

As Introduced

**129th General Assembly
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S. B. No. 54

Senator Tavares

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A B I L L

To amend sections 2151.353, 2151.354, and 2152.19 and 1
to enact section 3109.90 of the Revised Code to 2
require that any privately run non-Ohio agency, 3
home, school, camp, institution, or other entity 4
or residential facility to which Ohio abused, 5
neglected, dependent, unruly, or delinquent 6
children are committed comply with the same 7
standards that are applicable to in-state 8
agencies, homes, schools, camps, institutions, or 9
other entities or residential facilities. 10

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

Section 1. That sections 2151.353, 2151.354, and 2152.19 be 11
amended and section 3109.90 of the Revised Code be enacted to read 12
as follows: 13

Sec. 2151.353. (A) If a child is adjudicated an abused, 14
neglected, or dependent child, subject to section 3109.90 of the 15
Revised Code, the court may make any of the following orders of 16
disposition: 17

(1) Place the child in protective supervision; 18

(2) Commit the child to the temporary custody of a public 19
children services agency, a private child placing agency, either 20

parent, a relative residing within or outside the state, or a 21
probation officer for placement in a certified foster home, or in 22
any other home approved by the court; 23

(3) Award legal custody of the child to either parent or to 24
any other person who, prior to the dispositional hearing, files a 25
motion requesting legal custody of the child or is identified as a 26
proposed legal custodian in a complaint or motion filed prior to 27
the dispositional hearing by any party to the proceedings. A 28
person identified in a complaint or motion filed by a party to the 29
proceedings as a proposed legal custodian shall be awarded legal 30
custody of the child only if the person identified signs a 31
statement of understanding for legal custody that contains at 32
least the following provisions: 33

(a) That it is the intent of the person to become the legal 34
custodian of the child and the person is able to assume legal 35
responsibility for the care and supervision of the child; 36

(b) That the person understands that legal custody of the 37
child in question is intended to be permanent in nature and that 38
the person will be responsible as the custodian for the child 39
until the child reaches the age of majority. Responsibility as 40
custodian for the child shall continue beyond the age of majority 41
if, at the time the child reaches the age of majority, the child 42
is pursuing a diploma granted by the board of education or other 43
governing authority, successful completion of the curriculum of 44
any high school, successful completion of an individualized 45
education program developed for the student by any high school, or 46
an age and schooling certificate. Responsibility beyond the age of 47
majority shall terminate when the child ceases to continuously 48
pursue such an education, completes such an education, or is 49
excused from such an education under standards adopted by the 50
state board of education, whichever occurs first. 51

(c) That the parents of the child have residual parental 52

rights, privileges, and responsibilities, including, but not 53
limited to, the privilege of reasonable visitation, consent to 54
adoption, the privilege to determine the child's religious 55
affiliation, and the responsibility for support; 56

(d) That the person understands that the person must be 57
present in court for the dispositional hearing in order to affirm 58
the person's intention to become legal custodian, to affirm that 59
the person understands the effect of the custodianship before the 60
court, and to answer any questions that the court or any parties 61
to the case may have. 62

(4) Commit the child to the permanent custody of a public 63
children services agency or private child placing agency, if the 64
court determines in accordance with division (E) of section 65
2151.414 of the Revised Code that the child cannot be placed with 66
one of the child's parents within a reasonable time or should not 67
be placed with either parent and determines in accordance with 68
division (D)(1) of section 2151.414 of the Revised Code that the 69
permanent commitment is in the best interest of the child. If the 70
court grants permanent custody under this division, the court, 71
upon the request of any party, shall file a written opinion 72
setting forth its findings of fact and conclusions of law in 73
relation to the proceeding. 74

(5) Place the child in a planned permanent living arrangement 75
with a public children services agency or private child placing 76
agency, if a public children services agency or private child 77
placing agency requests the court to place the child in a planned 78
permanent living arrangement and if the court finds, by clear and 79
convincing evidence, that a planned permanent living arrangement 80
is in the best interest of the child and that one of the following 81
exists: 82

(a) The child, because of physical, mental, or psychological 83
problems or needs, is unable to function in a family-like setting 84

and must remain in residential or institutional care now and for 85
the foreseeable future beyond the date of the dispositional 86
hearing held pursuant to section 2151.35 of the Revised Code. 87

(b) The parents of the child have significant physical, 88
mental, or psychological problems and are unable to care for the 89
child because of those problems, adoption is not in the best 90
interest of the child, as determined in accordance with division 91
(D)(1) of section 2151.414 of the Revised Code, and the child 92
retains a significant and positive relationship with a parent or 93
relative. 94

(c) The child is sixteen years of age or older, has been 95
counseled on the permanent placement options available to the 96
child, is unwilling to accept or unable to adapt to a permanent 97
placement, and is in an agency program preparing the child for 98
independent living. 99

(6) Order the removal from the child's home until further 100
order of the court of the person who committed abuse as described 101
in section 2151.031 of the Revised Code against the child, who 102
caused or allowed the child to suffer neglect as described in 103
section 2151.03 of the Revised Code, or who is the parent, 104
guardian, or custodian of a child who is adjudicated a dependent 105
child and order any person not to have contact with the child or 106
the child's siblings. 107

(B) No order for permanent custody or temporary custody of a 108
child or the placement of a child in a planned permanent living 109
arrangement shall be made pursuant to this section unless the 110
complaint alleging the abuse, neglect, or dependency contains a 111
prayer requesting permanent custody, temporary custody, or the 112
placement of the child in a planned permanent living arrangement 113
as desired, the summons served on the parents of the child 114
contains as is appropriate a full explanation that the granting of 115
an order for permanent custody permanently divests them of their 116

parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in the removal of the child from their legal custody if any of the conditions listed in divisions (A)(5)(a) to (c) of this section are found to exist, and the summons served on the parents contains a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent.

If after making disposition as authorized by division (A)(2) of this section, a motion is filed that requests permanent custody of the child, the court may grant permanent custody of the child to the movant in accordance with section 2151.414 of the Revised Code.

(C) If the court issues an order for protective supervision pursuant to division (A)(1) of this section, the court may place any reasonable restrictions upon the child, the child's parents, guardian, or custodian, or any other person, including, but not limited to, any of the following:

(1) Order a party, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time;

(2) Order a party, a parent of the child, or a physical custodian of the child to prevent any particular person from having contact with the child;

(3) Issue an order restraining or otherwise controlling the conduct of any person which conduct would not be in the best

interest of the child. 148

(D) As part of its dispositional order, the court shall 149
journalize a case plan for the child. The journalized case plan 150
shall not be changed except as provided in section 2151.412 of the 151
Revised Code. 152

(E)(1) The court shall retain jurisdiction over any child for 153
whom the court issues an order of disposition pursuant to division 154
(A) of this section or pursuant to section 2151.414 or 2151.415 of 155
the Revised Code until the child attains the age of eighteen years 156
if the child is not mentally retarded, developmentally disabled, 157
or physically impaired, the child attains the age of twenty-one 158
years if the child is mentally retarded, developmentally disabled, 159
or physically impaired, or the child is adopted and a final decree 160
of adoption is issued, except that the court may retain 161
jurisdiction over the child and continue any order of disposition 162
under division (A) of this section or under section 2151.414 or 163
2151.415 of the Revised Code for a specified period of time to 164
enable the child to graduate from high school or vocational 165
school. The court shall make an entry continuing its jurisdiction 166
under this division in the journal. 167

(2) Any public children services agency, any private child 168
placing agency, the department of job and family services, or any 169
party, other than any parent whose parental rights with respect to 170
the child have been terminated pursuant to an order issued under 171
division (A)(4) of this section, by filing a motion with the 172
court, may at any time request the court to modify or terminate 173
any order of disposition issued pursuant to division (A) of this 174
section or section 2151.414 or 2151.415 of the Revised Code. The 175
court shall hold a hearing upon the motion as if the hearing were 176
the original dispositional hearing and shall give all parties to 177
the action and the guardian ad litem notice of the hearing 178
pursuant to the Juvenile Rules. If applicable, the court shall 179

comply with section 2151.42 of the Revised Code. 180

(F) Any temporary custody order issued pursuant to division 181
(A) of this section shall terminate one year after the earlier of 182
the date on which the complaint in the case was filed or the child 183
was first placed into shelter care, except that, upon the filing 184
of a motion pursuant to section 2151.415 of the Revised Code, the 185
temporary custody order shall continue and not terminate until the 186
court issues a dispositional order under that section. In 187
resolving the motion, the court shall not order an existing 188
temporary custody order to continue beyond two years after the 189
date on which the complaint was filed or the child was first 190
placed into shelter care, whichever date is earlier, regardless of 191
whether any extensions have been previously ordered pursuant to 192
division (D) of section 2151.415 of the Revised Code. 193

(G)(1) No later than one year after the earlier of the date 194
the complaint in the case was filed or the child was first placed 195
in shelter care, a party may ask the court to extend an order for 196
protective supervision for six months or to terminate the order. A 197
party requesting extension or termination of the order shall file 198
a written request for the extension or termination with the court 199
and give notice of the proposed extension or termination in 200
writing before the end of the day after the day of filing it to 201
all parties and the child's guardian ad litem. If a public 202
children services agency or private child placing agency requests 203
termination of the order, the agency shall file a written status 204
report setting out the facts supporting termination of the order 205
at the time it files the request with the court. If no party 206
requests extension or termination of the order, the court shall 207
notify the parties that the court will extend the order for six 208
months or terminate it and that it may do so without a hearing 209
unless one of the parties requests a hearing. All parties and the 210
guardian ad litem shall have seven days from the date a notice is 211

sent pursuant to this division to object to and request a hearing 212
on the proposed extension or termination. 213

(a) If it receives a timely request for a hearing, the court 214
shall schedule a hearing to be held no later than thirty days 215
after the request is received by the court. The court shall give 216
notice of the date, time, and location of the hearing to all 217
parties and the guardian ad litem. At the hearing, the court shall 218
determine whether extension or termination of the order is in the 219
child's best interest. If termination is in the child's best 220
interest, the court shall terminate the order. If extension is in 221
the child's best interest, the court shall extend the order for 222
six months. 223

(b) If it does not receive a timely request for a hearing, 224
the court may extend the order for six months or terminate it 225
without a hearing and shall journalize the order of extension or 226
termination not later than fourteen days after receiving the 227
request for extension or termination or after the date the court 228
notifies the parties that it will extend or terminate the order. 229
If the court does not extend or terminate the order, it shall 230
schedule a hearing to be held no later than thirty days after the 231
expiration of the applicable fourteen-day time period and give 232
notice of the date, time, and location of the hearing to all 233
parties and the child's guardian ad litem. At the hearing, the 234
court shall determine whether extension or termination of the 235
order is in the child's best interest. If termination is in the 236
child's best interest, the court shall terminate the order. If 237
extension is in the child's best interest, the court shall issue 238
an order extending the order for protective supervision six 239
months. 240

(2) If the court grants an extension of the order for 241
protective supervision pursuant to division (G)(1) of this 242
section, a party may, prior to termination of the extension, file 243

with the court a request for an additional extension of six months 244
or for termination of the order. The court and the parties shall 245
comply with division (G)(1) of this section with respect to 246
extending or terminating the order. 247

(3) If a court grants an extension pursuant to division 248
(G)(2) of this section, the court shall terminate the order for 249
protective supervision at the end of the extension. 250

(H) The court shall not issue a dispositional order pursuant 251
to division (A) of this section that removes a child from the 252
child's home unless the court complies with section 2151.419 of 253
the Revised Code and includes in the dispositional order the 254
findings of fact required by that section. 255

(I) If a motion or application for an order described in 256
division (A)(6) of this section is made, the court shall not issue 257
the order unless, prior to the issuance of the order, it provides 258
to the person all of the following: 259

(1) Notice and a copy of the motion or application; 260

(2) The grounds for the motion or application; 261

(3) An opportunity to present evidence and witnesses at a 262
hearing regarding the motion or application; 263

(4) An opportunity to be represented by counsel at the 264
hearing. 265

(J) The jurisdiction of the court shall terminate one year 266
after the date of the award or, if the court takes any further 267
action in the matter subsequent to the award, the date of the 268
latest further action subsequent to the award, if the court awards 269
legal custody of a child to either of the following: 270

(1) A legal custodian who, at the time of the award of legal 271
custody, resides in a county of this state other than the county 272
in which the court is located; 273

(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award.

The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.

Sec. 2151.354. (A) If the child is adjudicated an unruly child, subject to section 3109.90 of the Revised Code, 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)(4) of section 2152.19 of the Revised Code, provided that, if the court imposes a period of community service upon the child, the period of community service shall not exceed one hundred seventy-five hours;

(3) Suspend the driver's license, probationary driver's license, or temporary instruction permit issued to the child for a period of time prescribed by the court and suspend the registration of all motor vehicles registered in the name of the child for a period of time prescribed by the court. 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.

(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), (4), (5), and (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, in addition to imposing, in its discretion, any other order of disposition authorized by this section, subject to section 3109.90 of the Revised Code, 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 the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a period of time prescribed by the court. The court, in its discretion, may terminate the suspension if the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending a program as described in this division, the court shall retain the child's temporary instruction permit, probationary driver's license, or driver's license, and the court shall return the permit or license if it terminates the

suspension. 335

(C)(1) If a child is adjudicated an unruly child for being an 336
habitual truant, in addition to or in lieu of imposing any other 337
order of disposition authorized by this section, subject to 338
section 3109.90 of the Revised Code, the court may do any of the 339
following: 340

(a) Order the board of education of the child's school 341
district or the governing board of the educational service center 342
in the child's school district to require the child to attend an 343
alternative school if an alternative school has been established 344
pursuant to section 3313.533 of the Revised Code in the school 345
district in which the child is entitled to attend school; 346

(b) Require the child to participate in any academic program 347
or community service program; 348

(c) Require the child to participate in a drug abuse or 349
alcohol abuse counseling program; 350

(d) Require that the child receive appropriate medical or 351
psychological treatment or counseling; 352

(e) Make any other order that the court finds proper to 353
address the child's habitual truancy, including an order requiring 354
the child to not be absent without legitimate excuse from the 355
public school the child is supposed to attend for five or more 356
consecutive days, seven or more school days in one school month, 357
or twelve or more school days in a school year and including an 358
order requiring the child to participate in a truancy prevention 359
mediation program. 360

(2) If a child is adjudicated an unruly child for being an 361
habitual truant and the court determines that the parent, 362
guardian, or other person having care of the child has failed to 363
cause the child's attendance at school in violation of section 364
3321.38 of the Revised Code, in addition to any order of 365

disposition authorized by this section, all of the following 366
apply: 367

(a) The court may require the parent, guardian, or other 368
person having care of the child to participate in any community 369
service program, preferably a community service program that 370
requires the involvement of the parent, guardian, or other person 371
having care of the child in the school attended by the child. 372

(b) The court may require the parent, guardian, or other 373
person having care of the child to participate in a truancy 374
prevention mediation program. 375

(c) The court shall warn the parent, guardian, or other 376
person having care of the child that any subsequent adjudication 377
of the child as an unruly or delinquent child for being an 378
habitual or chronic truant may result in a criminal charge against 379
the parent, guardian, or other person having care of the child for 380
a violation of division (C) of section 2919.21 or section 2919.24 381
of the Revised Code. 382

Sec. 2152.19. (A) If a child is adjudicated a delinquent 383
child, subject to section 3109.90 of the Revised Code, the court 384
may make any of the following orders of disposition, in addition 385
to any other disposition authorized or required by this chapter: 386

(1) Any order that is authorized by section 2151.353 of the 387
Revised Code for the care and protection of an abused, neglected, 388
or dependent child; 389

(2) Commit the child to the temporary custody of any school, 390
camp, institution, or other facility operated for the care of 391
delinquent children by the county, by a district organized under 392
section ~~2152.41~~ 2151.65 or ~~2151.65~~ 2152.41 of the Revised Code, or 393
by a private agency or organization, within or without the state, 394
that is authorized and qualified to provide the care, treatment, 395

or placement required, including, but not limited to, a school, 396
camp, or facility operated under section 2151.65 of the Revised 397
Code; 398

(3) Place the child in a detention facility or district 399
detention facility operated under section 2152.41 of the Revised 400
Code, for up to ninety days; 401

(4) Place the child on community control under any sanctions, 402
services, and conditions that the court prescribes. As a condition 403
of community control in every case and in addition to any other 404
condition that it imposes upon the child, the court shall require 405
the child to abide by the law during the period of community 406
control. As referred to in this division, community control 407
includes, but is not limited to, the following sanctions and 408
conditions: 409

(a) A period of basic probation supervision in which the 410
child is required to maintain contact with a person appointed to 411
supervise the child in accordance with sanctions imposed by the 412
court; 413

(b) A period of intensive probation supervision in which the 414
child is required to maintain frequent contact with a person 415
appointed by the court to supervise the child while the child is 416
seeking or maintaining employment and participating in training, 417
education, and treatment programs as the order of disposition; 418

(c) A period of day reporting in which the child is required 419
each day to report to and leave a center or another approved 420
reporting location at specified times in order to participate in 421
work, education or training, treatment, and other approved 422
programs at the center or outside the center; 423

(d) A period of community service of up to five hundred hours 424
for an act that would be a felony or a misdemeanor of the first 425
degree if committed by an adult, up to two hundred hours for an 426

act that would be a misdemeanor of the second, third, or fourth 427
degree if committed by an adult, or up to thirty hours for an act 428
that would be a minor misdemeanor if committed by an adult; 429

(e) A requirement that the child obtain a high school 430
diploma, a certificate of high school equivalence, vocational 431
training, or employment; 432

(f) A period of drug and alcohol use monitoring; 433

(g) A requirement of alcohol or drug assessment or 434
counseling, or a period in an alcohol or drug treatment program 435
with a level of security for the child as determined necessary by 436
the court; 437

(h) A period in which the court orders the child to observe a 438
curfew that may involve daytime or evening hours; 439

(i) A requirement that the child serve monitored time; 440

(j) A period of house arrest without electronic monitoring or 441
continuous alcohol monitoring; 442

(k) A period of electronic monitoring or continuous alcohol 443
monitoring without house arrest, or house arrest with electronic 444
monitoring or continuous alcohol monitoring or both electronic 445
monitoring and continuous alcohol monitoring, that does not exceed 446
the maximum sentence of imprisonment that could be imposed upon an 447
adult who commits the same act. 448

A period of house arrest with electronic monitoring or 449
continuous alcohol monitoring or both electronic monitoring and 450
continuous alcohol monitoring, imposed under this division shall 451
not extend beyond the child's twenty-first birthday. If a court 452
imposes a period of house arrest with electronic monitoring or 453
continuous alcohol monitoring or both electronic monitoring and 454
continuous alcohol monitoring, upon a child under this division, 455
it shall require the child: to remain in the child's home or other 456

specified premises for the entire period of house arrest with 457
electronic monitoring or continuous alcohol monitoring or both 458
except when the court permits the child to leave those premises to 459
go to school or to other specified premises. Regarding electronic 460
monitoring, the court also shall require the child to be monitored 461
by a central system that can determine the child's location at 462
designated times; to report periodically to a person designated by 463
the court; and to enter into a written contract with the court 464
agreeing to comply with all requirements imposed by the court, 465
agreeing to pay any fee imposed by the court for the costs of the 466
house arrest with electronic monitoring, and agreeing to waive the 467
right to receive credit for any time served on house arrest with 468
electronic monitoring toward the period of any other dispositional 469
order imposed upon the child if the child violates any of the 470
requirements of the dispositional order of house arrest with 471
electronic monitoring. The court also may impose other reasonable 472
requirements upon the child. 473

Unless ordered by the court, a child shall not receive credit 474
for any time served on house arrest with electronic monitoring or 475
continuous alcohol monitoring or both toward any other 476
dispositional order imposed upon the child for the act for which 477
was imposed the dispositional order of house arrest with 478
electronic monitoring or continuous alcohol monitoring. As used in 479
this division and division (A)(4)(1) of this section, "continuous 480
alcohol monitoring" has the same meaning as in section 2929.01 of 481
the Revised Code. 482

(1) A suspension of the driver's license, probationary 483
driver's license, or temporary instruction permit issued to the 484
child for a period of time prescribed by the court, or a 485
suspension of the registration of all motor vehicles registered in 486
the name of the child for a period of time prescribed by the 487
court. A child whose license or permit is so suspended is 488

ineligible for issuance of a license or permit during the period 489
of suspension. At the end of the period of suspension, the child 490
shall not be reissued a license or permit until the child has paid 491
any applicable reinstatement fee and complied with all 492
requirements governing license reinstatement. 493

(5) Commit the child to the custody of the court; 494

(6) Require the child to not be absent without legitimate 495
excuse from the public school the child is supposed to attend for 496
five or more consecutive days, seven or more school days in one 497
school month, or twelve or more school days in a school year; 498

(7)(a) If a child is adjudicated a delinquent child for being 499
a chronic truant or a habitual truant who previously has been 500
adjudicated an unruly child for being a habitual truant, do either 501
or both of the following: 502

(i) Require the child to participate in a truancy prevention 503
mediation program; 504

(ii) Make any order of disposition as authorized by this 505
section, except that the court shall not commit the child to a 506
facility described in division (A)(2) or (3) of this section 507
unless the court determines that the child violated a lawful court 508
order made pursuant to division (C)(1)(e) of section 2151.354 of 509
the Revised Code or division (A)(6) of this section. 510

(b) If a child is adjudicated a delinquent child for being a 511
chronic truant or a habitual truant who previously has been 512
adjudicated an unruly child for being a habitual truant and the 513
court determines that the parent, guardian, or other person having 514
care of the child has failed to cause the child's attendance at 515
school in violation of section 3321.38 of the Revised Code, do 516
either or both of the following: 517

(i) Require the parent, guardian, or other person having care 518
of the child to participate in a truancy prevention mediation 519

program; 520

(ii) Require the parent, guardian, or other person having 521
care of the child to participate in any community service program, 522
preferably a community service program that requires the 523
involvement of the parent, guardian, or other person having care 524
of the child in the school attended by the child. 525

(8) Make any further disposition that the court finds proper, 526
except that the child shall not be placed in any of the following: 527

(a) A state correctional institution, a county, multicounty, 528
or municipal jail or workhouse, or another place in which an adult 529
convicted of a crime, under arrest, or charged with a crime is 530
held; 531

(b) A community corrections facility, if the child would be 532
covered by the definition of public safety beds for purposes of 533
sections 5139.41 to 5139.43 of the Revised Code if the court 534
exercised its authority to commit the child to the legal custody 535
of the department of youth services for institutionalization or 536
institutionalization in a secure facility pursuant to this 537
chapter. 538

(B) If a child is adjudicated a delinquent child, in addition 539
to any order of disposition made under division (A) of this 540
section, the court, in the following situations and for the 541
specified periods of time, shall suspend the child's temporary 542
instruction permit, restricted license, probationary driver's 543
license, or nonresident operating privilege, or suspend the 544
child's ability to obtain such a permit: 545

(1) If the child is adjudicated a delinquent child for 546
violating section 2923.122 of the Revised Code, impose a class 547
four suspension of the child's license, permit, or privilege from 548
the range specified in division (A)(4) of section 4510.02 of the 549
Revised Code or deny the child the issuance of a license or permit 550

in accordance with division (F)(1) of section 2923.122 of the Revised Code. 551
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(2) If the child is adjudicated a delinquent child for committing an act that if committed by an adult would be a drug abuse offense or for violating division (B) of section 2917.11 of the Revised Code, suspend the child's license, permit, or privilege for a period of time prescribed by the court. The court, in its discretion, may terminate the suspension if the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending a program described in this division, the court shall retain the child's temporary instruction permit, probationary driver's license, or driver's license, and the court shall return the permit or license if it terminates the suspension as described in this division. 553
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(C) The court may establish a victim-offender mediation program in which victims and their offenders meet to discuss the offense and suggest possible restitution. If the court obtains the assent of the victim of the delinquent act committed by the child, the court may require the child to participate in the program. 566
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(D)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child caused, attempted to cause, threatened to cause, or created a risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county, a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child. 571
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(2) Each victim impact statement shall identify the victim of 583
the act for which the child was adjudicated a delinquent child, 584
itemize any economic loss suffered by the victim as a result of 585
the act, identify any physical injury suffered by the victim as a 586
result of the act and the seriousness and permanence of the 587
injury, identify any change in the victim's personal welfare or 588
familial relationships as a result of the act and any 589
psychological impact experienced by the victim or the victim's 590
family as a result of the act, and contain any other information 591
related to the impact of the act upon the victim that the court 592
requires. 593

(3) A victim impact statement shall be kept confidential and 594
is not a public record. However, the court may furnish copies of 595
the statement to the department of youth services if the 596
delinquent child is committed to the department or to both the 597
adjudicated delinquent child or the adjudicated delinquent child's 598
counsel and the prosecuting attorney. The copy of a victim impact 599
statement furnished by the court to the department pursuant to 600
this section shall be kept confidential and is not a public 601
record. If an officer is preparing pursuant to section 2947.06 or 602
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 603
investigation report pertaining to a person, the court shall make 604
available to the officer, for use in preparing the report, a copy 605
of any victim impact statement regarding that person. The copies 606
of a victim impact statement that are made available to the 607
adjudicated delinquent child or the adjudicated delinquent child's 608
counsel and the prosecuting attorney pursuant to this division 609
shall be returned to the court by the person to whom they were 610
made available immediately following the imposition of an order of 611
disposition for the child under this chapter. 612

The copy of a victim impact statement that is made available 613
pursuant to this division to an officer preparing a criminal 614

presentence investigation report shall be returned to the court by 615
the officer immediately following its use in preparing the report. 616

(4) The department of youth services shall work with local 617
probation departments and victim assistance programs to develop a 618
standard victim impact statement. 619

(E) If a child is adjudicated a delinquent child for being a 620
chronic truant or a habitual truant who previously has been 621
adjudicated an unruly child for being a habitual truant and the 622
court determines that the parent, guardian, or other person having 623
care of the child has failed to cause the child's attendance at 624
school in violation of section 3321.38 of the Revised Code, in 625
addition to any order of disposition it makes under this section, 626
the court shall warn the parent, guardian, or other person having 627
care of the child that any subsequent adjudication of the child as 628
an unruly or delinquent child for being a habitual or chronic 629
truant may result in a criminal charge against the parent, 630
guardian, or other person having care of the child for a violation 631
of division (C) of section 2919.21 or section 2919.24 of the 632
Revised Code. 633

(F)(1) During the period of a delinquent child's community 634
control granted under this section, authorized probation officers 635
who are engaged within the scope of their supervisory duties or 636
responsibilities may search, with or without a warrant, the person 637
of the delinquent child, the place of residence of the delinquent 638
child, and a motor vehicle, another item of tangible or intangible 639
personal property, or other real property in which the delinquent 640
child has a right, title, or interest or for which the delinquent 641
child has the express or implied permission of a person with a 642
right, title, or interest to use, occupy, or possess if the 643
probation officers have reasonable grounds to believe that the 644
delinquent child is not abiding by the law or otherwise is not 645
complying with the conditions of the delinquent child's community 646

control. The court that places a delinquent child on community 647
control under this section shall provide the delinquent child with 648
a written notice that informs the delinquent child that authorized 649
probation officers who are engaged within the scope of their 650
supervisory duties or responsibilities may conduct those types of 651
searches during the period of community control if they have 652
reasonable grounds to believe that the delinquent child is not 653
abiding by the law or otherwise is not complying with the 654
conditions of the delinquent child's community control. The court 655
also shall provide the written notice described in division (E)(2) 656
of this section to each parent, guardian, or custodian of the 657
delinquent child who is described in that division. 658

(2) The court that places a child on community control under 659
this section shall provide the child's parent, guardian, or other 660
custodian with a written notice that informs them that authorized 661
probation officers may conduct searches pursuant to division 662
(E)(1) of this section. The notice shall specifically state that a 663
permissible search might extend to a motor vehicle, another item 664
of tangible or intangible personal property, or a place of 665
residence or other real property in which a notified parent, 666
guardian, or custodian has a right, title, or interest and that 667
the parent, guardian, or custodian expressly or impliedly permits 668
the child to use, occupy, or possess. 669

(G) If a juvenile court commits a delinquent child to the 670
custody of any person, organization, or entity pursuant to this 671
section and if the delinquent act for which the child is so 672
committed is a sexually oriented offense or is a child-victim 673
oriented offense, the court in the order of disposition shall do 674
one of the following: 675

(1) Require that the child be provided treatment as described 676
in division (A)(2) of section 5139.13 of the Revised Code; 677

(2) Inform the person, organization, or entity that it is the 678

preferred course of action in this state that the child be 679
provided treatment as described in division (A)(2) of section 680
5139.13 of the Revised Code and encourage the person, 681
organization, or entity to provide that treatment. 682

Sec. 3109.90. (A) Except as otherwise provided under this 683
section, an agency, home, school, camp, institution, or other 684
entity or residential facility that is located in another state 685
and that receives a child from this state shall comply with all 686
standards that are established under Chapter 5103. or 5119. of the 687
Revised Code and all rules adopted under either chapter that are 688
applicable to an equivalent agency, home, school, camp, 689
institution, or other entity or residential facility located in 690
this state. 691

(B) No public money shall be paid to an agency, home, school, 692
camp, institution, or other entity or residential facility that is 693
located in another state and that does not comply with division 694
(A) of this section. 695

(C) The director of job and family services and the director 696
of mental health shall jointly adopt rules in accordance with 697
Chapter 119. of the Revised Code that do all of the following: 698

(1) Establish procedures for periodically verifying that an 699
agency, home, school, camp, institution, or other entity or 700
residential facility that is located in another state and that 701
receives a child from this state for placement or commitment, as 702
applicable, complies with division (A) of this section; 703

(2) Establish a list of agencies, homes, schools, camps, 704
institutions, or other entities or residential facilities located 705
in other states that are in compliance with division (A) of this 706
section; 707

(3) Establish procedures for the removal of a child from an 708

agency, home, school, camp, institution, or other entity or 709
residential facility that is located in another state and that 710
does not comply with division (A) of this section if that child is 711
from this state and has been placed in the agency, home, school, 712
camp, or other entity or residential facility or committed to the 713
institution; 714

(4) Establish fees applicable to agencies, homes, schools, 715
camp, institutions, or other entities or residential facilities 716
located in other states that receive children from this state; 717

(5) Establish any other procedures or requirements necessary 718
to implement this section. 719

(D) An agency, home, school, camp, institution, or other 720
entity or residential facility that is located in another state is 721
not required to be licensed or certified by the department of job 722
and family services or the department of mental health, as 723
applicable. 724

(E) A public children services agency, private child placing 725
agency, private noncustodial agency, court of common pleas, 726
probate court, juvenile court, or other entity responsible for 727
placing a child in an agency, home, school, camp, or other entity 728
or residential facility located in another state or committing a 729
child to an institution located in another state shall ensure that 730
the agency, home, school, camp, institution, or other entity or 731
residential facility is listed in accordance with rules adopted 732
under this section as being in compliance with division (A) of 733
this section. 734

(F) As used in this section: 735

(1) "Institution" has the same meaning as in section 5119.50 736
of the Revised Code. 737

(2) "Residential facility" has the same meaning as in section 738
5103.20 of the Revised Code. 739

Section 2. That existing sections 2151.353, 2151.354, and 740
2152.19 of the Revised Code are hereby repealed. 741