

As Reported by the House Criminal Justice Committee

124th General Assembly

Regular Session

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Sub. H. B. No. 400

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

A BILL

To amend sections 2151.011, 2151.35, 2151.354, 1
2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2
2152.41, 2152.74, and 5139.42 of the Revised Code 3
to specifically permit the confinement of 4
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 and to revise the formula 10
for calculating the per diem cost for the care and 11
custody of felony delinquents. 12

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

Section 1. That sections 2151.011, 2151.35, 2151.354, 13
2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2152.41, 2152.74, 14
and 5139.42 of the Revised Code be amended to read as follows: 15

Sec. 2151.011. (A) As used in the Revised Code: 16

(1) "Juvenile court" means whichever of the following is 17
applicable that has jurisdiction under this chapter and Chapter 18
2152. of the Revised Code: 19

(a) The division of the court of common pleas specified in 20
section 2101.022 or 2301.03 of the Revised Code as having 21
jurisdiction under this chapter and Chapter 2152. of the Revised 22
Code or as being the juvenile division or the juvenile division 23
combined with one or more other divisions; 24

(b) The juvenile court of Cuyahoga county or Hamilton county 25
that is separately and independently created by section 2151.08 or 26
Chapter 2153. of the Revised Code and that has jurisdiction under 27
this chapter and Chapter 2152. of the Revised Code; 28

(c) If division (A)(1)(a) or (b) of this section does not 29
apply, the probate division of the court of common pleas. 30

(2) "Juvenile judge" means a judge of a court having 31
jurisdiction under this chapter. 32

(3) "Private child placing agency" means any association, as 33
defined in section 5103.02 of the Revised Code, that is certified 34
under section 5103.03 of the Revised Code to accept temporary, 35
permanent, or legal custody of children and place the children for 36
either foster care or adoption. 37

(4) "Private noncustodial agency" means any person, 38
organization, association, or society certified by the department 39
of job and family services that does not accept temporary or 40
permanent legal custody of children, that is privately operated in 41
this state, and that does one or more of the following: 42

(a) Receives and cares for children for two or more 43
consecutive weeks; 44

(b) Participates in the placement of children in certified 45
foster homes; 46

(c) Provides adoption services in conjunction with a public 47
children services agency or private child placing agency. 48

(B) As used in this chapter: 49

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

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

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

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

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

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

(7) "Child day-care provider" means an individual who is a

child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of mental retardation and developmental disabilities, or the early childhood programs of the department of education. 81
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(8) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code. 89
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(9) "Commit" means to vest custody as ordered by the court. 91

(10) "Counseling" includes both of the following: 92

(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. 93
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(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling. 98
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(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child. 104
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(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 108
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(13) "Detention" means the temporary care of children pending 110

court adjudication or disposition, or execution of a court order, 111
in a public or private facility designed to physically restrict 112
the movement and activities of children. 113

(14) "Developmental disability" has the same meaning as in 114
section 5123.01 of the Revised Code. 115

(15) "Foster caregiver" has the same meaning as in section 116
5103.02 of the Revised Code. 117

(16) "Guardian" means a person, association, or corporation 118
that is granted authority by a probate court pursuant to Chapter 119
2111. of the Revised Code to exercise parental rights over a child 120
to the extent provided in the court's order and subject to the 121
residual parental rights of the child's parents. 122

(17) "Habitual truant" means any child of compulsory school 123
age who is absent without legitimate excuse for absence from the 124
public school the child is supposed to attend for five or more 125
consecutive school days, seven or more school days in one school 126
month, or twelve or more school days in a school year. 127

(18) "Juvenile traffic offender" has the same meaning as in 128
section 2152.02 of the Revised Code. 129

(19) "Legal custody" means a legal status that vests in the 130
custodian the right to have physical care and control of the child 131
and to determine where and with whom the child shall live, and the 132
right and duty to protect, train, and discipline the child and to 133
provide the child with food, shelter, education, and medical care, 134
all subject to any residual parental rights, privileges, and 135
responsibilities. An individual granted legal custody shall 136
exercise the rights and responsibilities personally unless 137
otherwise authorized by any section of the Revised Code or by the 138
court. 139

(20) A "legitimate excuse for absence from the public school 140
the child is supposed to attend" includes, but is not limited to, 141

any of the following:	142
(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;	143 144 145
(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;	146 147 148
(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.	149 150 151
(21) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.	152 153 154
(22) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.	155 156 157 158 159
(23) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	160 161
(24) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	162 163 164 165
(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	166 167
(26) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of	168 169 170 171

protective services or care for children, or the placement of 172
children in certified foster homes or elsewhere. 173

(27) "Out-of-home care" means detention facilities, shelter 174
facilities, certified foster homes, placement in a prospective 175
adoptive home prior to the issuance of a final decree of adoption, 176
organizations, certified organizations, child day-care centers, 177
type A family day-care homes, child day-care provided by type B 178
family day-care home providers and by in-home aides, group home 179
providers, group homes, institutions, state institutions, 180
residential facilities, residential care facilities, residential 181
camps, day camps, hospitals, and medical clinics that are 182
responsible for the care, physical custody, or control of 183
children. 184

(28) "Out-of-home care child abuse" means any of the 185
following when committed by a person responsible for the care of a 186
child in out-of-home care: 187

(a) Engaging in sexual activity with a child in the person's 188
care; 189

(b) Denial to a child, as a means of punishment, of proper or 190
necessary subsistence, education, medical care, or other care 191
necessary for a child's health; 192

(c) Use of restraint procedures on a child that cause injury 193
or pain; 194

(d) Administration of prescription drugs or psychotropic 195
medication to the child without the written approval and ongoing 196
supervision of a licensed physician; 197

(e) Commission of any act, other than by accidental means, 198
that results in any injury to or death of the child in out-of-home 199
care or commission of any act by accidental means that results in 200
an injury to or death of a child in out-of-home care and that is 201
at variance with the history given of the injury or death. 202

(29) "Out-of-home care child neglect" means any of the	203
following when committed by a person responsible for the care of a	204
child in out-of-home care:	205
(a) Failure to provide reasonable supervision according to	206
the standards of care appropriate to the age, mental and physical	207
condition, or other special needs of the child;	208
(b) Failure to provide reasonable supervision according to	209
the standards of care appropriate to the age, mental and physical	210
condition, or other special needs of the child, that results in	211
sexual or physical abuse of the child by any person;	212
(c) Failure to develop a process for all of the following:	213
(i) Administration of prescription drugs or psychotropic	214
drugs for the child;	215
(ii) Assuring that the instructions of the licensed physician	216
who prescribed a drug for the child are followed;	217
(iii) Reporting to the licensed physician who prescribed the	218
drug all unfavorable or dangerous side effects from the use of the	219
drug.	220
(d) Failure to provide proper or necessary subsistence,	221
education, medical care, or other individualized care necessary	222
for the health or well-being of the child;	223
(e) Confinement of the child to a locked room without	224
monitoring by staff;	225
(f) Failure to provide ongoing security for all prescription	226
and nonprescription medication;	227
(g) Isolation of a child for a period of time when there is	228
substantial risk that the isolation, if continued, will impair or	229
retard the mental health or physical well-being of the child.	230
(30) "Permanent custody" means a legal status that vests in a	231

public children services agency or a private child placing agency, 232
all parental rights, duties, and obligations, including the right 233
to consent to adoption, and divests the natural parents or 234
adoptive parents of all parental rights, privileges, and 235
obligations, including all residual rights and obligations. 236

(31) "Permanent surrender" means the act of the parents or, 237
if a child has only one parent, of the parent of a child, by a 238
voluntary agreement authorized by section 5103.15 of the Revised 239
Code, to transfer the permanent custody of the child to a public 240
children services agency or a private child placing agency. 241

(32) "Person responsible for a child's care in out-of-home 242
care" means any of the following: 243

(a) Any foster caregiver, in-home aide, or provider; 244

(b) Any administrator, employee, or agent of any of the 245
following: a public or private detention facility; shelter 246
facility; organization; certified organization; child day-care 247
center; type A family day-care home; certified type B family 248
day-care home; group home; institution; state institution; 249
residential facility; residential care facility; residential camp; 250
day camp; hospital; or medical clinic; 251

(c) Any other person who performs a similar function with 252
respect to, or has a similar relationship to, children. 253

(33) "Physically impaired" means having one or more of the 254
following conditions that substantially limit one or more of an 255
individual's major life activities, including self-care, receptive 256
and expressive language, learning, mobility, and self-direction: 257

(a) A substantial impairment of vision, speech, or hearing; 258

(b) A congenital orthopedic impairment; 259

(c) An orthopedic impairment caused by disease, rheumatic 260
fever or any other similar chronic or acute health problem, or 261

amputation or another similar cause.	262
(34) "Placement for adoption" means the arrangement by a	263
public children services agency or a private child placing agency	264
with a person for the care and adoption by that person of a child	265
of whom the agency has permanent custody.	266
(35) "Placement in foster care" means the arrangement by a	267
public children services agency or a private child placing agency	268
for the out-of-home care of a child of whom the agency has	269
temporary custody or permanent custody.	270
(36) "Planned permanent living arrangement" means an order of	271
a juvenile court pursuant to which both of the following apply:	272
(a) The court gives legal custody of a child to a public	273
children services agency or a private child placing agency without	274
the termination of parental rights.	275
(b) The order permits the agency to make an appropriate	276
placement of the child and to enter into a written agreement with	277
a foster care provider or with another person or agency with whom	278
the child is placed.	279
(37) "Practice of social work" and "practice of professional	280
counseling" have the same meanings as in section 4757.01 of the	281
Revised Code.	282
(38) "Sanction, service, or condition" means a sanction,	283
service, or condition created by court order following an	284
adjudication that a child is an unruly child that is described in	285
division (A) (3) <u>(4)</u> of section 2152.19 of the Revised Code.	286
(39) "Protective supervision" means an order of disposition	287
pursuant to which the court permits an abused, neglected,	288
dependent, or unruly child to remain in the custody of the child's	289
parents, guardian, or custodian and stay in the child's home,	290
subject to any conditions and limitations upon the child, the	291

child's parents, guardian, or custodian, or any other person that	292
the court prescribes, including supervision as directed by the	293
court for the protection of the child.	294
(40) "Psychiatrist" has the same meaning as in section	295
5122.01 of the Revised Code.	296
(41) "Psychologist" has the same meaning as in section	297
4732.01 of the Revised Code.	298
(42) "Residential camp" means a program in which the care,	299
physical custody, or control of children is accepted overnight for	300
recreational or recreational and educational purposes.	301
(43) "Residential care facility" means an institution,	302
residence, or facility that is licensed by the department of	303
mental health under section 5119.22 of the Revised Code and that	304
provides care for a child.	305
(44) "Residential facility" means a home or facility that is	306
licensed by the department of mental retardation and developmental	307
disabilities under section 5123.19 of the Revised Code and in	308
which a child with a developmental disability resides.	309
(45) "Residual parental rights, privileges, and	310
responsibilities" means those rights, privileges, and	311
responsibilities remaining with the natural parent after the	312
transfer of legal custody of the child, including, but not	313
necessarily limited to, the privilege of reasonable visitation,	314
consent to adoption, the privilege to determine the child's	315
religious affiliation, and the responsibility for support.	316
(46) "School day" means the school day established by the	317
state board of education pursuant to section 3313.48 of the	318
Revised Code.	319
(47) "School month" and "school year" have the same meanings	320
as in section 3313.62 of the Revised Code.	321

(48) "Secure correctional facility" means a facility under 322
the direction of the department of youth services that is designed 323
to physically restrict the movement and activities of children and 324
used for the placement of children after adjudication and 325
disposition. 326

(49) "Sexual activity" has the same meaning as in section 327
2907.01 of the Revised Code. 328

(50) "Shelter" means the temporary care of children in 329
physically unrestricted facilities pending court adjudication or 330
disposition. 331

(51) "Shelter for victims of domestic violence" has the same 332
meaning as in section 3113.33 of the Revised Code. 333

(52) "Temporary custody" means legal custody of a child who 334
is removed from the child's home, which custody may be terminated 335
at any time at the discretion of the court or, if the legal 336
custody is granted in an agreement for temporary custody, by the 337
person who executed the agreement. 338

(C) For the purposes of this chapter, a child shall be 339
presumed abandoned when the parents of the child have failed to 340
visit or maintain contact with the child for more than ninety 341
days, regardless of whether the parents resume contact with the 342
child after that period of ninety days. 343

Sec. 2151.35. (A)(1) Except as otherwise provided by division 344
(A)(3) of this section or in section 2152.13 of the Revised Code, 345
the juvenile court may conduct its hearings in an informal manner 346
and may adjourn its hearings from time to time. The court may 347
exclude the general public from its hearings in a particular case 348
if the court holds a separate hearing to determine whether that 349
exclusion is appropriate. If the court decides that exclusion of 350
the general public is appropriate, the court still may admit to a 351

particular hearing or all of the hearings relating to a particular 352
case those persons who have a direct interest in the case and 353
those who demonstrate that their need for access outweighs the 354
interest in keeping the hearing closed. 355

Except cases involving children who are alleged to be unruly 356
or delinquent children for being habitual or chronic truants and 357
except as otherwise provided in section 2152.13 of the Revised 358
Code, all cases involving children shall be heard separately and 359
apart from the trial of cases against adults. The court may excuse 360
the attendance of the child at the hearing in cases involving 361
abused, neglected, or dependent children. The court shall hear and 362
determine all cases of children without a jury, except cases 363
involving serious youthful offenders under section 2152.13 of the 364
Revised Code. 365

If a complaint alleges a child to be a delinquent child, 366
unruly child, or juvenile traffic offender, the court shall 367
require the parent, guardian, or custodian of the child to attend 368
all proceedings of the court regarding the child. If a parent, 369
guardian, or custodian fails to so attend, the court may find the 370
parent, guardian, or custodian in contempt. 371

If the court finds from clear and convincing evidence that 372
the child violated section 2151.87 of the Revised Code, the court 373
shall proceed in accordance with divisions (F) and (G) of that 374
section. 375

If the court at the adjudicatory hearing finds from clear and 376
convincing evidence that the child is an abused, neglected, or 377
dependent child, the court shall proceed, in accordance with 378
division (B) of this section, to hold a dispositional hearing and 379
hear the evidence as to the proper disposition to be made under 380
section 2151.353 of the Revised Code. If the court at the 381
adjudicatory hearing finds beyond a reasonable doubt that the 382
child is a delinquent or unruly child or a juvenile traffic 383

offender, the court shall proceed immediately, or at a postponed 384
hearing, to hear the evidence as to the proper disposition to be 385
made under section 2151.354 or Chapter 2152. of the Revised Code. 386
If the court at the adjudicatory hearing finds beyond a reasonable 387
doubt that the child is an unruly child for being an habitual 388
truant, or that the child is an unruly child for being an habitual 389
truant and that the parent, guardian, or other person having care 390
of the child has failed to cause the child's attendance at school 391
in violation of section 3321.38 of the Revised Code, the court 392
shall proceed to hold a hearing to hear the evidence as to the 393
proper disposition to be made in regard to the child under 394
division (C)(1) of section 2151.354 of the Revised Code and the 395
proper action to take in regard to the parent, guardian, or other 396
person having care of the child under division (C)(2) of section 397
2151.354 of the Revised Code. If the court at the adjudicatory 398
hearing finds beyond a reasonable doubt that the child is a 399
delinquent child for being a chronic truant or for being an 400
habitual truant who previously has been adjudicated an unruly 401
child for being an habitual truant, or that the child is a 402
delinquent child for either of those reasons and the parent, 403
guardian, or other person having care of the child has failed to 404
cause the child's attendance at school in violation of section 405
3321.38 of the Revised Code, the court shall proceed to hold a 406
hearing to hear the evidence as to the proper disposition to be 407
made in regard to the child under division (A)~~(6)~~(7)(a) of section 408
2152.19 of the Revised Code and the proper action to take in 409
regard to the parent, guardian, or other person having care of the 410
child under division (A)~~(6)~~(7)(b) of section 2152.19 of the 411
Revised Code. 412

If the court does not find the child to have violated section 413
2151.87 of the Revised Code or to be an abused, neglected, 414
dependent, delinquent, or unruly child or a juvenile traffic 415

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.

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(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.

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If the dispositional hearing is not held within the period of

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

(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;

(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.

(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.

(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. 479

(C) The court shall give all parties to the action and the 480
child's guardian ad litem notice of the adjudicatory and 481
dispositional hearings in accordance with the Juvenile Rules. 482

(D) If the court issues an order pursuant to division (A)(4) 483
of section 2151.353 of the Revised Code committing a child to the 484
permanent custody of a public children services agency or a 485
private child placing agency, the parents of the child whose 486
parental rights were terminated cease to be parties to the action 487
upon the issuance of the order. This division is not intended to 488
eliminate or restrict any right of the parents to appeal the 489
permanent custody order issued pursuant to division (A)(4) of 490
section 2151.353 of the Revised Code. 491

(E) Each juvenile court shall schedule its hearings in 492
accordance with the time requirements of this chapter. 493

(F) In cases regarding abused, neglected, or dependent 494
children, the court may admit any statement of a child that the 495
court determines to be excluded by the hearsay rule if the 496
proponent of the statement informs the adverse party of the 497
proponent's intention to offer the statement and of the 498
particulars of the statement, including the name of the declarant, 499
sufficiently in advance of the hearing to provide the party with a 500
fair opportunity to prepare to challenge, respond to, or defend 501
against the statement, and the court determines all of the 502
following: 503

(1) The statement has circumstantial guarantees of 504
trustworthiness; 505

(2) The statement is offered as evidence of a material fact; 506

(3) The statement is more probative on the point for which it 507
is offered than any other evidence that the proponent can procure 508
through reasonable efforts; 509

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

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

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

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

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

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

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

permit is so suspended or revoked is ineligible for issuance of a
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.

(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, 571
intervention, or treatment program specified by the court. During 572
the time the child is attending the program, the court shall 573
retain any temporary instruction permit, probationary driver's 574
license, or driver's license issued to the child and shall return 575
the permit or license when the child satisfactorily completes the 576
program. 577

(C)(1) If a child is adjudicated an unruly child for being an 578
habitual truant, in addition to or in lieu of imposing any other 579
order of disposition authorized by this section, the court may do 580
any of the following: 581

(a) Order the board of education of the child's school 582
district or the governing board of the educational service center 583
in the child's school district to require the child to attend an 584
alternative school if an alternative school has been established 585
pursuant to section 3313.533 of the Revised Code in the school 586
district in which the child is entitled to attend school; 587

(b) Require the child to participate in any academic program 588
or community service program; 589

(c) Require the child to participate in a drug abuse or 590
alcohol abuse counseling program; 591

(d) Require that the child receive appropriate medical or 592
psychological treatment or counseling; 593

(e) Make any other order that the court finds proper to 594
address the child's habitual truancy, including an order requiring 595
the child to not be absent without legitimate excuse from the 596
public school the child is supposed to attend for five or more 597
consecutive days, seven or more school days in one school month, 598
or twelve or more school days in a school year and including an 599
order requiring the child to participate in a truancy prevention 600
mediation program. 601

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

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

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

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

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

(a) Control any conduct or relationship that will be

detrimental or harmful to the child. 633

(b) Control any conduct or relationship that will tend to 634
defeat the execution of the order of disposition made or to be 635
made. 636

(2) The court shall give due notice of the application or 637
motion under division (A) of this section, the grounds for the 638
application or motion, and an opportunity to be heard to the 639
person against whom an order under this division is directed. The 640
order may include a requirement that the child's parent, guardian, 641
or other custodian enter into a recognizance with sufficient 642
surety, conditioned upon the faithful discharge of any conditions 643
or control required by the court. 644

(B) The authority to make an order under division (A) of this 645
section and any order made under that authority is in addition to 646
the authority to make an order pursuant to division (C)(2) of 647
section 2151.354 or division (A)~~(6)~~(7)(b) of section 2152.19 of 648
the Revised Code and to any order made under either division. 649

(C) A person's failure to comply with any order made by the 651
court under this section is contempt of court under Chapter 2705. 652
of the Revised Code. 653

Sec. 2152.02. As used in this chapter: 654

(A) "Act charged" means the act that is identified in a 655
complaint, indictment, or information alleging that a child is a 656
delinquent child. 657

(B) "Admitted to a department of youth services facility" 658
includes admission to a facility operated, or contracted for, by 659
the department and admission to a comparable facility outside this 660
state by another state or the United States. 661

(C)(1) "Child" means a person who is under eighteen years of 662

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

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

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

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

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

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

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

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

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

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

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

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

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(3) Any child who violates division (A) of section 2923.211 of the Revised Code;	725 726
(4) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;	727 728
(5) Any child who is a chronic truant.	729
(G) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	730 731 732
(H) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.	733 734 735 736
(I) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.	737 738 739
(J) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.	740 741 742
(K) "Electronic monitoring device," "certified electronic monitoring device," "electronically monitored house arrest," "electronic monitoring system," and "certified electronic monitoring system" have the same meanings as in section 2929.23 of the Revised Code.	743 744 745 746 747
(L) "Economic loss" means any economic detriment suffered by a victim of a delinquent act as a result of the delinquent act and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act.	748 749 750 751 752 753
(M) "Firearm" has the same meaning as in section 2923.11 of	754

the Revised Code. 755

(N) "Juvenile traffic offender" means any child who violates 756
any traffic law, traffic ordinance, or traffic regulation of this 757
state, the United States, or any political subdivision of this 758
state, other than a resolution, ordinance, or regulation of a 759
political subdivision of this state the violation of which is 760
required to be handled by a parking violations bureau or a joint 761
parking violations bureau pursuant to Chapter 4521. of the Revised 762
Code. 763

(O) A "legitimate excuse for absence from the public school 764
the child is supposed to attend" has the same meaning as in 765
section 2151.011 of the Revised Code. 766

(P) "Mandatory serious youthful offender" means a person who 767
is eligible for a mandatory SYO and who is not transferred to 768
adult court under a mandatory or discretionary transfer. 769

(Q) "Mandatory SYO" means a case in which the juvenile court 770
is required to impose a mandatory serious youthful offender 771
disposition under section 2152.13 of the Revised Code. 772

(R) "Mandatory transfer" means that a case is required to be 773
transferred for criminal prosecution under division (A) of section 774
2152.12 of the Revised Code. 775

(S) "Mental illness" has the same meaning as in section 776
5122.01 of the Revised Code. 777

(T) "Mentally retarded person" has the same meaning as in 778
section 5123.01 of the Revised Code. 779

(U) "Monitored time" and "repeat violent offender" have the 780
same meanings as in section 2929.01 of the Revised Code. 781

(V) "Of compulsory school age" has the same meaning as in 782
section 3321.01 of the Revised Code. 783

(W) "Public record" has the same meaning as in section 149.43 784

of the Revised Code.

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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.

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

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

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

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

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

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

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

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

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

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(3) A violation of section 2907.12 of the Revised Code as it 814
existed prior to September 3, 1996. 815

Sec. 2152.19. (A) If a child is adjudicated a delinquent 816
child, the court may make any of the following orders of 817
disposition, in addition to any other disposition authorized or 818
required by this chapter: 819

(1) Any order that is authorized by section 2151.353 of the 820
Revised Code for the care and protection of an abused, neglected, 821
or dependent child; 822

(2) Commit the child to the temporary custody of any school, 823
camp, institution, or other facility operated for the care of 824
delinquent children by the county, by a district organized under 825
section 2152.41 or 2151.65 of the Revised Code, or by a private 826
agency or organization, within or without the state, that is 827
authorized and qualified to provide the care, treatment, or 828
placement required, including, but not limited to, a school, camp, 829
or facility operated under section 2151.65 of the Revised Code; 830

(3) Place the child in a detention facility or district 831
detention facility operated under section 2152.41 of the Revised 832
Code, for up to ninety days; 833

(4) Place the child on community control under any sanctions, 834
services, and conditions that the court prescribes. As a condition 835
of community control in every case and in addition to any other 836
condition that it imposes upon the child, the court shall require 837
the child to abide by the law during the period of community 838
control. As referred to in this division, community control 839
includes, but is not limited to, the following sanctions and 840
conditions: 841

(a) A period of basic probation supervision in which the 842
child is required to maintain contact with a person appointed to 843

- supervise the child in accordance with sanctions imposed by the court; 844
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- (b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition; 846
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- (c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center; 851
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- (d) A period of community service of up to five hundred hours for an act that would be a felony or a misdemeanor of the first degree if committed by an adult, up to two hundred hours for an act that would be a misdemeanor of the second, third, or fourth degree if committed by an adult, or up to thirty hours for an act that would be a minor misdemeanor if committed by an adult; 856
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- (e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment; 862
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- (f) A period of drug and alcohol use monitoring; 865
- (g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court; 866
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- (h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours; 870
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- (i) A requirement that the child serve monitored time; 872
- (j) A period of house arrest with or without electronic 873

monitoring;

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

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

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

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the act for which was imposed the dispositional order of 906
electronically monitored house arrest. 907

(1) A suspension of the driver's license, probationary 908
driver's license, or temporary instruction permit issued to the 909
child or a suspension of the registration of all motor vehicles 910
registered in the name of the child. A child whose license or 911
permit is so suspended is ineligible for issuance of a license or 912
permit during the period of suspension. At the end of the period 913
of suspension, the child shall not be reissued a license or permit 914
until the child has paid any applicable reinstatement fee and 915
complied with all requirements governing license reinstatement. 916

~~(4)~~(5) Commit the child to the custody of the court; 917

~~(5)~~(6) Require the child to not be absent without legitimate 918
excuse from the public school the child is supposed to attend for 919
five or more consecutive days, seven or more school days in one 920
school month, or twelve or more school days in a school year; 921

~~(6)~~(7)(a) If a child is adjudicated a delinquent child for 922
being a chronic truant or an habitual truant who previously has 923
been adjudicated an unruly child for being a habitual truant, do 924
either or both of the following: 925

(i) Require the child to participate in a truancy prevention 926
mediation program; 927

(ii) Make any order of disposition as authorized by this 928
section, except that the court shall not commit the child to a 929
facility described in division (A)(2) or (3) of this section 930
unless the court determines that the child violated a lawful court 931
order made pursuant to division (C)(1)(e) of section 2151.354 of 932
the Revised Code or division (A)~~(5)~~(6) of this section. 933

(b) If a child is adjudicated a delinquent child for being a 934
chronic truant or a habitual truant who previously has been 935
adjudicated an unruly child for being a habitual truant and the 936

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

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

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

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

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

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

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

or suspend the child's ability to obtain such a permit: 968

(1) The child is adjudicated a delinquent child for violating 969
section 2923.122 of the Revised Code, with the suspension and 970
denial being in accordance with division (E)(1)(a), (c), (d), or 971
(e) of section 2923.122 of the Revised Code. 972

(2) The child is adjudicated a delinquent child for 973
committing an act that if committed by an adult would be a drug 974
abuse offense or for violating division (B) of section 2917.11 of 975
the Revised Code, with the suspension continuing until the child 976
attends and satisfactorily completes a drug abuse or alcohol abuse 977
education, intervention, or treatment program specified by the 978
court. During the time the child is attending the program, the 979
court shall retain any temporary instruction permit, probationary 980
driver's license, or driver's license issued to the child, and the 981
court shall return the permit or license when the child 982
satisfactorily completes the program. 983

(C) The court may establish a victim-offender mediation 984
program in which victims and their offenders meet to discuss the 985
offense and suggest possible restitution. If the court obtains the 986
assent of the victim of the delinquent act committed by the child, 987
the court may require the child to participate in the program. 988

(D)(1) If a child is adjudicated a delinquent child for 990
committing an act that would be a felony if committed by an adult 991
and if the child caused, attempted to cause, threatened to cause, 992
or created a risk of physical harm to the victim of the act, the 993
court, prior to issuing an order of disposition under this 994
section, shall order the preparation of a victim impact statement 995
by the probation department of the county in which the victim of 996
the act resides, by the court's own probation department, or by a 997
victim assistance program that is operated by the state, a county, 998
a municipal corporation, or another governmental entity. The court 999

shall consider the victim impact statement in determining the 1000
order of disposition to issue for the child. 1001

(2) Each victim impact statement shall identify the victim of 1002
the act for which the child was adjudicated a delinquent child, 1003
itemize any economic loss suffered by the victim as a result of 1004
the act, identify any physical injury suffered by the victim as a 1005
result of the act and the seriousness and permanence of the 1006
injury, identify any change in the victim's personal welfare or 1007
familial relationships as a result of the act and any 1008
psychological impact experienced by the victim or the victim's 1009
family as a result of the act, and contain any other information 1010
related to the impact of the act upon the victim that the court 1011
requires. 1012

(3) A victim impact statement shall be kept confidential and 1013
is not a public record. However, the court may furnish copies of 1014
the statement to the department of youth services if the 1015
delinquent child is committed to the department or to both the 1016
adjudicated delinquent child or the adjudicated delinquent child's 1017
counsel and the prosecuting attorney. The copy of a victim impact 1018
statement furnished by the court to the department pursuant to 1019
this section shall be kept confidential and is not a public 1020
record. The copies of a victim impact statement that are made 1021
available to the adjudicated delinquent child or the adjudicated 1022
delinquent child's counsel and the prosecuting attorney pursuant 1023
to this division shall be returned to the court by the person to 1024
whom they were made available immediately following the imposition 1025
of an order of disposition for the child under this chapter. 1026

(4) The department of youth services shall work with local 1027
probation departments and victim assistance programs to develop a 1028
standard victim impact statement. 1029

(E) If a child is adjudicated a delinquent child for being a 1030
chronic truant or an habitual truant who previously has been 1031

adjudicated an unruly child for being an habitual truant and the 1032
court determines that the parent, guardian, or other person having 1033
care of the child has failed to cause the child's attendance at 1034
school in violation of section 3321.38 of the Revised Code, in 1035
addition to any order of disposition it makes under this section, 1036
the court shall warn the parent, guardian, or other person having 1037
care of the child that any subsequent adjudication of the child as 1038
an unruly or delinquent child for being an habitual or chronic 1039
truant may result in a criminal charge against the parent, 1040
guardian, or other person having care of the child for a violation 1041
of division (C) of section 2919.21 or section 2919.24 of the 1042
Revised Code. 1043

(F)(1) During the period of a delinquent child's community 1044
control granted under this section, authorized probation officers 1045
who are engaged within the scope of their supervisory duties or 1046
responsibilities may search, with or without a warrant, the person 1047
of the delinquent child, the place of residence of the delinquent 1048
child, and a motor vehicle, another item of tangible or intangible 1049
personal property, or other real property in which the delinquent 1050
child has a right, title, or interest or for which the delinquent 1051
child has the express or implied permission of a person with a 1052
right, title, or interest to use, occupy, or possess if the 1053
probation officers have reasonable grounds to believe that the 1054
delinquent child is not abiding by the law or otherwise is not 1055
complying with the conditions of the delinquent child's community 1056
control. The court that places a delinquent child on community 1057
control under this section shall provide the delinquent child with 1058
a written notice that informs the delinquent child that authorized 1059
probation officers who are engaged within the scope of their 1060
supervisory duties or responsibilities may conduct those types of 1061
searches during the period of community control if they have 1062
reasonable grounds to believe that the delinquent child is not 1063

abiding by the law or otherwise is not complying with the 1064
conditions of the delinquent child's community control. The court 1065
also shall provide the written notice described in division (E)(2) 1066
of this section to each parent, guardian, or custodian of the 1067
delinquent child who is described in that division. 1068

(2) The court that places a child on community control under 1069
this section shall provide the child's parent, guardian, or other 1070
custodian with a written notice that informs them that authorized 1071
probation officers may conduct searches pursuant to division 1072
(E)(1) of this section. The notice shall specifically state that a 1073
permissible search might extend to a motor vehicle, another item 1074
of tangible or intangible personal property, or a place of 1075
residence or other real property in which a notified parent, 1076
guardian, or custodian has a right, title, or interest and that 1077
the parent, guardian, or custodian expressly or impliedly permits 1078
the child to use, occupy, or possess. 1079

(G) If a juvenile court commits a delinquent child to the 1080
custody of any person, organization, or entity pursuant to this 1081
section and if the delinquent act for which the child is so 1082
committed is a sexually oriented offense, the court in the order 1083
of disposition shall inform the person, organization, or entity 1084
that it is the preferred course of action in this state that the 1085
child be provided treatment as described in division (A)(2) of 1086
section 5139.13 of the Revised Code and shall encourage the 1087
person, organization, or entity to provide that treatment. 1088

Sec. 2152.21. (A) Unless division (C) of this section 1089
applies, if a child is adjudicated a juvenile traffic offender, 1090
the court may make any of the following orders of disposition: 1091

(1) Impose costs and one or more financial sanctions in 1092
accordance with section 2152.20 of the Revised Code; 1093

(2) Suspend the child's driver's license, probationary 1094

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

(3) Place the child on community control;

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

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

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

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

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

diminished as a credit for any time that the child was held in a 1126
place of detention or shelter care, or otherwise was detained, 1127
prior to entry of the order of disposition. 1128

(6) If, after making a disposition under divisions (A)(1) to 1129
(5) of this section, the court finds upon further hearing that the 1130
child has failed to comply with the orders of the court and the 1131
child's operation of a motor vehicle constitutes the child a 1132
danger to the child and to others, the court may make any 1133
disposition authorized by divisions (A)(1), ~~(3)~~, (4), (5), and 1134
~~(7)~~(8) of section 2152.19 of the Revised Code, except that the 1135
child may not be committed to or placed in a secure correctional 1136
facility unless authorized by division (A)(5) of this section, and 1137
commitment to or placement in a detention facility may not exceed 1138
twenty-four hours. 1139

(B) If a child is adjudicated a juvenile traffic offender for 1140
violating division (A) or (B) of section 4511.19 of the Revised 1141
Code, in addition to any order of disposition made under division 1142
(A) of this section, the court shall suspend the temporary 1143
instruction permit, probationary driver's license, or driver's 1144
license issued to the child for a definite period of at least 1145
three months but not more than two years or, at the discretion of 1146
the court, until the child attends and satisfactorily completes a 1147
drug abuse or alcohol abuse education, intervention, or treatment 1148
program specified by the court. During the time the child is 1149
attending the program, the court shall retain any temporary 1150
instruction permit, probationary driver's license, or driver's 1151
license issued to the child and shall return the permit or license 1152
when the child satisfactorily completes the program. 1153

(C) If a child is adjudicated a juvenile traffic offender for 1155
violating division (B)(1) or (2) of section 4513.263 of the 1156
Revised Code, the court shall impose the appropriate fine set 1157

forth in section 4513.99 of the Revised Code. If a child is 1158
adjudicated a juvenile traffic offender for violating division 1159
(B)(3) of section 4513.263 of the Revised Code and if the child is 1160
sixteen years of age or older, the court shall impose the fine set 1161
forth in division (G) of section 4513.99 of the Revised Code. If a 1162
child is adjudicated a juvenile traffic offender for violating 1163
division (B)(3) of section 4513.263 of the Revised Code and if the 1164
child is under sixteen years of age, the court shall not impose a 1165
fine but may place the child on probation or community control. 1166

(D) A juvenile traffic offender is subject to sections 1167
4509.01 to 4509.78 of the Revised Code. 1168

Sec. 2152.26. (A) Except as provided in divisions (B) and (F) 1169
of this section, a child alleged to be or adjudicated a delinquent 1170
child or a juvenile traffic offender may be held only in the 1171
following places: 1172

(1) A certified foster home or a home approved by the court; 1173

(2) A facility operated by a certified child welfare agency; 1174

(3) Any other suitable place designated by the court. 1175

(B) In addition to the places listed in division (A) of this 1176
section, a child alleged to be or adjudicated a delinquent child 1177
may be held in a detention facility for delinquent children that 1178
is under the direction or supervision of the court or other public 1179
authority or of a private agency and approved by the court and a 1180
child adjudicated a delinquent child may be held in accordance 1181
with division (F)(2) of this section in a facility of a type 1182
specified in that division. Division (B) of this section does not 1183
apply to a child alleged to be or adjudicated a delinquent child 1184
for chronic truancy, unless the child violated a lawful court 1185
order made pursuant to division (A)~~(5)~~(6) of section 2152.19 of 1186
the Revised Code. Division (B) of this section also does not apply 1187

to a child alleged to be or adjudicated a delinquent child for 1188
being an habitual truant who previously has been adjudicated an 1189
unruly child for being an habitual truant, unless the child 1190
violated a lawful court order made pursuant to division (C)(1)(e) 1191
of section 2151.354 of the Revised Code. 1192

(C)(1) Except as provided under division (C)(1) of section 1193
2151.311 of the Revised Code or division (A)(5) of section 2152.21 1194
of the Revised Code, a child alleged to be or adjudicated a 1195
juvenile traffic offender may not be held in any of the following 1196
facilities: 1197

(a) A state correctional institution, county, multicounty, or 1198
municipal jail or workhouse, or other place in which an adult 1199
convicted of crime, under arrest, or charged with a crime is held. 1200

(b) A secure correctional facility. 1201

(2) Except as provided under this section, sections 2151.56 1202
to 2151.61, and ~~division~~ divisions (A)(5) and (6) of section 1203
2152.21 of the Revised Code, a child alleged to be or adjudicated 1204
a juvenile traffic offender may not be held for more than 1205
twenty-four hours in a detention facility 1206

(D) Except as provided in division (F) of this section or in 1208
division (C) of section 2151.311, in division (C)(2) of section 1209
5139.06 and section 5120.162, or in division (B) of section 1210
5120.16 of the Revised Code, a child who is alleged to be or is 1211
adjudicated a delinquent child may not be held in a state 1212
correctional institution, county, multicounty, or municipal jail 1213
or workhouse, or other place where an adult convicted of crime, 1214
under arrest, or charged with crime is held. 1215

(E) Unless the detention is pursuant to division (F) of this 1216
section or division (C) of section 2151.311, division (C)(2) of 1217
section 5139.06 and section 5120.162, or division (B) of section 1218

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

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

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

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(3)(a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

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

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(ii) The person is arrested or apprehended for that act 1251
before the person attains eighteen years of age, but the person 1252
attains eighteen years of age before the court orders a 1253
disposition in the case. 1254

(b) If, pursuant to division (F)(3)(a) of this section, a 1255
person is held in a place other than a place specified in division 1256
(A) of this section, the person has the same rights to bail as an 1257
adult charged with the same offense who is confined in a jail 1258
pending trial. Any person so held shall be confined as described 1259
in division (F)(1) of this section. 1260

Sec. 2152.41. (A) Upon the recommendation of the judge, the 1261
board of county commissioners shall provide, by purchase, lease, 1262
construction, or otherwise, a detention facility that shall be 1263
within a convenient distance of the juvenile court. The facility 1264
shall not be used for the confinement of adults charged with 1265
criminal offenses. The facility may be used to detain alleged 1266
delinquent children until final disposition for evaluation 1267
pursuant to section 2152.04 of the Revised Code, to confine 1268
children who are adjudicated delinquent children and placed in the 1269
facility pursuant to division (A)(3) of section 2152.19 of the 1270
Revised Code, and for to confine children who are adjudicated 1271
juvenile traffic offenders and committed to the facility under 1272
division (A)(5) or (6) of section 2152.21 of the Revised Code. 1273

(B) Upon the joint recommendation of the juvenile judges of 1275
two or more neighboring counties, the boards of county 1276
commissioners of the counties shall form themselves into a joint 1277
board and proceed to organize a district for the establishment and 1278
support of a detention facility for the use of the juvenile courts 1279
of those counties, in which alleged delinquent children may be 1280
detained as provided in division (A) of this section, by using a 1281

site or buildings already established in one of the counties or by 1282
providing for the purchase of a site and the erection of the 1283
necessary buildings on the site. 1284

A child who is adjudicated to be a juvenile traffic offender 1285
for having committed a violation of division (A) of section 1286
4511.19 of the Revised Code or of a municipal ordinance that is 1287
substantially comparable to that division may be confined in a 1288
detention facility or district detention facility pursuant to 1289
division (A)(5) of section 2152.21 of the Revised Code, provided 1290
the child is kept separate and apart from alleged delinquent 1291
children. 1292

Except as otherwise provided by law, district detention 1293
facilities shall be established, operated, maintained, and managed 1294
in the same manner so far as applicable as county detention 1295
facilities. 1296

Members of the board of county commissioners who meet by 1297
appointment to consider the organization of a district detention 1298
home, upon presentation of properly certified accounts, shall be 1299
paid their necessary expenses upon a warrant drawn by the county 1300
auditor of their county. 1301

The county auditor of the county having the greatest 1302
population or, with the unanimous concurrence of the county 1303
auditors of the counties composing a district, the auditor of the 1304
county in which the detention facility is located shall be the 1305
fiscal officer of a detention facility district. The county 1306
auditors of the several counties composing a detention facility 1307
district shall meet at the district detention facility, not less 1308
than once in six months, to review accounts and to transact any 1309
other duties in connection with the institution that pertain to 1310
the business of their office. 1311

(C) In any county in which there is no detention facility or 1312

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

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

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

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

(B)(1) A child who is adjudicated a delinquent child for committing an act listed in division (D) of this section and who is committed to the custody of the department of youth services, placed in a detention facility or district detention facility pursuant to division (A)(3) of section 2152.19 of the Revised Code, or ~~to~~ placed in a school, camp, institution, or other facility for delinquent children described in division (A)(2) of section 2152.19 of the Revised Code shall submit to a DNA specimen collection procedure administered by the director of youth services if committed to the department or by the chief administrative officer of the detention facility, district detention facility, school, camp, institution, or other facility for delinquent children to which the child was committed or in which the child was placed. If the court commits the child to the department of youth services, the director of youth services shall cause the DNA specimen to be collected from the child during the

intake process at an institution operated by or under the control 1376
of the department. If the court commits the child to or places the 1377
child in a detention facility, district detention facility, 1378
school, camp, institution, or other facility for delinquent 1379
children, the chief administrative officer of the detention 1380
facility, district detention facility, school, camp, institution, 1381
or facility to which the child is committed or in which the child 1382
was placed shall cause the DNA specimen to be collected from the 1383
child during the intake process for the detention facility, 1384
district detention facility, school, camp, institution, or 1385
facility. In accordance with division (C) of this section, the 1386
director or the chief administrative officer shall cause the DNA 1387
specimen to be forwarded to the bureau of criminal identification 1388
and investigation no later than fifteen days after the date of the 1389
collection of the DNA specimen. The DNA specimen shall be 1390
collected from the child in accordance with division (C) of this 1391
section. 1392

(2) If a child is adjudicated a delinquent child for 1393
committing an act listed in division (D) of this section, is 1394
committed to or placed in the department of youth services, a 1395
detention facility or district detention facility, or ~~to~~ a school, 1396
camp, institution, or other facility for delinquent children, and 1397
does not submit to a DNA specimen collection procedure pursuant to 1398
division (B)(1) of this section, prior to the child's release from 1399
the custody of the department of youth services, from the custody 1400
of the detention facility or district detention facility, or from 1401
the custody of the school, camp, institution, or facility, the 1402
child shall submit to, and the director of youth services or the 1403
chief administrator of the detention facility, district detention 1404
facility, school, camp, institution, or facility to which the 1405
child is committed or in which the child was placed shall 1406
administer, a DNA specimen collection procedure at the institution 1407
operated by or under the control of the department of youth 1408

services or at the detention facility, district detention 1409
facility, school, camp, institution, or facility to which the 1410
child is committed or in which the child was placed. In accordance 1411
with division (C) of this section, the director or the chief 1412
administrative officer shall cause the DNA specimen to be 1413
forwarded to the bureau of criminal identification and 1414
investigation no later than fifteen days after the date of the 1415
collection of the DNA specimen. The DNA specimen shall be 1416
collected in accordance with division (C) of this section. 1417

(C) A physician, registered nurse, licensed practical nurse, 1418
duly licensed clinical laboratory technician, or other qualified 1419
medical practitioner shall collect in a medically approved manner 1420
the DNA specimen required to be collected pursuant to division (B) 1421
of this section. No later than fifteen days after the date of the 1422
collection of the DNA specimen, the director of youth services or 1423
the chief administrative officer of the detention facility, 1424
district detention facility, school, camp, institution, or other 1425
facility for delinquent children to which the child is committed 1426
or in which the child was placed shall cause the DNA specimen to 1427
be forwarded to the bureau of criminal identification and 1428
investigation in accordance with procedures established by the 1429
superintendent of the bureau under division (H) of section 109.573 1430
of the Revised Code. The bureau shall provide the specimen vials, 1431
mailing tubes, labels, postage, and instruction needed for the 1432
collection and forwarding of the DNA specimen to the bureau. 1433

(D) The director of youth services and the chief 1434
administrative officer of a detention facility, district detention 1435
facility, school, camp, institution, or other facility for 1436
delinquent children shall cause a DNA specimen to be collected in 1437
accordance with divisions (B) and (C) of this section from each 1438
child in its custody who is adjudicated a delinquent child for 1439
committing any of the following acts: 1440

- (1) A violation of section 2903.01, 2903.02, 2905.01, 2907.02, 2907.03, 2907.05, or 2911.11 of the Revised Code; 1441
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- (2) A violation of section 2907.12 of the Revised Code as it 1443
existed prior to September 3, 1996; 1444
- (3) An attempt to commit a violation of section 2907.02, 1445
2907.03, or 2907.05 of the Revised Code or to commit a violation 1446
of section 2907.12 of the Revised Code as it existed prior to 1447
September 3, 1996; 1448
- (4) A violation of any law that arose out of the same facts 1449
and circumstances and same act as did a charge against the child 1450
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 1451
2907.03, 2907.05, or 2911.11 of the Revised Code that previously 1452
was dismissed or amended or as did a charge against the child of a 1453
violation of section 2907.12 of the Revised Code as it existed 1454
prior to September 3, 1996, that previously was dismissed or 1455
amended; 1456
- (5) A violation of section 2905.02 or 2919.23 of the Revised 1457
Code that would have been a violation of section 2905.04 of the 1458
Revised Code as it existed prior to July 1, 1996, had the 1459
violation been committed prior to that date. 1460
- (E) The director of youth services and the chief 1461
administrative officer of a detention facility, district detention 1462
facility, school, camp, institution, or other facility for 1463
delinquent children is not required to comply with this section 1464
until the superintendent of the bureau of criminal identification 1465
and investigation gives agencies in the juvenile justice system, 1466
as defined in section 181.51 of the Revised Code, in the state 1467
official notification that the state DNA laboratory is prepared to 1468
accept DNA specimens. 1469
- Sec. 5139.42.** In developing the formula described in section 1470

5139.41 of the Revised Code, the department of youth services 1471
shall use the data included by each juvenile court in the annual 1472
report described in division (C)(3)(b) of section 5139.43 of the 1473
Revised Code, other data included in any monthly reports that the 1474
department may require juvenile courts to file under division 1475
(C)(3)(c) of that section, and other data derived from a fiscal 1476
monitoring program or another monitoring program described in 1477
division (C)(3)(d) of that section to project or calculate the 1478
following for each year of a biennium: 1479

(A) The total number of children who will be adjudicated 1480
delinquent children by the juvenile courts for acts that if 1481
committed by an adult would be a felony; 1482

(B) The number of public safety beds; 1483

(C) The state target youth; 1484

(D) The per diem cost for the care and custody of felony 1485
delinquents that shall be calculated for each year of a biennium 1486
as follows: 1487

(1) By multiplying the state target youth by the projected 1488
length of stay of state target youth in the care and custody of 1489
the department; 1490

(2) By subtracting from the appropriation made to the 1491
department for care and custody of felony delinquents for each 1492
fiscal year of the biennium the amount of the appropriation that 1493
must be set aside pursuant to division (A) of section 5139.41 of 1494
the Revised Code for purposes of funding the contingency program 1495
described in section 5139.45 of the Revised Code, ~~and then;~~ 1496

~~(3) By dividing the remainder of the appropriation that was 1497
so calculated under division (D)(2) of this section by the product 1498
derived under division (D)(1) of this section;~~ 1499

~~(3) By dividing the quotient derived under division (D)(2) of 1500
this section by the number of days in the fiscal year. 1501~~

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

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

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

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

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

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

Section 2. That existing sections 2151.011, 2151.35, 2151.354, 2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2152.41, 2152.74, and 5139.42 of the Revised Code are hereby repealed.

Section 3. Section 2151.35 of the Revised Code, scheduled to take effect January 1, 2002, is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 179 and Sub. S.B. 218 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.