebraska	South Carolina
Florida	Nevada	Tennessee
Idaho	New Hampshire	Utah
Illinois	New Jersey	Vermont
Indiana	New Mexico	Washington
Iowa	New York	

CAMPAIGN AGAINST INDISCRIMINATE JUVENILE SHACKLING

AK	AK. DELINQ. CT. R. 21.5 (2015)
AZ	17B A.R.S. JUV. CT. RULES OF PROC. 12(E) (2017)
CA	<i>Tiffany A. v. Super. Ct.</i> , 150 Cal. App. 4th Supp. 1334 (2007)
CT	CONN. GEN. STAT. ANN. § 46b-122a (2015)
DC	D.C. Super. Ct. Admin. Order 15-07 (2015)
DE	DEL. CODE ANN. tit. 10, § 1007B (2017)
FL	FLA. R. JUV. P. 8.100(b) (2010)
ID	<i>State v. Doe</i> , 333 P.3d 858 (Idaho Ct. App. 2014)
IA	IOWA R. JUV. CT. PROC. 8.41 (2017)
IL	ILL. SUP. CT. R. 943 (2017)
IN	IND. CODE § 31-30.5-2-1 (2015)
KY	KY. JUV. R. PRAC. & PROC. 23 (2016)
LA	Act No. 453, Reg. Sess. (La. 2018)
MA	Trial Ct. of the Commonwealth, CT. OFFICER POL'Y AND PROCEDURES MANUAL, Ch. 4, § VI (2010)
MD	<i>In Re D.M.</i> 228 Md. App. 451 (Md. Ct. Spec. App. 2016); Maryland Judiciary Resolution Regarding Shackling of Children in Juvenile Court (September 2015)
ME	2015 ME Rules 20, Maine Rules of Criminal Procedure, Amended Rule 43A (2015)
NC	N.C. GEN. STAT. § 7B-2402.1 (2007)
NE	NEB. REV. STAT. ANN. § 43-251.03 (2015)
NH	N.H. REV. STAT. § 126-U:13 (2010)
NJ	N.J. R. CH. DIV. FAM. PT. 5:19-4 (2017)
NM	N.M. CHILD. CT. R. 10-223A (2012)
NV	NEV. REV. STAT. ANN. § 62D.415 (2015)
NY	N.Y. COMP. CODES R. & REGS. tit. 9, § 168.3(a) (2013)
ND	N.D. R. JUV. P. 20 (2017)
OH	OHIO SUP. R. § 5.01 (2016)
OR	S.B. 846, 2017 Session (Or. 2018)
PA	237 PA. CODE § 139 (2011), 42 PA. CONS. STAT. § 6336 (2012)
SC	S.C. CODE ANN. § 63-19-1435 (2014)
TN	TENN. R. JUV. PROC. 204 (2016)
UT	UTAH CODE ANN. § 78A-6-122 (2015)
VT	33 VT. STAT. ANN. tit. 33, § 5123 (2013)
WA	WASH. JUV. CT. R. 1.6 (2014)