



TO: The Honorable Tom Wolf
Governor

FROM: M. Snead
Acting Secretary for Human Services

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

DATE: August 8, 2022

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 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 and Youth Forestry Camps operated by the Office of Children, Youth and Families.

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 Mr. Jonathan Rubin, Deputy Secretary for Children, Youth and Families, at 717-705-2912 or jrubin@pa.gov.

Attachment

c: Ms. Carolyn Ellison
Ms. Maria Dispenziere
Ms. Natalie Bates
Mr. Charles Neff
Ms. Jennie Pettet
Ms. Amanda Dorris

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, 2021, to June 30, 2022, one pregnant youth (Resident 1) was restrained. Resident 1, who was adjudicated delinquent, was restrained at North Central Secure Treatment Unit (NCSTU) - Girls Program on one occasion. As of June 30, 2022, there are a total of 630 facilities licensed by DHS as child residential and day treatment programs and five additional facilities operated by OCYF as a YDC or YFC.

Pregnant Youth	Facility	Date of Restraint	Time of Restraint	Type of Restraint	Reason for Restraint
Resident 1	NCSTU	5/24/22	7:35 p.m.	Manual	Attempting to cause bodily harm to themselves or staff members.

Resident 1

On 5/24/2022, Resident 1 was displaying unsafe behavior and placed on Community Protection Protocol. It is reported that the youth stated they were going to have an abortion due to people thinking they aren't a good person. The youth also made threats to throw or flip the desk (which they had done earlier that day), and continuously yelled and screamed at staff when given directives and expectations to follow. Resident 1 refused to complete any assignments, instead slept until dinner time. Resident 1 ate dinner and returned to their room. Resident 1 began talking and cursing out of their room, stating they were talking to themselves. After a few moments of silence, the youth stepped into their doorway. Staff immediately utilized close proximity and asked Resident 1 to please step back into their room as they were now a safety concern. The youth argued against this. Staff utilized a touch prompt for Resident 1 to return into their room, at which time the youth raised their arm to a 90-degree angle and pushed staff away. Staff called for assistance at 7:35 p.m. and initiated ESPI (Emergency Safety Physical Intervention). Staff members secured Resident 1 in a multiple person bicep assist. Resident 1 was immediately transitioned to a seated multiple person bicep assist. The Nurse on staff was immediately notified to observe the restraint, which lasted a total of six minutes. The youth completed a Life Space Interview and was evaluated by nursing staff with no medical follow up required.