

Act 47 Annual Report  
Restraint Use and Reporting Requirements of Pregnant, Laboring, or Postpartum Children  
July 1, 2023 – June 30, 2024

## **Background**

House Bill 900, Printer's Number 2406 of the 2023 session of the General Assembly was signed into law by Governor Josh Shapiro on December 14, 2023, as Act 47. Effective June 11, 2024, Act 47 (formerly Act 45) prohibits the application of restraints to pregnant, laboring, or postpartum children who have been alleged or adjudicated delinquent or dependent during:

- any stage of labor;
- any pregnancy-related medical distress;
- any period of delivery;
- any period of postpartum; or
- 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 47 provides a specific exception for when reasonable restraints may be permitted during these specific events. Reasonable restraints can only be used after a staff person assigned to the pregnant child has made an individualized determination that the child presents a substantial risk of imminent flight or an extraordinary medical or security circumstance dictates that the child be restrained to ensure the safety of the child, staff of the licensed program, YDC, YFC or medical facility, other children 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 child 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 child who is in labor.

## **Reporting Requirements**

Act 47 requires that child residential and day treatment programs licensed under 55 Pa. Code Chapter 3800 as well as YDCs and YFCs operated by OCYF report any restraint applied to a known pregnant, laboring or postpartum child who is alleged or adjudicated delinquent or dependent. This information is compiled into an annual report each fiscal year that identifies and enumerates the circumstances of each restraint. This annual report is posted on the Department of Human Services' website.

## **Findings**

During Fiscal Year July 1, 2023, to June 30, 2024, zero pregnant children were restrained.