



Ohio Judicial Conference

The Voice of Ohio Judges

House Criminal Justice Committee
Judge Robert C. Hickson, Jr.
Opponent Testimony on House Bill 314
May 14, 2024

Chair Abrams, Vice Chair Williams, Ranking Member Brown and members of the House Criminal Justice Committee, I thank you for this opportunity to submit opponent testimony for House Bill 314 on behalf of the Ohio Judicial Conference.

I am Judge Robert Hickson of the Morrow County Common Pleas Court, where I have had jurisdiction over all Divisions—Civil, Criminal, Domestic Relations, Juvenile and Probate—since 2007. I am a past President of the Ohio Common Pleas Judges Association and a member of the Court Administration Committee of the Ohio Judicial Conference. Since 2009 I have led the Morrow County Family Drug Court and Morrow County Intervention in Lieu Drug Court. From 1983 to 2006, I had a private practice in Mount Gilead and Columbus, served as an Acting Judge for the Morrow County Municipal Court and served as Special Counsel for the Ohio Attorney General.

As a threshold matter, we agree with the sponsors, Representative Bird and Representative Williams, that R.C. 2151.271 has created some issues for juvenile courts. A group of juvenile judges had a positive discussion with the sponsors and hope to continue discussing this important topic. Juvenile judges have identified problems with the statute's mandatory transfer provision that requires transfer when a juvenile has a case pending in the juvenile court of the child's residential county. The mandatory provision requires juvenile courts to separate many co-defendant cases instead of adjudicating them together, an issue mentioned by the bill's proponents. This is less efficient for the courts, law enforcement, victims and witnesses. We would support eliminating the mandatory provision from the statute to allow courts to decide when transfer is warranted.

We also recommend amending the statute's final sentence, "Certified copies of all legal and social records pertaining to the case shall accompany the transfer." That sentence is open to interpretation, so we recommend clarifying that all records shall accompany a transferred case. We are open to working with the sponsors and this Committee on additional changes to the statute, if necessary. We oppose the outright repeal of the statute for the reasons below.

Fiscal Impact

As the LSC fiscal note states, juvenile courts will potentially see significant cost increases to provide disposition-related services including treatment and supervision to juveniles who reside outside of the county in which the court is located. It is not feasible to require juveniles to travel back to the county of the offense when the juvenile may not be a licensed driver or have reliable transportation options. Courts will have to decide whether to allocate substantial probation staff hours for travel or scale back supervision to out-of-county offenders. Additional staff will be required to make up for hours lost to travel.

The LSC fiscal note also highlighted the likely loss of RECLAIM funding to many counties. The overall fiscal impact should be studied more thoroughly before enacting such sweeping changes to juvenile court operations.

Impact to Juveniles

Technically, cases in juvenile court are treated as civil, not criminal, matters. Most juveniles are amenable to education and treatment to alleviate problem behavior. Rehabilitating juvenile offenders helps keep Ohio safer by preventing some adult criminal behavior. Unfortunately, Ohio's counties have uneven access to services and treatment options. In general, the most-populated areas have more juvenile offenders but also more providers. When better treatment options are available in the juvenile offender's home county, the county of the offense will adjudicate the case, then transfer it for disposition.

If the juvenile courts were required to adjudicate and order the disposition before transferring the case to another county for courtesy supervision, courts will be unaware which programs in the other county have current openings. Juveniles will be disconnected from the treatment they need and without other options, more children will be sent to the Department of Youth Services, increasing the DYS population and utilizing significant state funding.

Impact to Other Cases

This legislation would also prohibit transfer of routine traffic citations to the juvenile's home county, which is regularly done effectively throughout the state. Additionally, many courts utilize R.C. 2151.271 authority to transfer abuse, neglect and dependency cases when parents move or children are placed in facilities or with foster or kinship caregivers in different counties. Eliminating that statute will burden families and Children Service staff and could create complications for reunifying children and parents. We do not believe the intention was to impact every type of juvenile case, but that is the practical impact of the elimination of the current transfer statute.

Thank you for the opportunity to submit testimony on H.B. 314. We respectfully request further consideration of all of the unintended impacts this legislation would create by the complete elimination of a statute that has been in place and unchanged for over 20 years. It is submitted that in the vast majority of situations where this statute is utilized on a daily basis, there are no problems or issues which need addressed, so further collaboration is requested before moving this legislation forward. I would be happy to answer any questions you may have.