



pennsylvania
DEPARTMENT OF HUMAN SERVICES

TO: The Honorable Tom Wolf
Governor

FROM: Teresa D. Miller *Tom*
Secretary Department of Human Services

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

DATE: SEP 05 2018

In accordance with Act 45 of 2010, the Department of Human Services (department) is submitting the attached annual report related 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) as well as Youth Development Centers and Youth Forestry Camps operated by the Office of Children, Youth, and Families.

This statute mandates that the Secretary of Human Services submit an annual report to the Governor's Office no later than August 1 of each year. 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 that dictated 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 the Governor's website and made available for public inspection at the department and the Department of Corrections. No identifying information regarding the youth may be used in annual reports.

Therefore, we are requesting your approval to have the annual report posted on the Governor's website and made available for public inspection. If you have any questions, please feel free to contact me.

Attachment

cc: Ms. Ellison
Mr. Neff
Ms. Perry
File/Ms. Cathy A. Utz

Act 45 Annual Report
Restraint Use and Reporting Requirements of Pregnant Females
July 1, 2017 - June 30, 2018

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 to 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 these specific events. Reasonable restraints can 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, YDC, YFC or 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 Youth Developments Centers and Youth Forestry Camps operated by the Office of Children, Youth and Families 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, 2017 to June 30, 2018, there were no documented restraints of pregnant females who were alleged or adjudicated delinquent and being served pursuant to a court order.