

Act 45 Annual Report
Restraint Use and Reporting Requirements of Pregnant Youth
July 1, 2022 – June 30, 2023

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 youth 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 the youth and staff of the licensed program, YDC, YFC or medical facility, as well as other youth and 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 OCYF, report any restraint applied to a known pregnant 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, 2022, to June 30, 2023, zero pregnant youth were restrained.