

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 400

**REPRESENTATIVES Faber, Willamowski, Hoops, Latta, Young, Webster,
Schmidt, Husted, Lendrum, Schaffer**

A B I L L

To amend sections 2151.011, 2151.35, 2151.354, 1
2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2
2152.41, and 2152.74 of the Revised Code to 3
specifically permit the confinement of adjudicated 4
delinquent children in a juvenile detention 5
facility and the confinement of a person under a 6
disposition imposed for a delinquent child or 7
juvenile traffic offender disposition, after the 8
person attains 18 years of age, in a facility other 9
than one for juveniles. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.011, 2151.35, 2151.354, 11
2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2152.41, and 2152.74 12
of the Revised Code be amended to read as follows: 13

Sec. 2151.011. (A) As used in the Revised Code: 14

(1) "Juvenile court" means whichever of the following is 15
applicable that has jurisdiction under this chapter and Chapter 16
2152. of the Revised Code: 17

(a) The division of the court of common pleas specified in 18
section 2101.022 or 2301.03 of the Revised Code as having 19

jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in certified foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food,

clothing, and shelter to ensure the child's health and physical
safety and the provision by a child's parent or parents of
specialized services warranted by the child's physical or mental
needs.

(2) "Adult" means an individual who is eighteen years of age
or older.

(3) "Agreement for temporary custody" means a voluntary
agreement authorized by section 5103.15 of the Revised Code that
transfers the temporary custody of a child to a public children
services agency or a private child placing agency.

(4) "Certified foster home" means a foster home, as defined
in section 5103.02 of the Revised Code, certified under section
5103.03 of the Revised Code.

(5) "Child" means a person who is under eighteen years of
age, except that the juvenile court has jurisdiction over any
person who is adjudicated an unruly child prior to attaining
eighteen years of age until the person attains twenty-one years of
age, and, for purposes of that jurisdiction related to that
adjudication, a person who is so adjudicated an unruly child shall
be deemed a "child" until the person attains twenty-one years of
age.

(6) "Child day camp," "child day-care," "child day-care
center," "part-time child day-care center," "type A family
day-care home," "certified type B family day-care home," "type B
home," "administrator of a child day-care center," "administrator
of a type A family day-care home," "in-home aide," and "authorized
provider" have the same meanings as in section 5104.01 of the
Revised Code.

(7) "Child day-care provider" means an individual who is a
child-care staff member or administrator of a child day-care
center, a type A family day-care home, or a type B family day-care

home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of mental retardation and developmental disabilities, or the early childhood programs of the department of education.

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(8) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

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(9) "Commit" means to vest custody as ordered by the court.

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(10) "Counseling" includes both of the following:

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(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

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(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

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(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

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(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

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(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict

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the movement and activities of children.	111
(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.	112 113
(15) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	114 115
(16) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.	116 117 118 119 120
(17) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.	121 122 123 124 125
(18) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.	126 127
(19) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.	128 129 130 131 132 133 134 135 136 137
(20) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:	138 139 140

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(21) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.

(22) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(23) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.

(24) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(26) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of

children in certified foster homes or elsewhere.	171
(27) "Out-of-home care" means detention facilities, shelter facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child day-care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.	172 173 174 175 176 177 178 179 180 181 182
(28) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	183 184 185
(a) Engaging in sexual activity with a child in the person's care;	186 187
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	188 189 190
(c) Use of restraint procedures on a child that cause injury or pain;	191 192
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	193 194 195
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	196 197 198 199 200

(29) "Out-of-home care child neglect" means any of the	201
following when committed by a person responsible for the care of a	202
child in out-of-home care:	203
(a) Failure to provide reasonable supervision according to	204
the standards of care appropriate to the age, mental and physical	205
condition, or other special needs of the child;	206
(b) Failure to provide reasonable supervision according to	207
the standards of care appropriate to the age, mental and physical	208
condition, or other special needs of the child, that results in	209
sexual or physical abuse of the child by any person;	210
(c) Failure to develop a process for all of the following:	211
(i) Administration of prescription drugs or psychotropic	212
drugs for the child;	213
(ii) Assuring that the instructions of the licensed physician	214
who prescribed a drug for the child are followed;	215
(iii) Reporting to the licensed physician who prescribed the	216
drug all unfavorable or dangerous side effects from the use of the	217
drug.	218
(d) Failure to provide proper or necessary subsistence,	219
education, medical care, or other individualized care necessary	220
for the health or well-being of the child;	221
(e) Confinement of the child to a locked room without	222
monitoring by staff;	223
(f) Failure to provide ongoing security for all prescription	224
and nonprescription medication;	225
(g) Isolation of a child for a period of time when there is	226
substantial risk that the isolation, if continued, will impair or	227
retard the mental health or physical well-being of the child.	228
(30) "Permanent custody" means a legal status that vests in a	229

public children services agency or a private child placing agency, 230
all parental rights, duties, and obligations, including the right 231
to consent to adoption, and divests the natural parents or 232
adoptive parents of all parental rights, privileges, and 233
obligations, including all residual rights and obligations. 234

(31) "Permanent surrender" means the act of the parents or, 235
if a child has only one parent, of the parent of a child, by a 236
voluntary agreement authorized by section 5103.15 of the Revised 237
Code, to transfer the permanent custody of the child to a public 238
children services agency or a private child placing agency. 239

(32) "Person responsible for a child's care in out-of-home 240
care" means any of the following: 241

(a) Any foster caregiver, in-home aide, or provider; 242

(b) Any administrator, employee, or agent of any of the 243
following: a public or private detention facility; shelter 244
facility; organization; certified organization; child day-care 245
center; type A family day-care home; certified type B family 246
day-care home; group home; institution; state institution; 247
residential facility; residential care facility; residential camp; 248
day camp; hospital; or medical clinic; 249

(c) Any other person who performs a similar function with 250
respect to, or has a similar relationship to, children. 251

(33) "Physically impaired" means having one or more of the 252
following conditions that substantially limit one or more of an 253
individual's major life activities, including self-care, receptive 254
and expressive language, learning, mobility, and self-direction: 255

(a) A substantial impairment of vision, speech, or hearing; 256

(b) A congenital orthopedic impairment; 257

(c) An orthopedic impairment caused by disease, rheumatic 258
fever or any other similar chronic or acute health problem, or 259

amputation or another similar cause.	260
(34) "Placement for adoption" means the arrangement by a	261
public children services agency or a private child placing agency	262
with a person for the care and adoption by that person of a child	263
of whom the agency has permanent custody.	264
(35) "Placement in foster care" means the arrangement by a	265
public children services agency or a private child placing agency	266
for the out-of-home care of a child of whom the agency has	267
temporary custody or permanent custody.	268
(36) "Planned permanent living arrangement" means an order of	269
a juvenile court pursuant to which both of the following apply:	270
(a) The court gives legal custody of a child to a public	271
children services agency or a private child placing agency without	272
the termination of parental rights.	273
(b) The order permits the agency to make an appropriate	274
placement of the child and to enter into a written agreement with	275
a foster care provider or with another person or agency with whom	276
the child is placed.	277
(37) "Practice of social work" and "practice of professional	278
counseling" have the same meanings as in section 4757.01 of the	279
Revised Code.	280
(38) "Sanction, service, or condition" means a sanction,	281
service, or condition created by court order following an	282
adjudication that a child is an unruly child that is described in	283
division (A) (3) <u>(4)</u> of section 2152.19 of the Revised Code.	284
(39) "Protective supervision" means an order of disposition	285
pursuant to which the court permits an abused, neglected,	286
dependent, or unruly child to remain in the custody of the child's	287
parents, guardian, or custodian and stay in the child's home,	288
subject to any conditions and limitations upon the child, the	289

child's parents, guardian, or custodian, or any other person that	290
the court prescribes, including supervision as directed by the	291
court for the protection of the child.	292
(40) "Psychiatrist" has the same meaning as in section	293
5122.01 of the Revised Code.	294
(41) "Psychologist" has the same meaning as in section	295
4732.01 of the Revised Code.	296
(42) "Residential camp" means a program in which the care,	297
physical custody, or control of children is accepted overnight for	298
recreational or recreational and educational purposes.	299
(43) "Residential care facility" means an institution,	300
residence, or facility that is licensed by the department of	301
mental health under section 5119.22 of the Revised Code and that	302
provides care for a child.	303
(44) "Residential facility" means a home or facility that is	304
licensed by the department of mental retardation and developmental	305
disabilities under section 5123.19 of the Revised Code and in	306
which a child with a developmental disability resides.	307
(45) "Residual parental rights, privileges, and	308
responsibilities" means those rights, privileges, and	309
responsibilities remaining with the natural parent after the	310
transfer of legal custody of the child, including, but not	311
necessarily limited to, the privilege of reasonable visitation,	312
consent to adoption, the privilege to determine the child's	313
religious affiliation, and the responsibility for support.	314
(46) "School day" means the school day established by the	315
state board of education pursuant to section 3313.48 of the	316
Revised Code.	317
(47) "School month" and "school year" have the same meanings	318
as in section 3313.62 of the Revised Code.	319

(48) "Secure correctional facility" means a facility under 320
the direction of the department of youth services that is designed 321
to physically restrict the movement and activities of children and 322
used for the placement of children after adjudication and 323
disposition. 324

(49) "Sexual activity" has the same meaning as in section 325
2907.01 of the Revised Code. 326

(50) "Shelter" means the temporary care of children in 327
physically unrestricted facilities pending court adjudication or 328
disposition. 329

(51) "Shelter for victims of domestic violence" has the same 330
meaning as in section 3113.33 of the Revised Code. 331

(52) "Temporary custody" means legal custody of a child who 332
is removed from the child's home, which custody may be terminated 333
at any time at the discretion of the court or, if the legal 334
custody is granted in an agreement for temporary custody, by the 335
person who executed the agreement. 336

(C) For the purposes of this chapter, a child shall be 337
presumed abandoned when the parents of the child have failed to 338
visit or maintain contact with the child for more than ninety 339
days, regardless of whether the parents resume contact with the 340
child after that period of ninety days. 341

Sec. 2151.35. (A)(1) Except as otherwise provided by division 342
(A)(3) of this section or in section 2152.13 of the Revised Code, 343
the juvenile court may conduct its hearings in an informal manner 344
and may adjourn its hearings from time to time. The court may 345
exclude the general public from its hearings in a particular case 346
if the court holds a separate hearing to determine whether that 347
exclusion is appropriate. If the court decides that exclusion of 348
the general public is appropriate, the court still may admit to a 349

particular hearing or all of the hearings relating to a particular 350
case those persons who have a direct interest in the case and 351
those who demonstrate that their need for access outweighs the 352
interest in keeping the hearing closed. 353

Except cases involving children who are alleged to be unruly 354
or delinquent children for being habitual or chronic truants and 355
except as otherwise provided in section 2152.13 of the Revised 356
Code, all cases involving children shall be heard separately and 357
apart from the trial of cases against adults. The court may excuse 358
the attendance of the child at the hearing in cases involving 359
abused, neglected, or dependent children. The court shall hear and 360
determine all cases of children without a jury, except cases 361
involving serious youthful offenders under section 2152.13 of the 362
Revised Code. 363

If a complaint alleges a child to be a delinquent child, 364
unruly child, or juvenile traffic offender, the court shall 365
require the parent, guardian, or custodian of the child to attend 366
all proceedings of the court regarding the child. If a parent, 367
guardian, or custodian fails to so attend, the court may find the 368
parent, guardian, or custodian in contempt. 369

If the court finds from clear and convincing evidence that 370
the child violated section 2151.87 of the Revised Code, the court 371
shall proceed in accordance with divisions (F) and (G) of that 372
section. 373

If the court at the adjudicatory hearing finds from clear and 374
convincing evidence that the child is an abused, neglected, or 375
dependent child, the court shall proceed, in accordance with 376
division (B) of this section, to hold a dispositional hearing and 377
hear the evidence as to the proper disposition to be made under 378
section 2151.353 of the Revised Code. If the court at the 379
adjudicatory hearing finds beyond a reasonable doubt that the 380
child is a delinquent or unruly child or a juvenile traffic 381

offender, the court shall proceed immediately, or at a postponed 382
hearing, to hear the evidence as to the proper disposition to be 383
made under section 2151.354 or Chapter 2152. of the Revised Code. 384
If the court at the adjudicatory hearing finds beyond a reasonable 385
doubt that the child is an unruly child for being an habitual 386
truant, or that the child is an unruly child for being an habitual 387
truant and that the parent, guardian, or other person having care 388
of the child has failed to cause the child's attendance at school 389
in violation of section 3321.38 of the Revised Code, the court 390
shall proceed to hold a hearing to hear the evidence as to the 391
proper disposition to be made in regard to the child under 392
division (C)(1) of section 2151.354 of the Revised Code and the 393
proper action to take in regard to the parent, guardian, or other 394
person having care of the child under division (C)(2) of section 395
2151.354 of the Revised Code. If the court at the adjudicatory 396
hearing finds beyond a reasonable doubt that the child is a 397
delinquent child for being a chronic truant or for being an 398
habitual truant who previously has been adjudicated an unruly 399
child for being an habitual truant, or that the child is a 400
delinquent child for either of those reasons and the parent, 401
guardian, or other person having care of the child has failed to 402
cause the child's attendance at school in violation of section 403
3321.38 of the Revised Code, the court shall proceed to hold a 404
hearing to hear the evidence as to the proper disposition to be 405
made in regard to the child under division (A)~~(6)~~(7)(a) of section 406
2152.19 of the Revised Code and the proper action to take in 407
regard to the parent, guardian, or other person having care of the 408
child under division (A)~~(6)~~(7)(b) of section 2152.19 of the 409
Revised Code. 410

If the court does not find the child to have violated section 411
2151.87 of the Revised Code or to be an abused, neglected, 412
dependent, delinquent, or unruly child or a juvenile traffic 413

offender, it shall order that the case be dismissed and that the
child be discharged from any detention or restriction theretofore
ordered.

(2) A record of all testimony and other oral proceedings in
juvenile court shall be made in all proceedings that are held
pursuant to section 2151.414 of the Revised Code or in which an
order of disposition may be made pursuant to division (A)(4) of
section 2151.353 of the Revised Code, and shall be made upon
request in any other proceedings. The record shall be made as
provided in section 2301.20 of the Revised Code.

(3) The authority of a juvenile court to exclude the general
public from its hearings that is provided by division (A)(1) of
this section does not limit or affect any right of a victim of a
crime or delinquent act, or of a victim's representative, under
Chapter 2930. of the Revised Code.

(B)(1) If the court at an adjudicatory hearing determines
that a child is an abused, neglected, or dependent child, the
court shall not issue a dispositional order until after the court
holds a separate dispositional hearing. The court may hold the
dispositional hearing for an adjudicated abused, neglected, or
dependent child immediately after the adjudicatory hearing if all
parties were served prior to the adjudicatory hearing with all
documents required for the dispositional hearing. The
dispositional hearing may not be held more than thirty days after
the adjudicatory hearing is held. The court, upon the request of
any party or the guardian ad litem of the child, may continue a
dispositional hearing for a reasonable time not to exceed the time
limits set forth in this division to enable a party to obtain or
consult counsel. The dispositional hearing shall not be held more
than ninety days after the date on which the complaint in the case
was filed.

If the dispositional hearing is not held within the period of

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time required by this division, the court, on its own motion or
the motion of any party or the guardian ad litem of the child,
shall dismiss the complaint without prejudice.

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(2) The dispositional hearing shall be conducted in
accordance with all of the following:

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(a) The judge or referee who presided at the adjudicatory
hearing shall preside, if possible, at the dispositional hearing;

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(b) The court may admit any evidence that is material and
relevant, including, but not limited to, hearsay, opinion, and
documentary evidence;

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(c) Medical examiners and each investigator who prepared a
social history shall not be cross-examined, except upon consent of
the parties, for good cause shown, or as the court in its
discretion may direct. Any party may offer evidence supplementing,
explaining, or disputing any information contained in the social
history or other reports that may be used by the court in
determining disposition.

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(3) After the conclusion of the dispositional hearing, the
court shall enter an appropriate judgment within seven days and
shall schedule the date for the hearing to be held pursuant to
section 2151.415 of the Revised Code. The court may make any order
of disposition that is set forth in section 2151.353 of the
Revised Code. A copy of the judgment shall be given to each party
and to the child's guardian ad litem. If the judgment is
conditional, the order shall state the conditions of the judgment.
If the child is not returned to the child's own home, the court
shall determine which school district shall bear the cost of the
child's education and shall comply with section 2151.36 of the
Revised Code.

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(4) As part of its dispositional order, the court may issue
any order described in division (B) of section 2151.33 of the

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Revised Code. 477

(C) The court shall give all parties to the action and the 478
child's guardian ad litem notice of the adjudicatory and 479
dispositional hearings in accordance with the Juvenile Rules. 480

(D) If the court issues an order pursuant to division (A)(4) 481
of section 2151.353 of the Revised Code committing a child to the 482
permanent custody of a public children services agency or a 483
private child placing agency, the parents of the child whose 484
parental rights were terminated cease to be parties to the action 485
upon the issuance of the order. This division is not intended to 486
eliminate or restrict any right of the parents to appeal the 487
permanent custody order issued pursuant to division (A)(4) of 488
section 2151.353 of the Revised Code. 489

(E) Each juvenile court shall schedule its hearings in 490
accordance with the time requirements of this chapter. 491

(F) In cases regarding abused, neglected, or dependent 492
children, the court may admit any statement of a child that the 493
court determines to be excluded by the hearsay rule if the 494
proponent of the statement informs the adverse party of the 495
proponent's intention to offer the statement and of the 496
particulars of the statement, including the name of the declarant, 497
sufficiently in advance of the hearing to provide the party with a 498
fair opportunity to prepare to challenge, respond to, or defend 499
against the statement, and the court determines all of the 500
following: 501

(1) The statement has circumstantial guarantees of 502
trustworthiness; 503

(2) The statement is offered as evidence of a material fact; 504

(3) The statement is more probative on the point for which it 505
is offered than any other evidence that the proponent can procure 506
through reasonable efforts; 507

(4) The general purposes of the evidence rules and the interests of justice will best be served by the admission of the statement into evidence.

(G) If a child is alleged to be an abused child, the court may order that the testimony of the child be taken by deposition. On motion of the prosecuting attorney, guardian ad litem, or any party, or in its own discretion, the court may order that the deposition be videotaped. Any deposition taken under this division shall be taken with a judge or referee present.

If a deposition taken under this division is intended to be offered as evidence at the hearing, it shall be filed with the court. Part or all of the deposition is admissible in evidence if counsel for all parties had an opportunity and similar motive at the time of the taking of the deposition to develop the testimony by direct, cross, or redirect examination and the judge determines that there is reasonable cause to believe that if the child were to testify in person at the hearing, the child would experience emotional trauma as a result of participating at the hearing.

Sec. 2151.354. (A) If the child is adjudicated an unruly child, the court may:

(1) Make any of the dispositions authorized under section 2151.353 of the Revised Code;

(2) Place the child on community control under any sanctions, services, and conditions that the court prescribes, as described in division (A)~~(3)~~(4) of section 2152.19 of the Revised Code;

(3) Suspend or revoke the driver's license, probationary driver's license, or temporary instruction permit issued to the child and suspend or revoke the registration of all motor vehicles registered in the name of the child. A child whose license or

permit is so suspended or revoked is ineligible for issuance of a 538
license or permit during the period of suspension or revocation. 539
At the end of the period of suspension or revocation, the child 540
shall not be reissued a license or permit until the child has paid 541
any applicable reinstatement fee and complied with all 542
requirements governing license reinstatement. 543

(4) Commit the child to the temporary or permanent custody of 544
the court; 545

(5) If, after making a disposition under division (A)(1), 546
(2), or (3) of this section, the court finds upon further hearing 547
that the child is not amenable to treatment or rehabilitation 548
under that disposition, make a disposition otherwise authorized 549
under divisions (A)(1), ~~(3)~~, (4), (5), and ~~(7)~~(8) of section 550
2152.19 of the Revised Code, except that the child may not be 551
committed to or placed in a secure correctional facility, and 552
commitment to or placement in a detention facility may not exceed 553
twenty-four hours unless authorized by division (B)(3) of section 554
2151.312 or sections 2151.56 to 2151.61 of the Revised Code. 555

(B) If a child is adjudicated an unruly child for committing 556
any act that, if committed by an adult, would be a drug abuse 557
offense, as defined in section 2925.01 of the Revised Code, or a 558
violation of division (B) of section 2917.11 of the Revised Code, 559
then, in addition to imposing, in its discretion, any other order 560
of disposition authorized by this section, the court shall do both 561
of the following: 562

(1) Require the child to participate in a drug abuse or 563
alcohol abuse counseling program; 564

(2) Suspend or revoke the temporary instruction permit, 565
probationary driver's license, or driver's license issued to the 566
child for a period of time prescribed by the court or, at the 567
discretion of the court, until the child attends and 568

satisfactorily completes a drug abuse or alcohol abuse education, 569
intervention, or treatment program specified by the court. During 570
the time the child is attending the program, the court shall 571
retain any temporary instruction permit, probationary driver's 572
license, or driver's license issued to the child and shall return 573
the permit or license when the child satisfactorily completes the 574
program. 575

(C)(1) If a child is adjudicated an unruly child for being an 576
habitual truant, in addition to or in lieu of imposing any other 577
order of disposition authorized by this section, the court may do 578
any of the following: 579

(a) Order the board of education of the child's school 580
district or the governing board of the educational service center 581
in the child's school district to require the child to attend an 582
alternative school if an alternative school has been established 583
pursuant to section 3313.533 of the Revised Code in the school 584
district in which the child is entitled to attend school; 585

(b) Require the child to participate in any academic program 586
or community service program; 587

(c) Require the child to participate in a drug abuse or 588
alcohol abuse counseling program; 589

(d) Require that the child receive appropriate medical or 590
psychological treatment or counseling; 591

(e) Make any other order that the court finds proper to 592
address the child's habitual truancy, including an order requiring 593
the child to not be absent without legitimate excuse from the 594
public school the child is supposed to attend for five or more 595
consecutive days, seven or more school days in one school month, 596
or twelve or more school days in a school year and including an 597
order requiring the child to participate in a truancy prevention 598
mediation program. 599

(2) If a child is adjudicated an unruly child for being an habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, in addition to any order of disposition authorized by this section, all of the following apply:

(a) The court may require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.

(b) The court may require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program.

(c) The court shall warn the parent, guardian, or other person having care of the child that any subsequent adjudication of the child as an unruly or delinquent child for being an habitual or chronic truant may result in a criminal charge against the parent, guardian, or other person having care of the child for a violation of division (C) of section 2919.21 or section 2919.24 of the Revised Code.

Sec. 2151.359. (A)(1) In any proceeding in which a child has been adjudicated an unruly, abused, neglected, or dependent child, on the application of a party, or on the court's own motion, the court may make an order restraining or otherwise controlling the conduct of any parent, guardian, or other custodian in the relationship of that individual to the child if the court finds that an order of that type is necessary to do either of the following:

(a) Control any conduct or relationship that will be

detrimental or harmful to the child. 631

(b) Control any conduct or relationship that will tend to 632
defeat the execution of the order of disposition made or to be 633
made. 634

(2) The court shall give due notice of the application or 635
motion under division (A) of this section, the grounds for the 636
application or motion, and an opportunity to be heard to the 637
person against whom an order under this division is directed. The 638
order may include a requirement that the child's parent, guardian, 639
or other custodian enter into a recognizance with sufficient 640
surety, conditioned upon the faithful discharge of any conditions 641
or control required by the court. 642

(B) The authority to make an order under division (A) of this 643
section and any order made under that authority is in addition to 644
the authority to make an order pursuant to division (C)(2) of 645
section 2151.354 or division (A)~~(6)~~(7)(b) of section 2152.19 of 646
the Revised Code and to any order made under either division. 647

(C) A person's failure to comply with any order made by the 649
court under this section is contempt of court under Chapter 2705. 650
of the Revised Code. 651

Sec. 2152.02. As used in this chapter: 652

(A) "Act charged" means the act that is identified in a 653
complaint, indictment, or information alleging that a child is a 654
delinquent child. 655

(B) "Admitted to a department of youth services facility" 656
includes admission to a facility operated, or contracted for, by 657
the department and admission to a comparable facility outside this 658
state by another state or the United States. 659

(C)(1) "Child" means a person who is under eighteen years of 660

age, except as otherwise provided in divisions (C)(2) to (6) of
this section.

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(2) Subject to division (C)(3) of this section, any person
who violates a federal or state law or a municipal ordinance prior
to attaining eighteen years of age shall be deemed a "child"
irrespective of that person's age at the time the complaint with
respect to that violation is filed or the hearing on the complaint
is held.

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(3) Any person who, while under eighteen years of age,
commits an act that would be a felony if committed by an adult and
who is not taken into custody or apprehended for that act until
after the person attains twenty-one years of age is not a child in
relation to that act.

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(4) Any person whose case is transferred for criminal
prosecution pursuant to section 2152.12 of the Revised Code shall
be deemed after the transfer not to be a child in the transferred
case.

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(5) Any person whose case is transferred for criminal
prosecution pursuant to section 2152.12 of the Revised Code and
who subsequently is convicted of or pleads guilty to a felony in
that case, and any person who is adjudicated a delinquent child
for the commission of an act, who has a serious youthful offender
dispositional sentence imposed for the act pursuant to section
2152.13 of the Revised Code, and whose adult portion of the
dispositional sentence is invoked pursuant to section 2152.14 of
the Revised Code, shall be deemed after the transfer or invocation
not to be a child in any case in which a complaint is filed
against the person.

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(6) The juvenile court has jurisdiction over a person who is
adjudicated a delinquent child or juvenile traffic offender prior
to attaining eighteen years of age until the person attains

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twenty-one years of age, and, for purposes of that jurisdiction
related to that adjudication, except as otherwise provided in this
division, a person who is so adjudicated a delinquent child or
juvenile traffic offender shall be deemed a "child" until the
person attains twenty-one years of age. If a person is so
adjudicated a delinquent child or juvenile traffic offender and
the court makes a disposition of the person under this chapter, at
any time after the person attains eighteen years of age, the
places at which the person may be held under that disposition are
not limited to places authorized under this chapter solely for
confinement of children, and the person may be confined under that
disposition, in accordance with division (F)(2) of section 2152.26
of the Revised Code, in places other than those authorized under
this chapter solely for confinement of children.

(D) "Chronic truant" means any child of compulsory school age
who is absent without legitimate excuse for absence from the
public school the child is supposed to attend for seven or more
consecutive school days, ten or more school days in one school
month, or fifteen or more school days in a school year.

(E) "Community corrections facility," "public safety beds,"
"release authority," and "supervised release" have the same
meanings as in section 5139.01 of the Revised Code.

(F) "Delinquent child" includes any of the following:

(1) Any child, except a juvenile traffic offender, who
violates any law of this state or the United States, or any
ordinance of a political subdivision of the state, that would be
an offense if committed by an adult;

(2) Any child who violates any lawful order of the court made
under this chapter or under Chapter 2151. of the Revised Code
other than an order issued under section 2151.87 of the Revised
Code;

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(3) Any child who violates division (A) of section 2923.211 of the Revised Code;	723 724
(4) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;	725 726
(5) Any child who is a chronic truant.	727
(G) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	728 729 730
(H) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.	731 732 733 734
(I) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.	735 736 737
(J) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.	738 739 740
(K) "Electronic monitoring device," "certified electronic monitoring device," "electronically monitored house arrest," "electronic monitoring system," and "certified electronic monitoring system" have the same meanings as in section 2929.23 of the Revised Code.	741 742 743 744 745
(L) "Economic loss" means any economic detriment suffered by a victim of a delinquent act as a result of the delinquent act and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act.	746 747 748 749 750 751
(M) "Firearm" has the same meaning as in section 2923.11 of	752

the Revised Code. 753

(N) "Juvenile traffic offender" means any child who violates 754
any traffic law, traffic ordinance, or traffic regulation of this 755
state, the United States, or any political subdivision of this 756
state, other than a resolution, ordinance, or regulation of a 757
political subdivision of this state the violation of which is 758
required to be handled by a parking violations bureau or a joint 759
parking violations bureau pursuant to Chapter 4521. of the Revised 760
Code. 761

(O) A "legitimate excuse for absence from the public school 762
the child is supposed to attend" has the same meaning as in 763
section 2151.011 of the Revised Code. 764

(P) "Mandatory serious youthful offender" means a person who 765
is eligible for a mandatory SYO and who is not transferred to 766
adult court under a mandatory or discretionary transfer. 767

(Q) "Mandatory SYO" means a case in which the juvenile court 768
is required to impose a mandatory serious youthful offender 769
disposition under section 2152.13 of the Revised Code. 770

(R) "Mandatory transfer" means that a case is required to be 771
transferred for criminal prosecution under division (A) of section 772
2152.12 of the Revised Code. 773

(S) "Mental illness" has the same meaning as in section 774
5122.01 of the Revised Code. 775

(T) "Mentally retarded person" has the same meaning as in 776
section 5123.01 of the Revised Code. 777

(U) "Monitored time" and "repeat violent offender" have the 778
same meanings as in section 2929.01 of the Revised Code. 779

(V) "Of compulsory school age" has the same meaning as in 780
section 3321.01 of the Revised Code. 781

(W) "Public record" has the same meaning as in section 149.43 782

of the Revised Code. 783

(X) "Serious youthful offender" means a person who is 784
eligible for a mandatory SYO or discretionary SYO but who is not 785
transferred to adult court under a mandatory or discretionary 786
transfer. 787

(Y) "Sexually oriented offense," "habitual sex offender," 788
"juvenile sex offender registrant," and "sexual predator" have the 789
same meanings as in section 2950.01 of the Revised Code. 790

(Z) "Traditional juvenile" means a case that is not 791
transferred to adult court under a mandatory or discretionary 792
transfer, that is eligible for a disposition under sections 793
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 794
that is not eligible for a disposition under section 2152.13 of 795
the Revised Code. 796

(AA) "Transfer" means the transfer for criminal prosecution 797
of a case involving the alleged commission by a child of an act 798
that would be an offense if committed by an adult from the 799
juvenile court to the appropriate court that has jurisdiction of 800
the offense. 801

(BB) "Category one offense" means any of the following: 802

(1) A violation of section 2903.01 or 2903.02 of the Revised 803
Code; 804

(2) A violation of section 2923.02 of the Revised Code 805
involving an attempt to commit aggravated murder or murder. 806

(CC) "Category two offense" means any of the following: 807

(1) A violation of section 2903.03, 2905.01, 2907.02, 808
2909.02, 2911.01, or 2911.11 of the Revised Code; 809

(2) A violation of section 2903.04 of the Revised Code that 810
is a felony of the first degree; 811

(3) A violation of section 2907.12 of the Revised Code as it 812
existed prior to September 3, 1996. 813

Sec. 2152.19. (A) If a child is adjudicated a delinquent 814
child, the court may make any of the following orders of 815
disposition, in addition to any other disposition authorized or 816
required by this chapter: 817

(1) Any order that is authorized by section 2151.353 of the 818
Revised Code for the care and protection of an abused, neglected, 819
or dependent child; 820

(2) Commit the child to the temporary custody of any school, 821
camp, institution, or other facility operated for the care of 822
delinquent children by the county, by a district organized under 823
section 2152.41 or 2151.65 of the Revised Code, or by a private 824
agency or organization, within or without the state, that is 825
authorized and qualified to provide the care, treatment, or 826
placement required, including, but not limited to, a school, camp, 827
or facility operated under section 2151.65 of the Revised Code; 828

(3) Commit the child to the legal custody of a detention 829
facility or district detention facility operated under section 830
2152.41 of the Revised Code, for up to ninety days; 831

(4) Place the child on community control under any sanctions, 832
services, and conditions that the court prescribes. As a condition 833
of community control in every case and in addition to any other 834
condition that it imposes upon the child, the court shall require 835
the child to abide by the law during the period of community 836
control. As referred to in this division, community control 837
includes, but is not limited to, the following sanctions and 838
conditions: 839

(a) A period of basic probation supervision in which the 840
child is required to maintain contact with a person appointed to 841

- supervise the child in accordance with sanctions imposed by the court; 842
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- (b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition; 844
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- (c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center; 849
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- (d) A period of community service of up to five hundred hours for an act that would be a felony or a misdemeanor of the first degree if committed by an adult, up to two hundred hours for an act that would be a misdemeanor of the second, third, or fourth degree if committed by an adult, or up to thirty hours for an act that would be a minor misdemeanor if committed by an adult; 854
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- (e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment; 860
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- (f) A period of drug and alcohol use monitoring; 863
- (g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court; 864
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- (h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours; 868
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- (i) A requirement that the child serve monitored time; 870
- (j) A period of house arrest with or without electronic 871

monitoring;

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(k) A period of electronic monitoring without house arrest or electronically monitored house arrest that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act.

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A period of electronically monitored house arrest imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of electronically monitored house arrest upon a child under this division, it shall require the child: to wear, otherwise have attached to the child's person, or otherwise be subject to monitoring by a certified electronic monitoring device or to participate in the operation of and monitoring by a certified electronic monitoring system; to remain in the child's home or other specified premises for the entire period of electronically monitored house arrest except when the court permits the child to leave those premises to go to school or to other specified premises; to be monitored by a central system that can determine the child's location at designated times; to report periodically to a person designated by the court; and to enter into a written contract with the court agreeing to comply with all requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the electronically monitored house arrest, and agreeing to waive the right to receive credit for any time served on electronically monitored house arrest toward the period of any other dispositional order imposed upon the child if the child violates any of the requirements of the dispositional order of electronically monitored house arrest. The court also may impose other reasonable requirements upon the child.

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Unless ordered by the court, a child shall not receive credit for any time served on electronically monitored house arrest toward any other dispositional order imposed upon the child for

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the act for which was imposed the dispositional order of 904
electronically monitored house arrest. 905

(1) A suspension of the driver's license, probationary 906
driver's license, or temporary instruction permit issued to the 907
child or a suspension of the registration of all motor vehicles 908
registered in the name of the child. A child whose license or 909
permit is so suspended is ineligible for issuance of a license or 910
permit during the period of suspension. At the end of the period 911
of suspension, the child shall not be reissued a license or permit 912
until the child has paid any applicable reinstatement fee and 913
complied with all requirements governing license reinstatement. 914

~~(4)~~(5) Commit the child to the custody of the court; 915

~~(5)~~(6) Require the child to not be absent without legitimate 916
excuse from the public school the child is supposed to attend for 917
five or more consecutive days, seven or more school days in one 918
school month, or twelve or more school days in a school year; 919

~~(6)~~(7)(a) If a child is adjudicated a delinquent child for 920
being a chronic truant or an habitual truant who previously has 921
been adjudicated an unruly child for being a habitual truant, do 922
either or both of the following: 923

(i) Require the child to participate in a truancy prevention 924
mediation program; 925

(ii) Make any order of disposition as authorized by this 926
section, except that the court shall not commit the child to a 927
facility described in division (A)(2) or (3) of this section 928
unless the court determines that the child violated a lawful court 929
order made pursuant to division (C)(1)(e) of section 2151.354 of 930
the Revised Code or division (A)~~(5)~~(6) of this section. 931

(b) If a child is adjudicated a delinquent child for being a 932
chronic truant or a habitual truant who previously has been 933
adjudicated an unruly child for being a habitual truant and the 934

court determines that the parent, guardian, or other person having
care of the child has failed to cause the child's attendance at
school in violation of section 3321.38 of the Revised Code, do
either or both of the following:

(i) Require the parent, guardian, or other person having care
of the child to participate in a truancy prevention mediation
program;

(ii) Require the parent, guardian, or other person having
care of the child to participate in any community service program,
preferably a community service program that requires the
involvement of the parent, guardian, or other person having care
of the child in the school attended by the child.

~~(7)~~(8) Make any further disposition that the court finds
proper, except that the child shall not be placed in any of the
following:

(a) A state correctional institution, a county, multicounty,
or municipal jail or workhouse, or another place in which an adult
convicted of a crime, under arrest, or charged with a crime is
held;

(b) A community corrections facility, if the child would be
covered by the definition of public safety beds for purposes of
sections 5139.41 to 5139.45 of the Revised Code if the court
exercised its authority to commit the child to the legal custody
of the department of youth services for institutionalization or
institutionalization in a secure facility pursuant to this
chapter.

(B) If a child is adjudicated a delinquent child, in addition
to any order of disposition made under division (A) of this
section, the court, in the following situations, shall suspend the
child's temporary instruction permit, restricted license,
probationary driver's license, or nonresident operating privilege,

or suspend the child's ability to obtain such a permit: 966

(1) The child is adjudicated a delinquent child for violating 967
section 2923.122 of the Revised Code, with the suspension and 968
denial being in accordance with division (E)(1)(a), (c), (d), or 969
(e) of section 2923.122 of the Revised Code. 970

(2) The child is adjudicated a delinquent child for 971
committing an act that if committed by an adult would be a drug 972
abuse offense or for violating division (B) of section 2917.11 of 973
the Revised Code, with the suspension continuing until the child 974
attends and satisfactorily completes a drug abuse or alcohol abuse 975
education, intervention, or treatment program specified by the 976
court. During the time the child is attending the program, the 977
court shall retain any temporary instruction permit, probationary 978
driver's license, or driver's license issued to the child, and the 979
court shall return the permit or license when the child 980
satisfactorily completes the program. 981

(C) The court may establish a victim-offender mediation 982
program in which victims and their offenders meet to discuss the 983
offense and suggest possible restitution. If the court obtains the 984
assent of the victim of the delinquent act committed by the child, 985
the court may require the child to participate in the program. 986

(D)(1) If a child is adjudicated a delinquent child for 988
committing an act that would be a felony if committed by an adult 989
and if the child caused, attempted to cause, threatened to cause, 990
or created a risk of physical harm to the victim of the act, the 991
court, prior to issuing an order of disposition under this 992
section, shall order the preparation of a victim impact statement 993
by the probation department of the county in which the victim of 994
the act resides, by the court's own probation department, or by a 995
victim assistance program that is operated by the state, a county, 996
a municipal corporation, or another governmental entity. The court 997

shall consider the victim impact statement in determining the 998
order of disposition to issue for the child. 999

(2) Each victim impact statement shall identify the victim of 1000
the act for which the child was adjudicated a delinquent child, 1001
itemize any economic loss suffered by the victim as a result of 1002
the act, identify any physical injury suffered by the victim as a 1003
result of the act and the seriousness and permanence of the 1004
injury, identify any change in the victim's personal welfare or 1005
familial relationships as a result of the act and any 1006
psychological impact experienced by the victim or the victim's 1007
family as a result of the act, and contain any other information 1008
related to the impact of the act upon the victim that the court 1009
requires. 1010

(3) A victim impact statement shall be kept confidential and 1011
is not a public record. However, the court may furnish copies of 1012
the statement to the department of youth services if the 1013
delinquent child is committed to the department or to both the 1014
adjudicated delinquent child or the adjudicated delinquent child's 1015
counsel and the prosecuting attorney. The copy of a victim impact 1016
statement furnished by the court to the department pursuant to 1017
this section shall be kept confidential and is not a public 1018
record. The copies of a victim impact statement that are made 1019
available to the adjudicated delinquent child or the adjudicated 1020
delinquent child's counsel and the prosecuting attorney pursuant 1021
to this division shall be returned to the court by the person to 1022
whom they were made available immediately following the imposition 1023
of an order of disposition for the child under this chapter. 1024

(4) The department of youth services shall work with local 1025
probation departments and victim assistance programs to develop a 1026
standard victim impact statement. 1027

(E) If a child is adjudicated a delinquent child for being a 1028
chronic truant or an habitual truant who previously has been 1029

adjudicated an unruly child for being an habitual truant and the 1030
court determines that the parent, guardian, or other person having 1031
care of the child has failed to cause the child's attendance at 1032
school in violation of section 3321.38 of the Revised Code, in 1033
addition to any order of disposition it makes under this section, 1034
the court shall warn the parent, guardian, or other person having 1035
care of the child that any subsequent adjudication of the child as 1036
an unruly or delinquent child for being an habitual or chronic 1037
truant may result in a criminal charge against the parent, 1038
guardian, or other person having care of the child for a violation 1039
of division (C) of section 2919.21 or section 2919.24 of the 1040
Revised Code. 1041

(F)(1) During the period of a delinquent child's community 1042
control granted under this section, authorized probation officers 1043
who are engaged within the scope of their supervisory duties or 1044
responsibilities may search, with or without a warrant, the person 1045
of the delinquent child, the place of residence of the delinquent 1046
child, and a motor vehicle, another item of tangible or intangible 1047
personal property, or other real property in which the delinquent 1048
child has a right, title, or interest or for which the delinquent 1049
child has the express or implied permission of a person with a 1050
right, title, or interest to use, occupy, or possess if the 1051
probation officers have reasonable grounds to believe that the 1052
delinquent child is not abiding by the law or otherwise is not 1053
complying with the conditions of the delinquent child's community 1054
control. The court that places a delinquent child on community 1055
control under this section shall provide the delinquent child with 1056
a written notice that informs the delinquent child that authorized 1057
probation officers who are engaged within the scope of their 1058
supervisory duties or responsibilities may conduct those types of 1059
searches during the period of community control if they have 1060
reasonable grounds to believe that the delinquent child is not 1061

abiding by the law or otherwise is not complying with the 1062
conditions of the delinquent child's community control. The court 1063
also shall provide the written notice described in division (E)(2) 1064
of this section to each parent, guardian, or custodian of the 1065
delinquent child who is described in that division. 1066

(2) The court that places a child on community control under 1067
this section shall provide the child's parent, guardian, or other 1068
custodian with a written notice that informs them that authorized 1069
probation officers may conduct searches pursuant to division 1070
(E)(1) of this section. The notice shall specifically state that a 1071
permissible search might extend to a motor vehicle, another item 1072
of tangible or intangible personal property, or a place of 1073
residence or other real property in which a notified parent, 1074
guardian, or custodian has a right, title, or interest and that 1075
the parent, guardian, or custodian expressly or impliedly permits 1076
the child to use, occupy, or possess. 1077

(G) If a juvenile court commits a delinquent child to the 1078
custody of any person, organization, or entity pursuant to this 1079
section and if the delinquent act for which the child is so 1080
committed is a sexually oriented offense, the court in the order 1081
of disposition shall inform the person, organization, or entity 1082
that it is the preferred course of action in this state that the 1083
child be provided treatment as described in division (A)(2) of 1084
section 5139.13 of the Revised Code and shall encourage the 1085
person, organization, or entity to provide that treatment. 1086

Sec. 2152.21. (A) Unless division (C) of this section 1087
applies, if a child is adjudicated a juvenile traffic offender, 1088
the court may make any of the following orders of disposition: 1089

(1) Impose costs and one or more financial sanctions in 1090
accordance with section 2152.20 of the Revised Code; 1091

(2) Suspend the child's driver's license, probationary 1092

driver's license, or temporary instruction permit or the registration of all motor vehicles registered in the name of the child for a definite period not exceeding two years. A child whose license or permit is so suspended is ineligible for issuance of a license or permit during the period of suspension. At the end of the period of suspension, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

(3) Place the child on community control;

(4) Require the child to make restitution for all damages caused by the child's traffic violation;

(5)(a) If the child is adjudicated a juvenile traffic offender for committing a violation of division (A) of section 4511.19 of the Revised Code or of a municipal ordinance that is substantially equivalent to that division, commit the child, for not longer than five days, to either of the following:

(i) To the temporary custody of a detention facility or district detention facility established under section 2152.41 of the Revised Code;

(ii) To the temporary custody of any school, camp, institution, or other facility for children operated in whole or in part for the care of juvenile traffic offenders of that nature by the county, by a district organized under section 2152.41 or 2151.65 of the Revised Code, or by a private agency or organization within the state that is authorized and qualified to provide the care, treatment, or placement required.

(b) If an order of disposition committing a child to the temporary custody of a home, school, camp, institution, or other facility of that nature is made under division (A)(5)(a) of this section, the length of the commitment shall not be reduced or

diminished as a credit for any time that the child was held in a 1124
place of detention or shelter care, or otherwise was detained, 1125
prior to entry of the order of disposition. 1126

(6) If, after making a disposition under divisions (A)(1) to 1127
(5) of this section, the court finds upon further hearing that the 1128
child has failed to comply with the orders of the court and the 1129
child's operation of a motor vehicle constitutes the child a 1130
danger to the child and to others, the court may make any 1131
disposition authorized by divisions (A)(1), ~~(3)~~, (4), (5), and 1132
~~(7)~~(8) of section 2152.19 of the Revised Code, except that the 1133
child may not be committed to or placed in a secure correctional 1134
facility unless authorized by division (A)(5) of this section, and 1135
commitment to or placement in a detention facility may not exceed 1136
twenty-four hours. 1137

(B) If a child is adjudicated a juvenile traffic offender for 1138
violating division (A) or (B) of section 4511.19 of the Revised 1139
Code, in addition to any order of disposition made under division 1140
(A) of this section, the court shall suspend the temporary 1141
instruction permit, probationary driver's license, or driver's 1142
license issued to the child for a definite period of at least 1143
three months but not more than two years or, at the discretion of 1144
the court, until the child attends and satisfactorily completes a 1145
drug abuse or alcohol abuse education, intervention, or treatment 1146
program specified by the court. During the time the child is 1147
attending the program, the court shall retain any temporary 1148
instruction permit, probationary driver's license, or driver's 1149
license issued to the child and shall return the permit or license 1150
when the child satisfactorily completes the program. 1151

(C) If a child is adjudicated a juvenile traffic offender for 1153
violating division (B)(1) or (2) of section 4513.263 of the 1154
Revised Code, the court shall impose the appropriate fine set 1155

forth in section 4513.99 of the Revised Code. If a child is
adjudicated a juvenile traffic offender for violating division
(B)(3) of section 4513.263 of the Revised Code and if the child is
sixteen years of age or older, the court shall impose the fine set
forth in division (G) of section 4513.99 of the Revised Code. If a
child is adjudicated a juvenile traffic offender for violating
division (B)(3) of section 4513.263 of the Revised Code and if the
child is under sixteen years of age, the court shall not impose a
fine but may place the child on probation or community control.

(D) A juvenile traffic offender is subject to sections
4509.01 to 4509.78 of the Revised Code.

Sec. 2152.26. (A) Except as provided in divisions (B) and (F)
of this section, a child alleged to be or adjudicated a delinquent
child or a juvenile traffic offender may be held only in the
following places:

- (1) A certified foster home or a home approved by the court;
- (2) A facility operated by a certified child welfare agency;
- (3) Any other suitable place designated by the court.

(B) In addition to the places listed in division (A) of this
section, a child alleged to be or adjudicated a delinquent child
may be held in a detention facility for delinquent children that
is under the direction or supervision of the court or other public
authority or of a private agency and approved by the court and a
child adjudicated a delinquent child may be held in accordance
with division (F)(2) of this section in a facility of a type
specified in that division. Division (B) of this section does not
apply to a child alleged to be or adjudicated a delinquent child
for chronic truancy, unless the child violated a lawful court
order made pursuant to division (A)+5)+(6) of section 2152.19 of
the Revised Code. Division (B) of this section also does not apply

to a child alleged to be or adjudicated a delinquent child for 1186
being an habitual truant who previously has been adjudicated an 1187
unruly child for being an habitual truant, unless the child 1188
violated a lawful court order made pursuant to division (C)(1)(e) 1189
of section 2151.354 of the Revised Code. 1190

(C)(1) Except as provided under division (C)(1) of section 1191
2151.311 of the Revised Code or division (A)(5) of section 2152.21 1192
of the Revised Code, a child alleged to be or adjudicated a 1193
juvenile traffic offender may not be held in any of the following 1194
facilities: 1195

(a) A state correctional institution, county, multicounty, or 1196
municipal jail or workhouse, or other place in which an adult 1197
convicted of crime, under arrest, or charged with a crime is held. 1198

(b) A secure correctional facility. 1199

(2) Except as provided under this section, sections 2151.56 1200
to 2151.61, and ~~division~~ divisions (A)(5) and (6) of section 1201
2152.21 of the Revised Code, a child alleged to be or adjudicated 1202
a juvenile traffic offender may not be held for more than 1203
twenty-four hours in a detention facility 1204

(D) Except as provided in division (F) of this section or in 1206
division (C) of section 2151.311, in division (C)(2) of section 1207
5139.06 and section 5120.162, or in division (B) of section 1208
5120.16 of the Revised Code, a child who is alleged to be or is 1209
adjudicated a delinquent child may not be held in a state 1210
correctional institution, county, multicounty, or municipal jail 1211
or workhouse, or other place where an adult convicted of crime, 1212
under arrest, or charged with crime is held. 1213

(E) Unless the detention is pursuant to division (F) of this 1214
section or division (C) of section 2151.311, division (C)(2) of 1215
section 5139.06 and section 5120.162, or division (B) of section 1216

5120.16 of the Revised Code, the official in charge of the institution, jail, workhouse, or other facility shall inform the court immediately when a child, who is or appears to be under the age of eighteen years, is received at the facility, and shall deliver the child to the court upon request or transfer the child to a detention facility designated by the court.

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(F)(1) If a case is transferred to another court for criminal prosecution pursuant to section 2152.12 of the Revised Code, the child may be transferred for detention pending the criminal prosecution in a jail or other facility in accordance with the law governing the detention of persons charged with crime. Any child so held shall be confined in a manner that keeps the child beyond the range of touch of all adult detainees. The child shall be supervised at all times during the detention.

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(2) If a person is adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains eighteen years of age, the person may be held under that disposition in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held. Any person so held shall be confined as described in division (F)(1) of this section.

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Sec. 2152.41. (A) Upon the recommendation of the judge, the board of county commissioners shall provide, by purchase, lease, construction, or otherwise, a detention facility that shall be within a convenient distance of the juvenile court. The facility shall not be used for the confinement of adults charged with criminal offenses. The facility may be used to detain alleged delinquent children until final disposition for evaluation

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pursuant to section 2152.04 of the Revised Code, to confine 1248
children who are adjudicated delinquent children and committed to 1249
the facility pursuant to division (A)(3) of section 2152.19 of the 1250
Revised Code, and ~~for~~ to confine children who are adjudicated 1251
juvenile traffic offenders and committed to the facility under 1252
division (A)(5) or (6) of section 2152.21 of the Revised Code. 1253

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(B) Upon the joint recommendation of the juvenile judges of 1255
two or more neighboring counties, the boards of county 1256
commissioners of the counties shall form themselves into a joint 1257
board and proceed to organize a district for the establishment and 1258
support of a detention facility for the use of the juvenile courts 1259
of those counties, in which alleged delinquent children may be 1260
detained as provided in division (A) of this section, by using a 1261
site or buildings already established in one of the counties or by 1262
providing for the purchase of a site and the erection of the 1263
necessary buildings on the site. 1264

A child who is adjudicated to be a juvenile traffic offender 1265
for having committed a violation of division (A) of section 1266
4511.19 of the Revised Code or of a municipal ordinance that is 1267
substantially comparable to that division may be confined in a 1268
detention facility or district detention facility pursuant to 1269
division (A)(5) of section 2152.21 of the Revised Code, provided 1270
the child is kept separate and apart from alleged delinquent 1271
children. 1272

Except as otherwise provided by law, district detention 1273
facilities shall be established, operated, maintained, and managed 1274
in the same manner so far as applicable as county detention 1275
facilities. 1276

Members of the board of county commissioners who meet by 1277
appointment to consider the organization of a district detention 1278

home, upon presentation of properly certified accounts, shall be 1279
paid their necessary expenses upon a warrant drawn by the county 1280
auditor of their county. 1281

The county auditor of the county having the greatest 1282
population or, with the unanimous concurrence of the county 1283
auditors of the counties composing a district, the auditor of the 1284
county in which the detention facility is located shall be the 1285
fiscal officer of a detention facility district. The county 1286
auditors of the several counties composing a detention facility 1287
district shall meet at the district detention facility, not less 1288
than once in six months, to review accounts and to transact any 1289
other duties in connection with the institution that pertain to 1290
the business of their office. 1291

(C) In any county in which there is no detention facility or 1292
that is not served by a district detention facility, the juvenile 1293
court may enter into a contract, subject to the approval of the 1294
board of county commissioners, with another juvenile court, 1295
another county's detention facility, or a joint county detention 1296
facility. Alternately, the board of county commissioners shall 1297
provide funds for the boarding of children, who would be eligible 1298
for detention under division (A) of this section, temporarily in 1299
private homes or in certified foster homes approved by the court 1300
for a period not exceeding sixty days or until final disposition 1301
of their cases, whichever comes first. The court also may arrange 1302
with any public children services agency or private child placing 1303
agency to receive, or private noncustodial agency for temporary 1304
care of, children within the jurisdiction of the court. 1305
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If the court arranges for the board of children temporarily 1307
detained in certified foster homes or through any private child 1308
placing agency, the county shall pay a reasonable sum to be fixed 1309
by the court for the board of those children. In order to have 1310

certified foster homes available for service, an agreed monthly 1311
subsidy may be paid and a fixed rate per day for care of children 1312
actually residing in the certified foster home. 1313

(D) The board of county commissioners of any county within a 1314
detention facility district, upon the recommendation of the 1315
juvenile court of that county, may withdraw from the district and 1316
sell or lease its right, title, and interest in the site, 1317
buildings, furniture, and equipment of the facility to any 1318
counties in the district, at any price and upon any such terms 1319
that are agreed upon among the boards of county commissioners of 1320
the counties concerned. Section 307.10 of the Revised Code does 1321
not apply to this division. The net proceeds of any sale or lease 1322
under this division shall be paid into the treasury of the 1323
withdrawing county. 1324

The members of the board of trustees of a district detention 1325
facility who are residents of a county withdrawing from the 1326
district are deemed to have resigned their positions upon the 1327
completion of the withdrawal procedure provided by this division. 1328
The vacancies then created shall be filled as provided in this 1329
section. 1330

(E) The children to be admitted for care in a county or 1331
district detention facility established under this section, the 1332
period during which they shall be cared for in the facility, and 1333
the removal and transfer of children from the facility shall be 1334
determined by the juvenile court that ordered the child's 1335
detention. 1336

Sec. 2152.74. (A) As used in this section, "DNA analysis" and 1337
"DNA specimen" have the same meanings as in section 109.573 of the 1338
Revised Code. 1339

(B)(1) A child who is adjudicated a delinquent child for 1340
committing an act listed in division (D) of this section and who 1341

is committed to the custody of the department of youth services, 1342
to a detention facility or district detention facility pursuant to 1343
division (A)(3) of section 2152.19 of the Revised Code, or to a 1344
school, camp, institution, or other facility for delinquent 1345
children described in division (A)(2) of section 2152.19 of the 1346
Revised Code shall submit to a DNA specimen collection procedure 1347
administered by the director of youth services if committed to the 1348
department or by the chief administrative officer of the detention 1349
facility, district detention facility, school, camp, institution, 1350
or other facility for delinquent children to which the child was 1351
committed. If the court commits the child to the department of 1352
youth services, the director of youth services shall cause the DNA 1353
specimen to be collected from the child during the intake process 1354
at an institution operated by or under the control of the 1355
department. If the court commits the child to a detention 1356
facility, district detention facility, school, camp, institution, 1357
or other facility for delinquent children, the chief 1358
administrative officer of the detention facility, district 1359
detention facility, school, camp, institution, or facility to 1360
which the child is committed shall cause the DNA specimen to be 1361
collected from the child during the intake process for the 1362
detention facility, district detention facility, school, camp, 1363
institution, or facility. In accordance with division (C) of this 1364
section, the director or the chief administrative officer shall 1365
cause the DNA specimen to be forwarded to the bureau of criminal 1366
identification and investigation no later than fifteen days after 1367
the date of the collection of the DNA specimen. The DNA specimen 1368
shall be collected from the child in accordance with division (C) 1369
of this section. 1370

(2) If a child is adjudicated a delinquent child for 1371
committing an act listed in division (D) of this section, is 1372
committed to the department of youth services, to a detention 1373

facility or district detention facility, or to a school, camp, 1374
institution, or other facility for delinquent children, and does 1375
not submit to a DNA specimen collection procedure pursuant to 1376
division (B)(1) of this section, prior to the child's release from 1377
the custody of the department of youth services, from the custody 1378
of the detention facility or district detention facility, or from 1379
the custody of the school, camp, institution, or facility, the 1380
child shall submit to, and the director of youth services or the 1381
chief administrator of the detention facility, district detention 1382
facility, school, camp, institution, or facility to which the 1383
child is committed shall administer, a DNA specimen collection 1384
procedure at the institution operated by or under the control of 1385
the department of youth services or at the detention facility, 1386
district detention facility, school, camp, institution, or 1387
facility to which the child is committed. In accordance with 1388
division (C) of this section, the director or the chief 1389
administrative officer shall cause the DNA specimen to be 1390
forwarded to the bureau of criminal identification and 1391
investigation no later than fifteen days after the date of the 1392
collection of the DNA specimen. The DNA specimen shall be 1393
collected in accordance with division (C) of this section. 1394

(C) A physician, registered nurse, licensed practical nurse, 1395
duly licensed clinical laboratory technician, or other qualified 1396
medical practitioner shall collect in a medically approved manner 1397
the DNA specimen required to be collected pursuant to division (B) 1398
of this section. No later than fifteen days after the date of the 1399
collection of the DNA specimen, the director of youth services or 1400
the chief administrative officer of the detention facility, 1401
district detention facility, school, camp, institution, or other 1402
facility for delinquent children to which the child is committed 1403
shall cause the DNA specimen to be forwarded to the bureau of 1404
criminal identification and investigation in accordance with 1405
procedures established by the superintendent of the bureau under 1406

division (H) of section 109.573 of the Revised Code. The bureau 1407
shall provide the specimen vials, mailing tubes, labels, postage, 1408
and instruction needed for the collection and forwarding of the 1409
DNA specimen to the bureau. 1410

(D) The director of youth services and the chief 1411
administrative officer of a detention facility, district detention 1412
facility, school, camp, institution, or other facility for 1413
delinquent children shall cause a DNA specimen to be collected in 1414
accordance with divisions (B) and (C) of this section from each 1415
child in its custody who is adjudicated a delinquent child for 1416
committing any of the following acts: 1417

(1) A violation of section 2903.01, 2903.02, 2905.01, 1418
2907.02, 2907.03, 2907.05, or 2911.11 of the Revised Code; 1419

(2) A violation of section 2907.12 of the Revised Code as it 1420
existed prior to September 3, 1996; 1421

(3) An attempt to commit a violation of section 2907.02, 1422
2907.03, or 2907.05 of the Revised Code or to commit a violation 1423
of section 2907.12 of the Revised Code as it existed prior to 1424
September 3, 1996; 1425

(4) A violation of any law that arose out of the same facts 1426
and circumstances and same act as did a charge against the child 1427
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 1428
2907.03, 2907.05, or 2911.11 of the Revised Code that previously 1429
was dismissed or amended or as did a charge against the child of a 1430
violation of section 2907.12 of the Revised Code as it existed 1431
prior to September 3, 1996, that previously was dismissed or 1432
amended; 1433

(5) A violation of section 2905.02 or 2919.23 of the Revised 1434
Code that would have been a violation of section 2905.04 of the 1435
Revised Code as it existed prior to July 1, 1996, had the 1436
violation been committed prior to that date. 1437

(E) The director of youth services and the chief 1438
administrative officer of a detention facility, district detention 1439
facility, school, camp, institution, or other facility for 1440
delinquent children is not required to comply with this section 1441
until the superintendent of the bureau of criminal identification 1442
and investigation gives agencies in the juvenile justice system, 1443
as defined in section 181.51 of the Revised Code, in the state 1444
official notification that the state DNA laboratory is prepared to 1445
accept DNA specimens. 1446

Section 2. That existing sections 2151.011, 2151.35, 1447
2151.354, 2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2152.41, 1448
and 2152.74 of the Revised Code are hereby repealed. 1449

Section 3. Sections 1 and 2 of this act shall take effect on 1450
January 1, 2002, or on the earliest date permitted by law, 1451
whichever is later. 1452

Section 4. Section 2151.35 of the Revised Code, scheduled to 1453
take effect January 1, 2002, is presented in this act as a 1454
composite of the section as amended by both Am. Sub. S.B. 179 and 1455
Sub. S.B. 218 of the 123rd General Assembly. The General Assembly, 1456
applying the principle stated in division (B) of section 1.52 of 1457
the Revised Code that amendments are to be harmonized if 1458
reasonably capable of simultaneous operation, finds that the 1459
composite is the resulting version of the section in effect prior 1460
to the effective date of the section as presented in this act. 1461