



pennsylvania
DEPARTMENT OF HUMAN SERVICES

TO: The Honorable Tom Wolf
Governor

FROM: Teresa D. Miller *TDM*
Secretary for Human Services

RE: Annual Report: Act 45 of 2010,
Restraint Use and Reporting Requirements of Pregnant Females

DATE: AUG 01 2019

In accordance with Act 45 of 2010, the Department of Human Services (DHS) is submitting the attached annual report. This report relates to the restraint of pregnant female youth who are alleged or adjudicated delinquent and are being served pursuant to a court order in programs licensed under 55 Pa. Code Chapter 3800 (relating to child residential and day treatment programs). It also includes comparable information for Youth Development Centers (YDCs) and Youth Forestry Camps (YFCs) operated by the Office of Children, Youth and Families (OCYF).

Act 45 of 2010 mandates that the Secretary for Human Services submit an annual report to the Governor's Office no later than August 1 of each year. The contents of the report must include information specifically identifying and enumerating the circumstances that led to the determination that the youth posed a substantial risk of imminent flight or extraordinary medical or security circumstances which dictated that the restraint was necessary to assure the safety and security of the youth, staff and other residents, or the public.

The annual reports are to be posted on your website and available upon request through the offices of DHS. Because of the ability for public access, no identifying information regarding the youth is used in the reports.

If you have any questions, please contact Ms. Amy Grippi, Acting Deputy Secretary for Children, Youth and Families, at 717-787-4756 or agrippi@pa.gov.

Attachment

c: Ms. Amy Grippi
Ms. Carolyn Ellison
Mr. Charles Neff
Ms. Robena Spangler
Ms. Ellen Whitesell

Act 45 Annual Report
Restraint Use and Reporting Requirements of Pregnant Females
July 1, 2018 - June 30, 2019

Background

Senate Bill 1074, Printer's Number 1776, of the 2009 session of the General Assembly was signed into law by former Governor Edward G. Rendell on July 2, 2010 as Act 45.

The Act amends Title 61 (Penal and Correctional Institutions) of Pennsylvania Consolidated Statutes and prohibits the application of restraints on pregnant females who have been alleged or adjudicated delinquent during:

- Any stage of labor;
- Any pregnancy-related medical distress;
- Any period of delivery;
- Any period of postpartum;
- Transport to a medical facility as a result of any of the preceding conditions; or
- Transport to a medical facility after the beginning of the second trimester of pregnancy.

Act 45 provides a specific exception that reasonable restraints may be permitted during certain specific events. Reasonable restraints may only be used after a staff person assigned to the pregnant youth has made an individualized determination that the youth presents a substantial risk of imminent flight or an extraordinary medical or security circumstance dictates that the youth be restrained to ensure the safety of herself, staff of the licensed program, staff of a YDC or YFC, staff of a medical facility, other youth, or the public.

Reasonable restraints permitted under this exception must meet the following requirements:

- The reasonable restraint must be of the least restrictive type and be applied in the least restrictive manner.
- At no time will the youth be left unattended by a staff person with the ability to release the restraint should it become medically necessary.
- The staff person must immediately remove all restraints upon request of a doctor, nurse, or other health care professional.
- Leg and waist restraints are prohibited on a known pregnant youth who is in labor.

Reporting Requirements

Act 45 requires that child residential and day treatment programs licensed under 55 Pa. Code Chapter 3800, as well as YDCs and YFCs operated by the Office of Children, Youth and Families (OCYF), report any restraint applied to a known pregnant female youth who is alleged or adjudicated delinquent and is being served pursuant to a court order. This information is compiled into an annual report each fiscal year that identifies and enumerates the circumstances of each restraint.

Findings

During Fiscal Year July 1, 2018, to June 30, 2019, a total of two restraints were applied on one pregnant youth who was adjudicated delinquent. One pregnant female was restrained twice at North Central Secure Treatment Unit (NCSTU), operated by OCYF's Bureau of Juvenile Justice Services. As of June 30, 2019, there are a total of 657 facilities licensed by DHS as child residential and day treatment programs and five additional facilities operated by OCYF as a YDC or YFC.

Pregnant Female	Facility	Date of Restraint	Time of Restraint	Type of Restraint	Reason for Restraint
Female 1	NCSTU	11/21/2018	9:30 a.m.	Manual	Attempted to assault another resident and making verbal threats to the resident
Female 1	NCSTU	11/28/2018	2:42 p.m.	Manual	Safety/security concern by using profanity towards the teacher and attempting to leave the area by attempting to push past staff to enter classroom area

On 11/21/2018, Resident 1 became upset during a group meeting discussion when another resident attempted to speak when she was speaking. Resident 1 informed the other resident not to call out and to be silent which caused an argument between Resident 1 and the other resident. As the other resident was escorted out of the group room she continued to make comments to Resident 1. Resident 1 jumped out of her seat and attempted to approach the other resident to attempt an assault which triggered the other residents in the room, creating an unsafe environment. Resident 1 was restrained at 9:30 a.m. and during the restraint Resident 1 began to struggle to break free and continued to scream and yell threats towards the other resident. The duration of the restraint was 15 minutes. Resident 1 was evaluated by North Central Secure Treatment Unit nursing staff and no medical follow up was required.

On 11/28/2019, Resident 1 began cursing and being disrespectful towards the teacher in the classroom and attempted to push past staff in an effort to move to the hallway where other residents were changing classes. Resident 1 continued to display disruptive behavior, so staff attempted to verbally de-escalate and verbally prompt Resident 1 back to the dorm. Resident 1 failed to follow staff directives and kept trying to push past staff to enter back into the classroom to yell at the teacher. Based on the potential for harm to others, Resident 1 was restrained at 2:42 p.m. and the duration of the restraint was 30 minutes. Resident 1 was evaluated by North Central Secure Treatment Unit nursing staff and no medical follow up was required.