

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. Sub. H. B. No. 400**

**REPRESENTATIVES Faber, Willamowski, Hoops, Latta, Young, Webster,  
Schmidt, Husted, Lendrum, Schaffer, Womer Benjamin, Callender, Flowers,  
Niehaus, Hagan, Buehrer, Coates  
SENATORS Oelslager, Amstutz**

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**A B I L L**

To amend sections 2151.011, 2151.152, 2151.35, 1  
2151.354, 2151.359, 2152.02, 2152.19, 2152.21, 2  
2152.26, 2152.41, 2152.74, and 5139.42 of the 3  
Revised Code to specifically permit the confinement 4  
of adjudicated delinquent children in a juvenile 5  
detention facility and the confinement of a person 6  
under a disposition imposed for a delinquent child 7  
or juvenile traffic offender disposition, after the 8  
person attains 18 years of age, in a facility other 9  
than one for juveniles, to revise the formula for 10  
calculating the per diem cost for the care and 11  
custody of felony delinquents, and to amend the 12  
versions of sections 2151.354, 2152.19, and 2152.21 13  
of the Revised Code that are scheduled to take 14  
effect January 1, 2004, to continue the provisions 15  
of this act on and after that effective date. 16

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

**Section 1.** That sections 2151.011, 2151.152, 2151.35, 17  
2151.354, 2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2152.41, 18

2152.74, and 5139.42 of the Revised Code be amended to read as 19  
follows: 20

**Sec. 2151.011.** (A) As used in the Revised Code: 21

(1) "Juvenile court" means whichever of the following is 22  
applicable that has jurisdiction under this chapter and Chapter 23  
2152. of the Revised Code: 24

(a) The division of the court of common pleas specified in 25  
section 2101.022 or 2301.03 of the Revised Code as having 26  
jurisdiction under this chapter and Chapter 2152. of the Revised 27  
Code or as being the juvenile division or the juvenile division 28  
combined with one or more other divisions; 29

(b) The juvenile court of Cuyahoga county or Hamilton county 30  
that is separately and independently created by section 2151.08 or 31  
Chapter 2153. of the Revised Code and that has jurisdiction under 32  
this chapter and Chapter 2152. of the Revised Code; 33

(c) If division (A)(1)(a) or (b) of this section does not 34  
apply, the probate division of the court of common pleas. 35

(2) "Juvenile judge" means a judge of a court having 36  
jurisdiction under this chapter. 37

(3) "Private child placing agency" means any association, as 38  
defined in section 5103.02 of the Revised Code, that is certified 39  
under section 5103.03 of the Revised Code to accept temporary, 40  
permanent, or legal custody of children and place the children for 41  
either foster care or adoption. 42

(4) "Private noncustodial agency" means any person, 43  
organization, association, or society certified by the department 44  
of job and family services that does not accept temporary or 45  
permanent legal custody of children, that is privately operated in 46  
this state, and that does one or more of the following: 47

(a) Receives and cares for children for two or more consecutive weeks;	48 49
(b) Participates in the placement of children in certified foster homes;	50 51
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	52 53
(B) As used in this chapter:	54
(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.	55 56 57 58 59 60
(2) "Adult" means an individual who is eighteen years of age or older.	61 62
(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.	63 64 65 66
(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.	67 68 69
(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.	70 71 72 73 74 75 76 77

(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.

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

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

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

(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.

(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.

(11) "Custodian" means a person who has legal custody of a	109
child or a public children services agency or private child	110
placing agency that has permanent, temporary, or legal custody of	111
a child.	112
(12) "Delinquent child" has the same meaning as in section	113
2152.02 of the Revised Code.	114
(13) "Detention" means the temporary care of children pending	115
court adjudication or disposition, or execution of a court order,	116
in a public or private facility designed to physically restrict	117
the movement and activities of children.	118
(14) "Developmental disability" has the same meaning as in	119
section 5123.01 of the Revised Code.	120
(15) "Foster caregiver" has the same meaning as in section	121
5103.02 of the Revised Code.	122
(16) "Guardian" means a person, association, or corporation	123
that is granted authority by a probate court pursuant to Chapter	124
2111. of the Revised Code to exercise parental rights over a child	125
to the extent provided in the court's order and subject to the	126
residual parental rights of the child's parents.	127
(17) "Habitual truant" means any child of compulsory school	128
age who is absent without legitimate excuse for absence from the	129
public school the child is supposed to attend for five or more	130
consecutive school days, seven or more school days in one school	131
month, or twelve or more school days in a school year.	132
(18) "Juvenile traffic offender" has the same meaning as in	133
section 2152.02 of the Revised Code.	134
(19) "Legal custody" means a legal status that vests in the	135
custodian the right to have physical care and control of the child	136
and to determine where and with whom the child shall live, and the	137
right and duty to protect, train, and discipline the child and to	138

provide the child with food, shelter, education, and medical care, 139  
all subject to any residual parental rights, privileges, and 140  
responsibilities. An individual granted legal custody shall 141  
exercise the rights and responsibilities personally unless 142  
otherwise authorized by any section of the Revised Code or by the 143  
court. 144

(20) A "legitimate excuse for absence from the public school 145  
the child is supposed to attend" includes, but is not limited to, 146  
any of the following: 147

(a) The fact that the child in question has enrolled in and 148  
is attending another public or nonpublic school in this or another 149  
state; 150

(b) The fact that the child in question is excused from 151  
attendance at school for any of the reasons specified in section 152  
3321.04 of the Revised Code; 153

(c) The fact that the child in question has received an age 154  
and schooling certificate in accordance with section 3331.01 of 155  
the Revised Code. 156

(21) "Mental illness" and "mentally ill person subject to 157  
hospitalization by court order" have the same meanings as in 158  
section 5122.01 of the Revised Code. 159

(22) "Mental injury" means any behavioral, cognitive, 160  
emotional, or mental disorder in a child caused by an act or 161  
omission that is described in section 2919.22 of the Revised Code 162  
and is committed by the parent or other person responsible for the 163  
child's care. 164

(23) "Mentally retarded person" has the same meaning as in 165  
section 5123.01 of the Revised Code. 166

(24) "Nonsecure care, supervision, or training" means care, 167  
supervision, or training of a child in a facility that does not 168

confine or prevent movement of the child within the facility or  
from the facility. 169  
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(25) "Of compulsory school age" has the same meaning as in 171  
section 3321.01 of the Revised Code. 172

(26) "Organization" means any institution, public, 173  
semipublic, or private, and any private association, society, or 174  
agency located or operating in the state, incorporated or 175  
unincorporated, having among its functions the furnishing of 176  
protective services or care for children, or the placement of 177  
children in certified foster homes or elsewhere. 178

(27) "Out-of-home care" means detention facilities, shelter 179  
facilities, certified foster homes, placement in a prospective 180  
adoptive home prior to the issuance of a final decree of adoption, 181  
organizations, certified organizations, child day-care centers, 182  
type A family day-care homes, child day-care provided by type B 183  
family day-care home providers and by in-home aides, group home 184  
providers, group homes, institutions, state institutions, 185  
residential facilities, residential care facilities, residential 186  
camps, day camps, hospitals, and medical clinics that are 187  
responsible for the care, physical custody, or control of 188  
children. 189

(28) "Out-of-home care child abuse" means any of the 190  
following when committed by a person responsible for the care of a 191  
child in out-of-home care: 192

(a) Engaging in sexual activity with a child in the person's 193  
care; 194

(b) Denial to a child, as a means of punishment, of proper or 195  
necessary subsistence, education, medical care, or other care 196  
necessary for a child's health; 197

(c) Use of restraint procedures on a child that cause injury 198  
or pain; 199

(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician; 200  
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(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. 203  
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(29) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 208  
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(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child; 211  
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(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person; 214  
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(c) Failure to develop a process for all of the following: 218

(i) Administration of prescription drugs or psychotropic drugs for the child; 219  
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(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; 221  
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(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug. 223  
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(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 226  
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(e) Confinement of the child to a locked room without 229



monitoring by staff;	230
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	231 232
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	233 234 235
(30) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	236 237 238 239 240 241
(31) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	242 243 244 245 246
(32) "Person responsible for a child's care in out-of-home care" means any of the following:	247 248
(a) Any foster caregiver, in-home aide, or provider;	249
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic;	250 251 252 253 254 255 256
(c) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	257 258
(33) "Physically impaired" means having one or more of the	259

following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

- (a) A substantial impairment of vision, speech, or hearing;
- (b) A congenital orthopedic impairment;
- (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(34) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(35) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(36) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

- (a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.
- (b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(37) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(38) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an

adjudication that a child is an unruly child that is described in 290  
division (A)~~(3)~~(4) of section 2152.19 of the Revised Code. 291

(39) "Protective supervision" means an order of disposition 292  
pursuant to which the court permits an abused, neglected, 293  
dependent, or unruly child to remain in the custody of the child's 294  
parents, guardian, or custodian and stay in the child's home, 295  
subject to any conditions and limitations upon the child, the 296  
child's parents, guardian, or custodian, or any other person that 297  
the court prescribes, including supervision as directed by the 298  
court for the protection of the child. 299

(40) "Psychiatrist" has the same meaning as in section 300  
5122.01 of the Revised Code. 301

(41) "Psychologist" has the same meaning as in section 302  
4732.01 of the Revised Code. 303

(42) "Residential camp" means a program in which the care, 304  
physical custody, or control of children is accepted overnight for 305  
recreational or recreational and educational purposes. 306

(43) "Residential care facility" means an institution, 307  
residence, or facility that is licensed by the department of 308  
mental health under section 5119.22 of the Revised Code and that 309  
provides care for a child. 310

(44) "Residential facility" means a home or facility that is 311  
licensed by the department of mental retardation and developmental 312  
disabilities under section 5123.19 of the Revised Code and in 313  
which a child with a developmental disability resides. 314

(45) "Residual parental rights, privileges, and 315  
responsibilities" means those rights, privileges, and 316  
responsibilities remaining with the natural parent after the 317  
transfer of legal custody of the child, including, but not 318  
necessarily limited to, the privilege of reasonable visitation, 319  
consent to adoption, the privilege to determine the child's 320

religious affiliation, and the responsibility for support.	321
(46) "School day" means the school day established by the state board of education pursuant to section 3313.48 of the Revised Code.	322 323 324
(47) "School month" and "school year" have the same meanings as in section 3313.62 of the Revised Code.	325 326
(48) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.	327 328 329 330 331
(49) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	332 333
(50) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.	334 335 336
(51) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.	337 338
(52) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.	339 340 341 342 343
(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.	344 345 346 347 348
<b>Sec. 2151.152.</b> The juvenile judge may enter into an agreement	349

with the department of job and family services pursuant to section 350  
5101.11 of the Revised Code for the purpose of reimbursing the 351  
court for foster care maintenance costs and associated 352  
administrative and training costs incurred on behalf of a child 353  
eligible for payments under Title IV-E of the "Social Security 354  
Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980) and who is in the 355  
temporary or permanent custody of the court or subject to a 356  
disposition issued under division (A)(5) of section 2151.354 or 357  
division (A)~~(6)~~(7)(a)(ii) or (A)~~(7)~~(8) of section 2152.19 of the 358  
Revised Code. The agreement shall govern the responsibilities and 359  
duties the court shall perform in providing services to the child. 360

**Sec. 2151.35.** (A)(1) Except as otherwise provided by division 361  
(A)(3) of this section or in section 2152.13 of the Revised Code, 362  
the juvenile court may conduct its hearings in an informal manner 363  
and may adjourn its hearings from time to time. The court may 364  
exclude the general public from its hearings in a particular case 365  
if the court holds a separate hearing to determine whether that 366  
exclusion is appropriate. If the court decides that exclusion of 367  
the general public is appropriate, the court still may admit to a 368  
particular hearing or all of the hearings relating to a particular 369  
case those persons who have a direct interest in the case and 370  
those who demonstrate that their need for access outweighs the 371  
interest in keeping the hearing closed. 372

Except cases involving children who are alleged to be unruly 373  
or delinquent children for being habitual or chronic truants and 374  
except as otherwise provided in section 2152.13 of the Revised 375  
Code, all cases involving children shall be heard separately and 376  
apart from the trial of cases against adults. The court may excuse 377  
the attendance of the child at the hearing in cases involving 378  
abused, neglected, or dependent children. The court shall hear and 379  
determine all cases of children without a jury, except cases 380

involving serious youthful offenders under section 2152.13 of the  
Revised Code.

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

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

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If the court at the adjudicatory hearing finds from clear and  
convincing evidence that the child is an abused, neglected, or  
dependent child, the court shall proceed, in accordance with  
division (B) of this section, to hold a dispositional hearing and  
hear the evidence as to the proper disposition to be made under  
section 2151.353 of the Revised Code. If the court at the  
adjudicatory hearing finds beyond a reasonable doubt that the  
child is a delinquent or unruly child or a juvenile traffic  
offender, the court shall proceed immediately, or at a postponed  
hearing, to hear the evidence as to the proper disposition to be  
made under section 2151.354 or Chapter 2152. of the Revised Code.  
If the court at the adjudicatory hearing finds beyond a reasonable  
doubt that the child is an unruly child for being an habitual  
truant, or that the child is an unruly child for being an habitual  
truant and 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, the court  
shall proceed to hold a hearing to hear the evidence as to the  
proper disposition to be made in regard to the child under

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division (C)(1) of section 2151.354 of the Revised Code and the  
proper action to take in regard to the parent, guardian, or other  
person having care of the child under division (C)(2) of section  
2151.354 of the Revised Code. If the court at the adjudicatory  
hearing finds beyond a reasonable doubt that the child is a  
delinquent child for being a chronic truant or for being an  
habitual truant who previously has been adjudicated an unruly  
child for being an habitual truant, or that the child is a  
delinquent child for either of those reasons and 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, the court shall proceed to hold a  
hearing to hear the evidence as to the proper disposition to be  
made in regard to the child under division (A)~~(6)~~(7)(a) of section  
2152.19 of the Revised Code and the proper action to take in  
regard to the parent, guardian, or other person having care of the  
child under division (A)~~(6)~~(7)(b) of section 2152.19 of the  
Revised Code.

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If the court does not find the child to have violated section  
2151.87 of the Revised Code or to be an abused, neglected,  
dependent, delinquent, or unruly child or a juvenile traffic  
offender, it shall order that the case be dismissed and that the  
child be discharged from any detention or restriction theretofore  
ordered.

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(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.

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(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 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.

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

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

(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 Revised Code.

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

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(D) If the court issues an order pursuant to division (A)(4) of section 2151.353 of the Revised Code committing a child to the permanent custody of a public children services agency or a private child placing agency, the parents of the child whose parental rights were terminated cease to be parties to the action

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upon the issuance of the order. This division is not intended to  
eliminate or restrict any right of the parents to appeal the  
permanent custody order issued pursuant to division (A)(4) of  
section 2151.353 of the Revised Code.

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

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

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(1) The statement has circumstantial guarantees of  
trustworthiness;

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

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

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(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.

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(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

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shall be taken with a judge or referee present.

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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.

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

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

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(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, provided that, if the court imposes a period of community service upon the child, the period of community service shall not exceed one hundred seventy-five hours;

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(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 license or permit during the period of suspension or revocation. At the end of the period of suspension or revocation, 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.

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

(5) Make any further disposition the court finds proper that is consistent with sections 2151.312 and 2151.56 to 2151.61 of the Revised Code;

(6) If, after making a disposition under division (A)(1), (2), or (3) of this section, the court finds upon further hearing that the child is not amenable to treatment or rehabilitation under that disposition, make a disposition otherwise authorized under divisions (A)(1), ~~(3)~~, (4), (5), and ~~(7)(8)~~ of section 2152.19 of the Revised Code that is consistent with sections 2151.312 and 2151.56 to 2151.61 of the Revised Code.

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

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

(2) Suspend or revoke the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a period of time prescribed by the court or, at the discretion of the court, until the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending the program, the court shall retain any temporary instruction permit, probationary driver's license, or driver's license issued to the child and shall return the permit or license when the child satisfactorily completes the

program.

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

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

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

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

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

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

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(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

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apply:

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(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.

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

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(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.

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**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:

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(a) Control any conduct or relationship that will be detrimental or harmful to the child.

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

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(2) The court shall give due notice of the application or

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

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

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

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**Sec. 2152.02.** As used in this chapter:

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

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

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

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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  
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

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the court makes a disposition of the person under this chapter, at 719  
any time after the person attains eighteen years of age, the 720  
places at which the person may be held under that disposition are 721  
not limited to places authorized under this chapter solely for 722  
confinement of children, and the person may be confined under that 723  
disposition, in accordance with division (F)(2) of section 2152.26 724  
of the Revised Code, in places other than those authorized under 725  
this chapter solely for confinement of children. 726

(D) "Chronic truant" means any child of compulsory school age 727  
who is absent without legitimate excuse for absence from the 728  
public school the child is supposed to attend for seven or more 729  
consecutive school days, ten or more school days in one school 730  
month, or fifteen or more school days in a school year. 731

(E) "Community corrections facility," "public safety beds," 732  
"release authority," and "supervised release" have the same 733  
meanings as in section 5139.01 of the Revised Code. 734

(F) "Delinquent child" includes any of the following: 735

(1) Any child, except a juvenile traffic offender, who 736  
violates any law of this state or the United States, or any 737  
ordinance of a political subdivision of the state, that would be 738  
an offense if committed by an adult; 739

(2) Any child who violates any lawful order of the court made 740  
under this chapter or under Chapter 2151. of the Revised Code 741  
other than an order issued under section 2151.87 of the Revised 742  
Code; 743

(3) Any child who violates division (A) of section 2923.211 744  
of the Revised Code; 745

(4) Any child who is a habitual truant and who previously has 746  
been adjudicated an unruly child for being a habitual truant; 747

(5) Any child who is a chronic truant. 748

(G) "Discretionary serious youthful offender" means a person 749  
who is eligible for a discretionary SYO and who is not transferred 750  
to adult court under a mandatory or discretionary transfer. 751

(H) "Discretionary SYO" means a case in which the juvenile 752  
court, in the juvenile court's discretion, may impose a serious 753  
youthful offender disposition under section 2152.13 of the Revised 754  
Code. 755

(I) "Discretionary transfer" means that the juvenile court 756  
has discretion to transfer a case for criminal prosecution under 757  
division (B) of section 2152.12 of the Revised Code. 758

(J) "Drug abuse offense," "felony drug abuse offense," and 759  
"minor drug possession offense" have the same meanings as in 760  
section 2925.01 of the Revised Code. 761

(K) "Electronic monitoring device," "certified electronic 762  
monitoring device," "electronically monitored house arrest," 763  
"electronic monitoring system," and "certified electronic 764  
monitoring system" have the same meanings as in section 2929.23 of 765  
the Revised Code. 766

(L) "Economic loss" means any economic detriment suffered by 767  
a victim of a delinquent act as a result of the delinquent act and 768  
includes any loss of income due to lost time at work because of 769  
any injury caused to the victim and any property loss, medical 770  
cost, or funeral expense incurred as a result of the delinquent 771  
act. 772

(M) "Firearm" has the same meaning as in section 2923.11 of 773  
the Revised Code. 774

(N) "Juvenile traffic offender" means any child who violates 775  
any traffic law, traffic ordinance, or traffic regulation of this 776  
state, the United States, or any political subdivision of this 777  
state, other than a resolution, ordinance, or regulation of a 778  
political subdivision of this state the violation of which is 779

required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code. 780  
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(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code. 783  
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(P) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer. 786  
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(Q) "Mandatory SYO" means a case in which the juvenile court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code. 789  
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(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code. 792  
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(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. 795  
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(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 797  
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(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code. 799  
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(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 801  
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(W) "Public record" has the same meaning as in section 149.43 of the Revised Code. 803  
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(X) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer. 805  
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(Y) "Sexually oriented offense," "habitual sex offender," 809  
"juvenile sex offender registrant," and "sexual predator" have the 810  
same meanings as in section 2950.01 of the Revised Code. 811

(Z) "Traditional juvenile" means a case that is not 812  
transferred to adult court under a mandatory or discretionary 813  
transfer, that is eligible for a disposition under sections 814  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 815  
that is not eligible for a disposition under section 2152.13 of 816  
the Revised Code. 817

(AA) "Transfer" means the transfer for criminal prosecution 818  
of a case involving the alleged commission by a child of an act 819  
that would be an offense if committed by an adult from the 820  
juvenile court to the appropriate court that has jurisdiction of 821  
the offense. 822

(BB) "Category one offense" means any of the following: 823

(1) A violation of section 2903.01 or 2903.02 of the Revised 824  
Code; 825

(2) A violation of section 2923.02 of the Revised Code 826  
involving an attempt to commit aggravated murder or murder. 827

(CC) "Category two offense" means any of the following: 828

(1) A violation of section 2903.03, 2905.01, 2907.02, 829  
2909.02, 2911.01, or 2911.11 of the Revised Code; 830

(2) A violation of section 2903.04 of the Revised Code that 831  
is a felony of the first degree; 832

(3) A violation of section 2907.12 of the Revised Code as it 833  
existed prior to September 3, 1996. 834

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 835  
child, the court may make any of the following orders of 836  
disposition, in addition to any other disposition authorized or 837

required by this chapter: 838

(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected, or dependent child; 839  
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(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children 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 or without the state, that is authorized and qualified to provide the care, treatment, or placement required, including, but not limited to, a school, camp, or facility operated under section 2151.65 of the Revised Code; 842  
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(3) Place the child in a detention facility or district detention facility operated under section 2152.41 of the Revised Code, for up to ninety days; 850  
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(4) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other condition that it imposes upon the child, the court shall require the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions: 853  
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(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court; 861  
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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, 865  
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education, and treatment programs as the order of disposition; 869

(c) A period of day reporting in which the child is required 870  
each day to report to and leave a center or another approved 871  
reporting location at specified times in order to participate in 872  
work, education or training, treatment, and other approved 873  
programs at the center or outside the center; 874

(d) A period of community service of up to five hundred hours 875  
for an act that would be a felony or a misdemeanor of the first 876  
degree if committed by an adult, up to two hundred hours for an 877  
act that would be a misdemeanor of the second, third, or fourth 878  
degree if committed by an adult, or up to thirty hours for an act 879  
that would be a minor misdemeanor if committed by an adult; 880

(e) A requirement that the child obtain a high school 881  
diploma, a certificate of high school equivalence, vocational 882  
training, or employment; 883

(f) A period of drug and alcohol use monitoring; 884

(g) A requirement of alcohol or drug assessment or 885  
counseling, or a period in an alcohol or drug treatment program 886  
with a level of security for the child as determined necessary by 887  
the court; 888

(h) A period in which the court orders the child to observe a 889  
curfew that may involve daytime or evening hours; 890

(i) A requirement that the child serve monitored time; 891

(j) A period of house arrest with or without electronic 892  
monitoring; 893

(k) A period of electronic monitoring without house arrest or 894  
electronically monitored house arrest that does not exceed the 895  
maximum sentence of imprisonment that could be imposed upon an 896  
adult who commits the same act. 897

A period of electronically monitored house arrest imposed 898

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

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(1) A suspension of the driver's license, probationary  
driver's license, or temporary instruction permit issued to the  
child or a suspension of the registration of all motor vehicles  
registered in the name of the child. A child whose license or

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permit is so suspended is ineligible for issuance of a license or 931  
permit during the period of suspension. At the end of the period 932  
of suspension, the child shall not be reissued a license or permit 933  
until the child has paid any applicable reinstatement fee and 934  
complied with all requirements governing license reinstatement. 935

~~(4)~~(5) Commit the child to the custody of the court; 936

~~(5)~~(6) Require the child to not be absent without legitimate 937  
excuse from the public school the child is supposed to attend for 938  
five or more consecutive days, seven or more school days in one 939  
school month, or twelve or more school days in a school year; 940

~~(6)~~(7)(a) If a child is adjudicated a delinquent child for 941  
being a chronic truant or an habitual truant who previously has 942  
been adjudicated an unruly child for being a habitual truant, do 943  
either or both of the following: 944

(i) Require the child to participate in a truancy prevention 945  
mediation program; 946

(ii) Make any order of disposition as authorized by this 947  
section, except that the court shall not commit the child to a 948  
facility described in division (A)(2) or (3) of this section 949  
unless the court determines that the child violated a lawful court 950  
order made pursuant to division (C)(1)(e) of section 2151.354 of 951  
the Revised Code or division (A)~~(5)~~(6) of this section. 952

(b) If a child is adjudicated a delinquent child for being a 953  
chronic truant or a habitual truant who previously has been 954  
adjudicated an unruly child for being a habitual truant and the 955  
court determines that the parent, guardian, or other person having 956  
care of the child has failed to cause the child's attendance at 957  
school in violation of section 3321.38 of the Revised Code, do 958  
either or both of the following: 959

(i) Require the parent, guardian, or other person having care 960  
of the child to participate in a truancy prevention mediation 961



program; 962

(ii) Require the parent, guardian, or other person having 963  
care of the child to participate in any community service program, 964  
preferably a community service program that requires the 965  
involvement of the parent, guardian, or other person having care 966  
of the child in the school attended by the child. 967

~~(7)~~(8) Make any further disposition that the court finds 968  
proper, except that the child shall not be placed in any of the 969  
following: 970

(a) A state correctional institution, a county, multicounty, 971  
or municipal jail or workhouse, or another place in which an adult 972  
convicted of a crime, under arrest, or charged with a crime is 973  
held; 974

(b) A community corrections facility, if the child would be 975  
covered by the definition of public safety beds for purposes of 976  
sections 5139.41 to 5139.45 of the Revised Code if the court 977  
exercised its authority to commit the child to the legal custody 978  
of the department of youth services for institutionalization or 979  
institutionalization in a secure facility pursuant to this 980  
chapter. 981

(B) If a child is adjudicated a delinquent child, in addition 982  
to any order of disposition made under division (A) of this 983  
section, the court, in the following situations, shall suspend the 984  
child's temporary instruction permit, restricted license, 985  
probationary driver's license, or nonresident operating privilege, 986  
or suspend the child's ability to obtain such a permit: 987

(1) The child is adjudicated a delinquent child for violating 988  
section 2923.122 of the Revised Code, with the suspension and 989  
denial being in accordance with division (E)(1)(a), (c), (d), or 990  
(e) of section 2923.122 of the Revised Code. 991

(2) The child is adjudicated a delinquent child for 992

committing an act that if committed by an adult would be a drug 993  
abuse offense or for violating division (B) of section 2917.11 of 994  
the Revised Code, with the suspension continuing until the child 995  
attends and satisfactorily completes a drug abuse or alcohol abuse 996  
education, intervention, or treatment program specified by the 997  
court. During the time the child is attending the program, the 998  
court shall retain any temporary instruction permit, probationary 999  
driver's license, or driver's license issued to the child, and the 1000  
court shall return the permit or license when the child 1001  
satisfactorily completes the program. 1002

(C) The court may establish a victim-offender mediation 1003  
program in which victims and their offenders meet to discuss the 1004  
offense and suggest possible restitution. If the court obtains the 1005  
assent of the victim of the delinquent act committed by the child, 1006  
the court may require the child to participate in the program. 1007

(D)(1) If a child is adjudicated a delinquent child for 1009  
committing an act that would be a felony if committed by an adult 1010  
and if the child caused, attempted to cause, threatened to cause, 1011  
or created a risk of physical harm to the victim of the act, the 1012  
court, prior to issuing an order of disposition under this 1013  
section, shall order the preparation of a victim impact statement 1014  
by the probation department of the county in which the victim of 1015  
the act resides, by the court's own probation department, or by a 1016  
victim assistance program that is operated by the state, a county, 1017  
a municipal corporation, or another governmental entity. The court 1018  
shall consider the victim impact statement in determining the 1019  
order of disposition to issue for the child. 1020

(2) Each victim impact statement shall identify the victim of 1021  
the act for which the child was adjudicated a delinquent child, 1022  
itemize any economic loss suffered by the victim as a result of 1023  
the act, identify any physical injury suffered by the victim as a 1024

result of the act and the seriousness and permanence of the 1025  
injury, identify any change in the victim's personal welfare or 1026  
familial relationships as a result of the act and any 1027  
psychological impact experienced by the victim or the victim's 1028  
family as a result of the act, and contain any other information 1029  
related to the impact of the act upon the victim that the court 1030  
requires. 1031

(3) A victim impact statement shall be kept confidential and 1032  
is not a public record. However, the court may furnish copies of 1033  
the statement to the department of youth services if the 1034  
delinquent child is committed to the department or to both the 1035  
adjudicated delinquent child or the adjudicated delinquent child's 1036  
counsel and the prosecuting attorney. The copy of a victim impact 1037  
statement furnished by the court to the department pursuant to 1038  
this section shall be kept confidential and is not a public 1039  
record. If an officer is preparing pursuant to section 2947.06 or 1040  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 1041  
investigation report pertaining to a person, the court shall make 1042  
available to the officer, for use in preparing the report, a copy 1043  
of any victim impact statement regarding that person. The copies 1044  
of a victim impact statement that are made available to the 1045  
adjudicated delinquent child or the adjudicated delinquent child's 1046  
counsel and the prosecuting attorney pursuant to this division 1047  
shall be returned to the court by the person to whom they were 1048  
made available immediately following the imposition of an order of 1049  
disposition for the child under this chapter. 1050

The copy of a victim impact statement that is made available 1051  
pursuant to this division to an officer preparing a criminal 1052  
presentence investigation report shall be returned to the court by 1053  
the officer immediately following its use in preparing the report. 1054

(4) The department of youth services shall work with local 1055  
probation departments and victim assistance programs to develop a 1056

standard victim impact statement.

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(E) If a child is adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been 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 it makes under this section, 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.

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(F)(1) During the period of a delinquent child's community control granted under this section, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the delinquent child, the place of residence of the delinquent child, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the delinquent child has a right, title, or interest or for which the delinquent child has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court that places a delinquent child on community control under this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation officers who are engaged within the scope of their

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supervisory duties or responsibilities may conduct those types of 1089  
searches during the period of community control if they have 1090  
reasonable grounds to believe that the delinquent child is not 1091  
abiding by the law or otherwise is not complying with the 1092  
conditions of the delinquent child's community control. The court 1093  
also shall provide the written notice described in division (E)(2) 1094  
of this section to each parent, guardian, or custodian of the 1095  
delinquent child who is described in that division. 1096

(2) The court that places a child on community control under 1097  
this section shall provide the child's parent, guardian, or other 1098  
custodian with a written notice that informs them that authorized 1099  
probation officers may conduct searches pursuant to division 1100  
(E)(1) of this section. The notice shall specifically state that a 1101  
permissible search might extend to a motor vehicle, another item 1102  
of tangible or intangible personal property, or a place of 1103  
residence or other real property in which a notified parent, 1104  
guardian, or custodian has a right, title, or interest and that 1105  
the parent, guardian, or custodian expressly or impliedly permits 1106  
the child to use, occupy, or possess. 1107

(G) If a juvenile court commits a delinquent child to the 1108  
custody of any person, organization, or entity pursuant to this 1109  
section and if the delinquent act for which the child is so 1110  
committed is a sexually oriented offense, the court in the order 1111  
of disposition shall do one of the following: 1112

(1) Require that the child be provided treatment as described 1113  
in division (A)(2) of section 5139.13 of the Revised Code; 1114  
1115

(2) Inform the person, organization, or entity that it is the 1116  
preferred course of action in this state that the child be 1117  
provided treatment as described in division (A)(2) of section 1118  
5139.13 of the Revised Code and encourage the person, 1119  
organization, or entity to provide that treatment. 1120

Sec. 2152.21. (A) Unless division (C) of this section 1121  
applies, if a child is adjudicated a juvenile traffic offender, 1122  
the court may make any of the following orders of disposition: 1123

(1) Impose costs and one or more financial sanctions in 1124  
accordance with section 2152.20 of the Revised Code; 1125

(2) Suspend the child's driver's license, probationary 1126  
driver's license, or temporary instruction permit or the 1127  
registration of all motor vehicles registered in the name of the 1128  
child for a definite period not exceeding two years. A child whose 1129  
license or permit is so suspended is ineligible for issuance of a 1130  
license or permit during the period of suspension. At the end of 1131  
the period of suspension, the child shall not be reissued a 1132  
license or permit until the child has paid any applicable 1133  
reinstatement fee and complied with all requirements governing 1134  
license reinstatement. 1135

(3) Place the child on community control; 1136

(4) Require the child to make restitution for all damages 1137  
caused by the child's traffic violation; 1138

(5)(a) If the child is adjudicated a juvenile traffic 1139  
offender for committing a violation of division (A) of section 1140  
4511.19 of the Revised Code or of a municipal ordinance that is 1141  
substantially equivalent to that division, commit the child, for 1142  
not longer than five days, to either of the following: 1143

(i) To the temporary custody of a detention facility or 1144  
district detention facility established under section 2152.41 of 1145  
the Revised Code; 1146

(ii) To the temporary custody of any school, camp, 1147  
institution, or other facility for children operated in whole or 1148  
in part for the care of juvenile traffic offenders of that nature 1149  
by the county, by a district organized under section 2152.41 or 1150

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  
place of detention or shelter care, or otherwise was detained,  
prior to entry of the order of disposition.

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

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

instruction permit, probationary driver's license, or driver's  
license issued to the child and shall return the permit or license  
when the child satisfactorily completes the program.

(C) If a child is adjudicated a juvenile traffic offender for  
violating division (B)(1) or (2) of section 4513.263 of the  
Revised Code, the court shall impose the appropriate fine set  
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 1213  
with division (F)(2) of this section in a facility of a type 1214  
specified in that division. Division (B) of this section does not 1215  
apply to a child alleged to be or adjudicated a delinquent child 1216  
for chronic truancy, unless the child violated a lawful court 1217  
order made pursuant to division (A)~~(5)~~(6) of section 2152.19 of 1218  
the Revised Code. Division (B) of this section also does not apply 1219  
to a child alleged to be or adjudicated a delinquent child for 1220  
being an habitual truant who previously has been adjudicated an 1221  
unruly child for being an habitual truant, unless the child 1222  
violated a lawful court order made pursuant to division (C)(1)(e) 1223  
of section 2151.354 of the Revised Code. 1224

(C)(1) Except as provided under division (C)(1) of section 1225  
2151.311 of the Revised Code or division (A)(5) of section 2152.21 1226  
of the Revised Code, a child alleged to be or adjudicated a 1227  
juvenile traffic offender may not be held in any of the following 1228  
facilities: 1229

(a) A state correctional institution, county, multicounty, or 1230  
municipal jail or workhouse, or other place in which an adult 1231  
convicted of crime, under arrest, or charged with a crime is held. 1232

(b) A secure correctional facility. 1233

(2) Except as provided under this section, sections 2151.56 1234  
to 2151.61, and ~~division~~ divisions (A)(5) and (6) of section 1235  
2152.21 of the Revised Code, a child alleged to be or adjudicated 1236  
a juvenile traffic offender may not be held for more than 1237  
twenty-four hours in a detention facility. 1238

(D) Except as provided in division (F) of this section or in 1239  
division (C) of section 2151.311, in division (C)(2) of section 1240  
5139.06 and section 5120.162, or in division (B) of section 1241  
5120.16 of the Revised Code, a child who is alleged to be or is 1242  
adjudicated a delinquent child may not be held in a state 1243  
correctional institution, county, multicounty, or municipal jail 1244

or workhouse, or other place where an adult convicted of crime, 1245  
under arrest, or charged with crime is held. 1246

(E) Unless the detention is pursuant to division (F) of this 1247  
section or division (C) of section 2151.311, division (C)(2) of 1248  
section 5139.06 and section 5120.162, or division (B) of section 1249  
5120.16 of the Revised Code, the official in charge of the 1250  
institution, jail, workhouse, or other facility shall inform the 1251  
court immediately when a child, who is or appears to be under the 1252  
age of eighteen years, is received at the facility, and shall 1253  
deliver the child to the court upon request or transfer the child 1254  
to a detention facility designated by the court. 1255

(F)(1) If a case is transferred to another court for criminal 1256  
prosecution pursuant to section 2152.12 of the Revised Code, the 1257  
child may be transferred for detention pending the criminal 1258  
prosecution in a jail or other facility in accordance with the law 1259  
governing the detention of persons charged with crime. Any child 1260  
so held shall be confined in a manner that keeps the child beyond 1261  
the range of touch of all adult detainees. The child shall be 1262  
supervised at all times during the detention. 1263

(2) If a person is adjudicated a delinquent child or juvenile 1264  
traffic offender and the court makes a disposition of the person 1265  
under this chapter, at any time after the person attains eighteen 1266  
years of age, the person may be held under that disposition in 1267  
places other than those specified in division (A) of this section, 1268  
including, but not limited to, a county, multicounty, or municipal 1269  
jail or workhouse, or other place where an adult convicted of 1270  
crime, under arrest, or charged with crime is held. 1271

(3)(a) A person alleged to be a delinquent child may be held 1273  
in places other than those specified in division (A) of this 1274  
section, including, but not limited to, a county, multicounty, or 1275  
municipal jail, if the delinquent act that the child allegedly 1276

committed would be a felony if committed by an adult, and if 1277  
either of the following applies: 1278

(i) The person attains eighteen years of age before the 1279  
person is arrested or apprehended for that act. 1280

(ii) The person is arrested or apprehended for that act 1281  
before the person attains eighteen years of age, but the person 1282  
attains eighteen years of age before the court orders a 1283  
disposition in the case. 1284

(b) If, pursuant to division (F)(3)(a) of this section, a 1285  
person is held in a place other than a place specified in division 1286  
(A) of this section, the person has the same rights to bail as an 1287  
adult charged with the same offense who is confined in a jail 1288  
pending trial. 1289

**Sec. 2152.41.** (A) Upon the recommendation of the judge, the 1290  
board of county commissioners shall provide, by purchase, lease, 1291  
construction, or otherwise, a detention facility that shall be 1292  
within a convenient distance of the juvenile court. The facility 1293  
shall not be used for the confinement of adults charged with 1294  
criminal offenses. The facility may be used to detain alleged 1295  
delinquent children until final disposition for evaluation 1296  
pursuant to section 2152.04 of the Revised Code, to confine 1297  
children who are adjudicated delinquent children and placed in the 1298  
facility pursuant to division (A)(3) of section 2152.19 of the 1299  
Revised Code, and for to confine children who are adjudicated 1300  
juvenile traffic offenders and committed to the facility under 1301  
division (A)(5) or (6) of section 2152.21 of the Revised Code. 1302

(B) Upon the joint recommendation of the juvenile judges of 1304  
two or more neighboring counties, the boards of county 1305  
commissioners of the counties shall form themselves into a joint 1306  
board and proceed to organize a district for the establishment and 1307

support of a detention facility for the use of the juvenile courts 1308  
of those counties, in which alleged delinquent children may be 1309  
detained as provided in division (A) of this section, by using a 1310  
site or buildings already established in one of the counties or by 1311  
providing for the purchase of a site and the erection of the 1312  
necessary buildings on the site. 1313

A child who is adjudicated to be a juvenile traffic offender 1314  
for having committed a violation of division (A) of section 1315  
4511.19 of the Revised Code or of a municipal ordinance that is 1316  
substantially comparable to that division may be confined in a 1317  
detention facility or district detention facility pursuant to 1318  
division (A)(5) of section 2152.21 of the Revised Code, provided 1319  
the child is kept separate and apart from alleged delinquent 1320  
children. 1321

Except as otherwise provided by law, district detention 1322  
facilities shall be established, operated, maintained, and managed 1323  
in the same manner so far as applicable as county detention 1324  
facilities. 1325

Members of the board of county commissioners who meet by 1326  
appointment to consider the organization of a district detention 1327  
home, upon presentation of properly certified accounts, shall be 1328  
paid their necessary expenses upon a warrant drawn by the county 1329  
auditor of their county. 1330

The county auditor of the county having the greatest 1331  
population or, with the unanimous concurrence of the county 1332  
auditors of the counties composing a district, the auditor of the 1333  
county in which the detention facility is located shall be the 1334  
fiscal officer of a detention facility district. The county 1335  
auditors of the several counties composing a detention facility 1336  
district shall meet at the district detention facility, not less 1337  
than once in six months, to review accounts and to transact any 1338  
other duties in connection with the institution that pertain to 1339

the business of their office.

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(C) In any county in which there is no detention facility or that is not served by a district detention facility, the juvenile court may enter into a contract, subject to the approval of the board of county commissioners, with another juvenile court, another county's detention facility, or a joint county detention facility. Alternately, the board of county commissioners shall provide funds for the boarding of children, who would be eligible for detention under division (A) of this section, temporarily in private homes or in certified foster homes approved by the court for a period not exceeding sixty days or until final disposition of their cases, whichever comes first. The court also may arrange with any public children services agency or private child placing agency to receive, or private noncustodial agency for temporary care of, children within the jurisdiction of the court.

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If the court arranges for the board of children temporarily detained in certified foster homes or through any private child placing agency, the county shall pay a reasonable sum to be fixed by the court for the board of those children. In order to have certified foster homes available for service, an agreed monthly subsidy may be paid and a fixed rate per day for care of children actually residing in the certified foster home.

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(D) The board of county commissioners of any county within a detention facility district, upon the recommendation of the juvenile court of that county, may withdraw from the district and sell or lease its right, title, and interest in the site, buildings, furniture, and equipment of the facility to any counties in the district, at any price and upon any such terms that are agreed upon among the boards of county commissioners of the counties concerned. Section 307.10 of the Revised Code does not apply to this division. The net proceeds of any sale or lease

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under this division shall be paid into the treasury of the 1372  
withdrawing county. 1373

The members of the board of trustees of a district detention 1374  
facility who are residents of a county withdrawing from the 1375  
district are deemed to have resigned their positions upon the 1376  
completion of the withdrawal procedure provided by this division. 1377  
The vacancies then created shall be filled as provided in this 1378  
section. 1379

(E) The children to be admitted for care in a county or 1380  
district detention facility established under this section, the 1381  
period during which they shall be cared for in the facility, and 1382  
the removal and transfer of children from the facility shall be 1383  
determined by the juvenile court that ordered the child's 1384  
detention. 1385

**Sec. 2152.74.** (A) As used in this section, "DNA analysis" and 1386  
"DNA specimen" have the same meanings as in section 109.573 of the 1387  
Revised Code. 1388

(B)(1) A child who is adjudicated a delinquent child for 1389  
committing an act listed in division (D) of this section and who 1390  
is committed to the custody of the department of youth services, 1391  
placed in a detention facility or district detention facility 1392  
pursuant to division (A)(3) of section 2152.19 of the Revised 1393  
Code, or to placed in a school, camp, institution, or other 1394  
facility for delinquent children described in division (A)(2) of 1395  
section 2152.19 of the Revised Code shall submit to a DNA specimen 1396  
collection procedure administered by the director of youth 1397  
services if committed to the department or by the chief 1398  
administrative officer of the detention facility, district 1399  
detention facility, school, camp, institution, or other facility 1400  
for delinquent children to which the child was committed or in 1401  
which the child was placed. If the court commits the child to the 1402

department of youth services, the director of youth services shall 1403  
cause the DNA specimen to be collected from the child during the 1404  
intake process at an institution operated by or under the control 1405  
of the department. If the court commits the child to or places the 1406  
child in a detention facility, district detention facility, 1407  
school, camp, institution, or other facility for delinquent 1408  
children, the chief administrative officer of the detention 1409  
facility, district detention facility, school, camp, institution, 1410  
or facility to which the child is committed or in which the child 1411  
is placed shall cause the DNA specimen to be collected from the 1412  
child during the intake process for the detention facility, 1413  
district detention facility, school, camp, institution, or 1414  
facility. In accordance with division (C) of this section, the 1415  
director or the chief administrative officer shall cause the DNA 1416  
specimen to be forwarded to the bureau of criminal identification 1417  
and investigation no later than fifteen days after the date of the 1418  
collection of the DNA specimen. The DNA specimen shall be 1419  
collected from the child in accordance with division (C) of this 1420  
section. 1421

(2) If a child is adjudicated a delinquent child for 1422  
committing an act listed in division (D) of this section, is 1423  
committed to or placed in the department of youth services, a 1424  
detention facility or district detention facility, or ~~to~~ a school, 1425  
camp, institution, or other facility for delinquent children, and 1426  
does not submit to a DNA specimen collection procedure pursuant to 1427  
division (B)(1) of this section, prior to the child's release from 1428  
the custody of the department of youth services, from the custody 1429  
of the detention facility or district detention facility, or from 1430  
the custody of the school, camp, institution, or facility, the 1431  
child shall submit to, and the director of youth services or the 1432  
chief administrator of the detention facility, district detention 1433  
facility, school, camp, institution, or facility to which the 1434  
child is committed or in which the child was placed shall 1435

administer, a DNA specimen collection procedure at the institution 1436  
operated by or under the control of the department of youth 1437  
services or at the detention facility, district detention 1438  
facility, school, camp, institution, or facility to which the 1439  
child is committed or in which the child was placed. In accordance 1440  
with division (C) of this section, the director or the chief 1441  
administrative officer shall cause the DNA specimen to be 1442  
forwarded to the bureau of criminal identification and 1443  
investigation no later than fifteen days after the date of the 1444  
collection of the DNA specimen. The DNA specimen shall be 1445  
collected in accordance with division (C) of this section. 1446

(C) If the DNA specimen is collected by withdrawing blood 1447  
from the child or a similarly invasive procedure, a physician, 1448  
registered nurse, licensed practical nurse, duly licensed clinical 1449  
laboratory technician, or other qualified medical practitioner 1450  
shall collect in a medically approved manner the DNA specimen 1451  
required to be collected pursuant to division (B) of this section. 1452  
If the DNA specimen is collected by swabbing for buccal cells or a 1453  
similarly noninvasive procedure, this section does not require 1454  
that the DNA specimen be collected by a qualified medical 1455  
practitioner of that nature. No later than fifteen days after the 1456  
date of the collection of the DNA specimen, the director of youth 1457  
services or the chief administrative officer of the detention 1458  
facility, district detention facility, school, camp, institution, 1459  
or other facility for delinquent children to which the child is 1460  
committed or in which the child was placed shall cause the DNA 1461  
specimen to be forwarded to the bureau of criminal identification 1462  
and investigation in accordance with procedures established by the 1463  
superintendent of the bureau under division (H) of section 109.573 1464  
of the Revised Code. The bureau shall provide the specimen vials, 1465  
mailing tubes, labels, postage, and instruction needed for the 1466  
collection and forwarding of the DNA specimen to the bureau. 1467



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

(1) A violation of section 2903.01, 2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code;

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

(3) An attempt to commit a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to commit a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

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

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

(6) A felony violation of any law that arose out of the same facts and circumstances and same act as did a charge against the child of a violation of section 2903.11, 2911.01, 2911.02, or

2911.12 of the Revised Code that previously was dismissed or amended;	1499 1500
(7) A violation of section 2923.01 of the Revised Code involving a conspiracy to commit a violation of section 2903.01, 2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code;	1501 1502 1503 1504
(8) A violation of section 2923.03 of the Revised Code involving complicity in committing a violation of section 2903.01, 2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.	1505 1506 1507 1508 1509 1510
(E) The director of youth services and the chief administrative officer of a <u>detention facility, district detention facility</u> , school, camp, institution, or other facility for delinquent children is not required to comply with this section in relation to the following acts until the superintendent of the bureau of criminal identification and investigation gives agencies in the juvenile justice system, as defined in section 181.51 of the Revised Code, in the state official notification that the state DNA laboratory is prepared to accept DNA specimens of that nature:	1511 1512 1513 1514 1515 1516 1517 1518 1519 1520
(1) A violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code;	1521 1522
(2) An attempt to commit a violation of section 2903.01 or 2903.02 of the Revised Code;	1523 1524
(3) A felony violation of any law that arose out of the same facts and circumstances and same act as did a charge against the child of a violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code that previously was dismissed or amended;	1525 1526 1527 1528 1529

(4) A violation of section 2923.01 of the Revised Code 1530  
involving a conspiracy to commit a violation of section 2903.01, 1531  
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 1532  
Revised Code; 1533

(5) A violation of section 2923.03 of the Revised Code 1534  
involving complicity in committing a violation of section 2903.01, 1535  
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 1536  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 1537  
violation of section 2907.12 of the Revised Code as it existed 1538  
prior to September 3, 1996. 1539

**Sec. 5139.42.** In developing the formula described in section 1540  
5139.41 of the Revised Code, the department of youth services 1541  
shall use the data included by each juvenile court in the annual 1542  
report described in division (C)(3)(b) of section 5139.43 of the 1543  
Revised Code, other data included in any monthly reports that the 1544  
department may require juvenile courts to file under division 1545  
(C)(3)(c) of that section, and other data derived from a fiscal 1546  
monitoring program or another monitoring program described in 1547  
division (C)(3)(d) of that section to project or calculate the 1548  
following for each year of a biennium: 1549

(A) The total number of children who will be adjudicated 1550  
delinquent children by the juvenile courts for acts that if 1551  
committed by an adult would be a felony; 1552

(B) The number of public safety beds; 1553

(C) The state target youth; 1554

(D) The per diem cost for the care and custody of felony 1555  
delinquents that shall be calculated for each year of a biennium 1556  
as follows: 1557

(1) By multiplying the state target youth by the projected 1558  
length of stay of state target youth in the care and custody of 1559

the department; 1560

(2) By subtracting from the appropriation made to the 1561  
department for care and custody of felony delinquents for each 1562  
fiscal year of the biennium the amount of the appropriation that 1563  
must be set aside pursuant to division (A) of section 5139.41 of 1564  
the Revised Code for purposes of funding the contingency program 1565  
described in section 5139.45 of the Revised Code, ~~and then;~~ 1566

(3) By dividing the remainder of the appropriation that was 1567  
~~so~~ calculated under division (D)(2) of this section by the product 1568  
derived under division (D)(1) of this section; 1569

~~(3) By dividing the quotient derived under division (D)(2) of 1570  
this section by the number of days in the fiscal year.~~ 1571

(E) For each county of the state, that county's average 1572  
percentage of the total number of children who during the past 1573  
four fiscal years were adjudicated delinquent children by the 1574  
juvenile courts for acts that, if committed by an adult, would be 1575  
a felony; 1576

(F) The number of children who satisfy all of the following: 1577

(1) They are at least twelve years of age but less than 1578  
eighteen years of age. 1579

(2) They were adjudicated delinquent children for having 1580  
committed acts that if committed by an adult would be a felony. 1581

(3) They were committed to the department by the juvenile 1582  
court of a county that has had one-tenth of one per cent or less 1583  
of the statewide adjudications for felony delinquents as averaged 1584  
for the past four fiscal years. 1585

(4) They are in the care and custody of an institution or a 1586  
community corrections facility. 1587

**Section 2.** That existing sections 2151.011, 2151.152, 1588

2151.35, 2151.354, 2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 1589  
2152.41, 2152.74, and 5139.42 of the Revised Code are hereby 1590  
repealed. 1591

**Section 3.** Section 2151.35 of the Revised Code is presented 1592  
in Section 1 of this act as a composite of the section as amended 1593  
by both Am. Sub. S.B. 179 and Sub. S.B. 218 of the 123rd General 1594  
Assembly. Section 2152.19 of the Revised Code is presented in 1595  
Section 1 of this act as a composite of the section as amended by 1596  
both Sub. H.B. 247 and Sub. H.B. 393 of the 124th General 1597  
Assembly. The General Assembly, applying the principle stated in 1598  
division (B) of section 1.52 of the Revised Code that amendments 1599  
are to be harmonized if reasonably capable of simultaneous 1600  
operation, finds that the composites are the resulting versions of 1601  
the sections in effect prior to the effective date of the sections 1602  
as presented in Section 1 of this act. 1603

**Section 4.** That the versions of sections 2151.354, 2152.19, 1604  
and 2152.21 of the Revised Code that are scheduled to take effect 1605  
January 1, 2004, be amended to read as follows: 1606

**Sec. 2151.354.** (A) If the child is adjudicated an unruly 1607  
child, the court may: 1608

(1) Make any of the dispositions authorized under section 1609  
2151.353 of the Revised Code; 1610

(2) Place the child on community control under any sanctions, 1611  
services, and conditions that the court prescribes, as described 1612  
in division (A)~~(3)~~(4) of section 2152.19 of the Revised Code, 1613  
provided that, if the court imposes a period of community service 1614  
upon the child, the period of community service shall not exceed 1615  
one hundred seventy-five hours; 1616

(3) Suspend the driver's license, probationary driver's 1617

license, or temporary instruction permit issued to the child for a 1618  
period of time prescribed by the court and suspend the 1619  
registration of all motor vehicles registered in the name of the 1620  
child for a period of time prescribed by the court. A child whose 1621  
license or permit is so suspended is ineligible for issuance of a 1622  
license or permit during the period of suspension. At the end of 1623  
the period of suspension, the child shall not be reissued a 1624  
license or permit until the child has paid any applicable 1625  
reinstatement fee and complied with all requirements governing 1626  
license reinstatement. 1627

(4) Commit the child to the temporary or permanent custody of 1628  
the court; 1629

(5) Make any further disposition the court finds proper that 1630  
is consistent with sections 2151.312 and 2151.56 to 2151.61 of the 1631  
Revised Code; 1632

(6) If, after making a disposition under division (A)(1), 1633  
(2), or (3) of this section, the court finds upon further hearing 1634  
that the child is not amenable to treatment or rehabilitation 1635  
under that disposition, make a disposition otherwise authorized 1636  
under divisions (A)(1), ~~(3)~~, (4), (5), and ~~(7)~~(8) of section 1637  
2152.19 of the Revised Code that is consistent with sections 1638  
2151.312 and 2151.56 to 2151.61 of the Revised Code. 1639

(B) If a child is adjudicated an unruly child for committing 1640  
any act that, if committed by an adult, would be a drug abuse 1641  
offense, as defined in section 2925.01 of the Revised Code, or a 1642  
violation of division (B) of section 2917.11 of the Revised Code, 1643  
in addition to imposing, in its discretion, any other order of 1644  
disposition authorized by this section, the court shall do both of 1645  
the following: 1646

(1) Require the child to participate in a drug abuse or 1647  
alcohol abuse counseling program; 1648

(2) Suspend the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a period of time prescribed by the court. The court, in its discretion, may terminate the suspension if the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending a program as described in this division, the court shall retain the child's temporary instruction permit, probationary driver's license, or driver's license, and the court shall return the permit or license if it terminates the suspension.

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

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

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

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

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

(e) Make any other order that the court finds proper to address the child's habitual truancy, including an order requiring the child to not be absent without legitimate excuse from the public school the child is supposed to attend for five or more

consecutive days, seven or more school days in one school month, 1680  
or twelve or more school days in a school year and including an 1681  
order requiring the child to participate in a truancy prevention 1682  
mediation program. 1683

(2) If a child is adjudicated an unruly child for being an 1684  
habitual truant and the court determines that the parent, 1685  
guardian, or other person having care of the child has failed to 1686  
cause the child's attendance at school in violation of section 1687  
3321.38 of the Revised Code, in addition to any order of 1688  
disposition authorized by this section, all of the following 1689  
apply: 1690

(a) The court may require the parent, guardian, or other 1691  
person having care of the child to participate in any community 1692  
service program, preferably a community service program that 1693  
requires the involvement of the parent, guardian, or other person 1694  
having care of the child in the school attended by the child. 1695

(b) The court may require the parent, guardian, or other 1696  
person having care of the child to participate in a truancy 1697  
prevention mediation program. 1698

(c) The court shall warn the parent, guardian, or other 1699  
person having care of the child that any subsequent adjudication 1700  
of the child as an unruly or delinquent child for being an 1701  
habitual or chronic truant may result in a criminal charge against 1702  
the parent, guardian, or other person having care of the child for 1703  
a violation of division (C) of section 2919.21 or section 2919.24 1704  
of the Revised Code. 1705

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 1706  
child, the court may make any of the following orders of 1707  
disposition, in addition to any other disposition authorized or 1708  
required by this chapter: 1709



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

(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children 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 or without the state, that is authorized and qualified to provide the care, treatment, or placement required, including, but not limited to, a school, camp, or facility operated under section 2151.65 of the Revised Code;

(3) Place the child in a detention facility or district detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;

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

(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(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;

(c) A period of day reporting in which the child is required 1741  
each day to report to and leave a center or another approved 1742  
reporting location at specified times in order to participate in 1743  
work, education or training, treatment, and other approved 1744  
programs at the center or outside the center; 1745

(d) A period of community service of up to five hundred hours 1746  
for an act that would be a felony or a misdemeanor of the first 1747  
degree if committed by an adult, up to two hundred hours for an 1748  
act that would be a misdemeanor of the second, third, or fourth 1749  
degree if committed by an adult, or up to thirty hours for an act 1750  
that would be a minor misdemeanor if committed by an adult; 1751

(e) A requirement that the child obtain a high school 1752  
diploma, a certificate of high school equivalence, vocational 1753  
training, or employment; 1754

(f) A period of drug and alcohol use monitoring; 1755

(g) A requirement of alcohol or drug assessment or 1756  
counseling, or a period in an alcohol or drug treatment program 1757  
with a level of security for the child as determined necessary by 1758  
the court; 1759

(h) A period in which the court orders the child to observe a 1760  
curfew that may involve daytime or evening hours; 1761

(i) A requirement that the child serve monitored time; 1762

(j) A period of house arrest with or without electronic 1763  
monitoring; 1764

(k) A period of electronic monitoring without house arrest or 1765  
electronically monitored house arrest that does not exceed the 1766  
maximum sentence of imprisonment that could be imposed upon an 1767  
adult who commits the same act. 1768

A period of electronically monitored house arrest imposed 1769  
under this division shall not extend beyond the child's 1770

twenty-first birthday. If a court imposes a period of 1771  
electronically monitored house arrest upon a child under this 1772  
division, it shall require the child: to wear, otherwise have 1773  
attached to the child's person, or otherwise be subject to 1774  
monitoring by a certified electronic monitoring device or to 1775  
participate in the operation of and monitoring by a certified 1776  
electronic monitoring system; to remain in the child's home or 1777  
other specified premises for the entire period of electronically 1778  
monitored house arrest except when the court permits the child to 1779  
leave those premises to go to school or to other specified 1780  
premises; to be monitored by a central system that can determine 1781  
the child's location at designated times; to report periodically 1782  
to a person designated by the court; and to enter into a written 1783  
contract with the court agreeing to comply with all requirements 1784  
imposed by the court, agreeing to pay any fee imposed by the court 1785  
for the costs of the electronically monitored house arrest, and 1786  
agreeing to waive the right to receive credit for any time served 1787  
on electronically monitored house arrest toward the period of any 1788  
other dispositional order imposed upon the child if the child 1789  
violates any of the requirements of the dispositional order of 1790  
electronically monitored house arrest. The court also may impose 1791  
other reasonable requirements upon the child. 1792

Unless ordered by the court, a child shall not receive credit 1793  
for any time served on electronically monitored house arrest 1794  
toward any other dispositional order imposed upon the child for 1795  
the act for which was imposed the dispositional order of 1796  
electronically monitored house arrest. 1797

(1) A suspension of the driver's license, probationary 1798  
driver's license, or temporary instruction permit issued to the 1799  
child for a period of time prescribed by the court, or a 1800  
suspension of the registration of all motor vehicles registered in 1801  
the name of the child for a period of time prescribed by the 1802

court. A child whose license or permit is so suspended is 1803  
ineligible for issuance of a license or permit during the period 1804  
of suspension. At the end of the period of suspension, the child 1805  
shall not be reissued a license or permit until the child has paid 1806  
any applicable reinstatement fee and complied with all 1807  
requirements governing license reinstatement. 1808

~~(4)~~(5) Commit the child to the custody of the court; 1809

~~(5)~~(6) Require the child to not be absent without legitimate 1810  
excuse from the public school the child is supposed to attend for 1811  
five or more consecutive days, seven or more school days in one 1812  
school month, or twelve or more school days in a school year; 1813

~~(6)~~(7)(a) If a child is adjudicated a delinquent child for 1814  
being a chronic truant or an habitual truant who previously has 1815  
been adjudicated an unruly child for being a habitual truant, do 1816  
either or both of the following: 1817

(i) Require the child to participate in a truancy prevention 1818  
mediation program; 1819

(ii) Make any order of disposition as authorized by this 1820  
section, except that the court shall not commit the child to a 1821  
facility described in division (A)(2) or (3) of this section 1822  
unless the court determines that the child violated a lawful court 1823  
order made pursuant to division (C)(1)(e) of section 2151.354 of 1824  
the Revised Code or division (A)~~(5)~~(6) of this section. 1825

(b) If a child is adjudicated a delinquent child for being a 1826  
chronic truant or a habitual truant who previously has been 1827  
adjudicated an unruly child for being a habitual truant and the 1828  
court determines that the parent, guardian, or other person having 1829  
care of the child has failed to cause the child's attendance at 1830  
school in violation of section 3321.38 of the Revised Code, do 1831  
either or both of the following: 1832

(i) Require the parent, guardian, or other person having care 1833

of the child to participate in a truancy prevention mediation program; 1834  
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(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. 1836  
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~~(7)~~(8) Make any further disposition that the court finds proper, except that the child shall not be placed in any of the following: 1841  
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(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; 1844  
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(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. 1848  
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(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 and for the specified periods of time, 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: 1855  
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(1) If the child is adjudicated a delinquent child for violating section 2923.122 of the Revised Code, impose a class four suspension of the child's license, permit, or privilege from 1862  
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the range specified in division (A)(4) of section 4510.02 of the Revised Code or deny the child the issuance of a license or permit in accordance with division (F)(1) of section 2923.122 of the Revised Code.

(2) If the child is adjudicated a delinquent child for committing an act that if committed by an adult would be a drug abuse offense or for violating division (B) of section 2917.11 of the Revised Code, suspend the child's license, permit, or privilege for a period of time prescribed by the court. The court, in its discretion, may terminate the suspension if the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending a program described in this division, the court shall retain the child's temporary instruction permit, probationary driver's license, or driver's license, and the court shall return the permit or license if it terminates the suspension as described in this division.

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

(D)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child caused, attempted to cause, threatened to cause, or created a risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county,

a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

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

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(3) A victim impact statement shall be kept confidential and is not a public record. However, the court may furnish copies of the statement to the department of youth services if the delinquent child is committed to the department or to both the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney. The copy of a victim impact statement furnished by the court to the department pursuant to this section shall be kept confidential and is not a public record. If an officer is preparing pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a presentence investigation report pertaining to a person, the court shall make available to the officer, for use in preparing the report, a copy of any victim impact statement regarding that person. The copies of a victim impact statement that are made available to the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney pursuant to this division shall be returned to the court by the person to whom they were made available immediately following the imposition of an order of

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disposition for the child under this chapter. 1929

The copy of a victim impact statement that is made available 1930  
pursuant to this division to an officer preparing a criminal 1931  
presentence investigation report shall be returned to the court by 1932  
the officer immediately following its use in preparing the report. 1933

(4) The department of youth services shall work with local 1934  
probation departments and victim assistance programs to develop a 1935  
standard victim impact statement. 1936

(E) If a child is adjudicated a delinquent child for being a 1937  
chronic truant or an habitual truant who previously has been 1938  
adjudicated an unruly child for being an habitual truant and the 1939  
court determines that the parent, guardian, or other person having 1940  
care of the child has failed to cause the child's attendance at 1941  
school in violation of section 3321.38 of the Revised Code, in 1942  
addition to any order of disposition it makes under this section, 1943  
the court shall warn the parent, guardian, or other person having 1944  
care of the child that any subsequent adjudication of the child as 1945  
an unruly or delinquent child for being an habitual or chronic 1946  
truant may result in a criminal charge against the parent, 1947  
guardian, or other person having care of the child for a violation 1948  
of division (C) of section 2919.21 or section 2919.24 of the 1949  
Revised Code. 1950

(F)(1) During the period of a delinquent child's community 1951  
control granted under this section, authorized probation officers 1952  
who are engaged within the scope of their supervisory duties or 1953  
responsibilities may search, with or without a warrant, the person 1954  
of the delinquent child, the place of residence of the delinquent 1955  
child, and a motor vehicle, another item of tangible or intangible 1956  
personal property, or other real property in which the delinquent 1957  
child has a right, title, or interest or for which the delinquent 1958  
child has the express or implied permission of a person with a 1959  
right, title, or interest to use, occupy, or possess if the 1960



probation officers have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court that places a delinquent child on community control under this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of community control if they have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court also shall provide the written notice described in division (E)(2) of this section to each parent, guardian, or custodian of the delinquent child who is described in that division.

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

(G) If a juvenile court commits a delinquent child to the custody of any person, organization, or entity pursuant to this section and if the delinquent act for which the child is so committed is a sexually oriented offense, the court in the order of disposition shall do one of the following:

(1) Require that the child be provided treatment as described

in division (A)(2) of section 5139.13 of the Revised Code;	1993
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(2) Inform the person, organization, or entity that it is the preferred course of action in this state that the child be provided treatment as described in division (A)(2) of section 5139.13 of the Revised Code and encourage the person, organization, or entity to provide that treatment.	1995
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<b>Sec. 2152.21.</b> (A) Unless division (C) of this section applies, if a child is adjudicated a juvenile traffic offender, the court may make any of the following orders of disposition:	2000
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(1) Impose costs and one or more financial sanctions in accordance with section 2152.20 of the Revised Code;	2003
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(2) Suspend the child's driver's license, probationary driver's license, or temporary instruction permit for a definite period not exceeding two years or suspend 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.	2005
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	2014
(3) Place the child on community control;	2015
(4) Require the child to make restitution for all damages caused by the child's traffic violation;	2016
	2017
(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:	2018
	2019
	2020
	2021
	2022

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

(ii) 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 place of detention or shelter care, or otherwise was detained, prior to entry of the order of disposition.

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

(B) If a child is adjudicated a juvenile traffic offender for violating division (A) or (B) of section 4511.19 of the Revised Code, in addition to any order of disposition made under division (A) of this section, the court shall impose a class six suspension

of the temporary instruction permit, probationary driver's 2055  
license, or driver's license issued to the child from the range 2056  
specified in division (A)(6) of section 4510.02 of the Revised 2057  
Code. The court, in its discretion, may terminate the suspension 2058  
if the child attends and satisfactorily completes a drug abuse or 2059  
alcohol abuse education, intervention, or treatment program 2060  
specified by the court. During the time the child is attending a 2061  
program as described in this division, the court shall retain the 2062  
child's temporary instruction permit, probationary driver's 2063  
license, or driver's license issued, and the court shall return 2064  
the permit or license if it terminates the suspension as described 2065  
in this division. 2066

(C) If a child is adjudicated a juvenile traffic offender for 2067  
violating division (B)(1) of section 4513.263 of the Revised Code, 2068  
the court shall impose the appropriate fine set forth in division 2069  
(G) of that section. If a child is adjudicated a juvenile traffic 2070  
offender for violating division (B)(3) of section 4513.263 of the 2071  
Revised Code and if the child is sixteen years of age or older, 2072  
the court shall impose the fine set forth in division (G)(2) of 2073  
that section. If a child is adjudicated a juvenile traffic 2074  
offender for violating division (B)(3) of section 4513.263 of the 2075  
Revised Code and if the child is under sixteen years of age, the 2076  
court shall not impose a fine but may place the child on probation 2077  
or community control. 2078

(D) A juvenile traffic offender is subject to sections 2079  
4509.01 to 4509.78 of the Revised Code. 2080

**Section 5.** That the existing versions of sections 2151.354, 2081  
2152.19, and 2152.21 of the Revised Code that are scheduled to 2082  
take effect January 1, 2004, are hereby repealed. 2083

**Section 6.** Sections 4 and 5 of this act shall take effect 2084

January 1, 2004.

2085