

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD WELFARE LICENSING

CHILDREN'S SERVICES AGENCY

JUVENILE COURT OPERATED FACILITIES

Filed with the secretary of state on October 20, 2020

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a.

(By authority conferred on the department of health and human services by sections 1 and 14 of the social welfare act, 1939 PA 280, MCL 400.1 and 400.14, and section 2 of 1973 PA 116, MCL 722.112.)

R 400.10177 of the Michigan Administrative Code is amended, as follows:

R 400.10177 Resident restraint; pregnant youth.

Rule 177. (1) The facility shall establish and follow written policy and procedures specifying the use of resident restraint.

(2) The written policy must limit the uses of resident restraint to the following:

(a) As a precaution against escape during transfer.

(b) For medical reasons by direction of the medical officer.

(c) To prevent self-injury, injury to others, or property damage.

(3) The written resident restraint policy must prescribe the maintenance of written records of the routine and emergency distribution and use of restraint equipment.

(4) Restraint equipment and physical restraint techniques must not be used for punishment.

(5) Resident restraint must only be applied for the minimum time necessary to accomplish the purpose for its use as specifically permitted in subrule (2) of this rule and must only be applied with the approval of the facility administrator or administrative designee. Approval must be obtained within 20 minutes after the restraint has been initiated.

(6) Subrules (7) and (8) of this rule apply to those secure juvenile detention and correction facilities, for which the primary purpose is to serve juveniles that have been accused of or adjudicated delinquent for having committed an offense-

(7) Mechanical restraints must not be used on pregnant youth, including youth who are in labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the youth presents an immediate and serious threat of hurting self, staff, or others.

(8) The following restraints are prohibited for use on pregnant youth unless reasonable grounds exist to believe the youth presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method:

(a) Abdominal restraints.

(b) Leg and ankle restraints.

(c) Wrist restraints behind the back.

(d) Four-point restraints.

(9) A staff member shall be present continuously while material or mechanical restraint equipment is being used on a resident.

(10) Each use of material or mechanical restraint equipment must be documented in a written record and must include all of the following information:

- (a) The name of the resident.
- (b) The name of the administrator or designee who authorized the use of the equipment, and the time of the authorization.
- (c) The time the restraint equipment was applied.
- (d) The name of the staff member who was responsible for the application.
- (e) A description of the specific behavior that necessitated its use.
- (f) The name of the staff person who was continuously with the resident.
- (g) The date and the time of removal of the equipment and the name of the person removing the equipment.