

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 728

Representatives Odioso, Plummer

To amend sections 2151.35 and 2152.11 of the 1
Revised Code to eliminate informal hearings and 2
dismissals in the best interest of the child in 3
certain juvenile delinquency cases. 4

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

Section 1. That sections 2151.35 and 2152.11 of the 5
Revised Code be amended to read as follows: 6

Sec. 2151.35. (A) (1) Except as otherwise provided by 7
division (A) (3) or (4) of this section or in section 2152.13 of 8
the Revised Code, the juvenile court may conduct its hearings in 9
an informal manner and may adjourn its hearings from time to 10
time. The court may exclude the general public from its hearings 11
in a particular case if the court holds a separate hearing to 12
determine whether that exclusion is appropriate. If the court 13
decides that exclusion of the general public is appropriate, the 14
court still may admit to a particular hearing or all of the 15
hearings relating to a particular case those persons who have a 16
direct interest in the case and those who demonstrate that their 17
need for access outweighs the interest in keeping the hearing 18
closed. 19

Except cases involving children who are alleged to be 20

unruly children for being habitual truants or alleged to be 21
delinquent children for violating court orders regarding their 22
prior adjudication as unruly children for being habitual 23
truants, and except as otherwise provided in section 2152.13 of 24
the Revised Code, all cases involving children shall be heard 25
separately and apart from the trial of cases against adults. The 26
court may excuse the attendance of the child at the hearing in 27
cases involving abused, neglected, or dependent children. The 28
court shall hear and determine all cases of children without a 29
jury, except cases involving serious youthful offenders under 30
section 2152.13 of the Revised Code. 31

If a complaint alleges a child to be a delinquent child, 32
unruly child, or juvenile traffic offender, the court shall 33
require the parent, guardian, or custodian of the child to 34
attend all proceedings of the court regarding the child. If a 35
parent, guardian, or custodian fails to so attend, the court may 36
find the parent, guardian, or custodian in contempt. 37

If the court finds from clear and convincing evidence that 38
the child violated section 2151.87 of the Revised Code, the 39
court shall proceed in accordance with divisions (F) and (G) of 40
that section. 41

If the court at the adjudicatory hearing finds from clear 42
and convincing evidence that the child is an abused, neglected, 43
or dependent child, the court shall proceed, in accordance with 44
division (B) of this section, to hold a dispositional hearing 45
and hear the evidence as to the proper disposition to be made 46
under section 2151.353 of the Revised Code. If the court at the 47
adjudicatory hearing finds beyond a reasonable doubt that the 48
child is a delinquent or unruly child or a juvenile traffic 49
offender, the court shall proceed immediately, or at a postponed 50

hearing, to hear the evidence as to the proper disposition to be made under section 2151.354 or Chapter 2152. of the Revised Code. If the court at the adjudicatory hearing finds beyond a reasonable doubt that the child is an unruly child for being an habitual truant, or that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, the court shall proceed to hold a hearing to hear the evidence as to the proper disposition to be made in regard to the child under division (C) (1) of section 2151.354 of the Revised Code and the proper action to take in regard to the parent, guardian, or other person having care of the child under division (C) (2) of section 2151.354 of the Revised Code. If the court at the adjudicatory hearing finds beyond a reasonable doubt that the child is a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant, and the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, the court shall proceed to hold a hearing to hear the evidence as to the proper disposition to be made in regard to the child under division (A) (7) (a) of section 2152.19 of the Revised Code and the proper action to take in regard to the parent, guardian, or other person having care of the child under division (A) (7) (b) of section 2152.19 of the Revised Code.

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

theretofore ordered. 82

(2) A record of all testimony and other oral proceedings 83
in juvenile court shall be made in all proceedings that are held 84
pursuant to section 2151.414 of the Revised Code or in which an 85
order of disposition may be made pursuant to division (A) (4) of 86
section 2151.353 of the Revised Code, and shall be made upon 87
request in any other proceedings. The record shall be made as 88
provided in section 2301.20 of the Revised Code. 89

(3) The authority of a juvenile court to exclude the 90
general public from its hearings that is provided by division 91
(A) (1) of this section does not limit or affect any right of a 92
victim of a crime or delinquent act, or of a victim's 93
representative, under Chapter 2930. of the Revised Code. 94

(4) The authority of a juvenile court to conduct its 95
hearings in an informal manner does not apply to an offense that 96
would be a felony, including any specifications, or an offense 97
of violence if committed by an adult. 98

(B) (1) If the court at an adjudicatory hearing determines 99
that a child is an abused, neglected, or dependent child, the 100
court shall not issue a dispositional order until after the 101
court holds a separate dispositional hearing. The court may hold 102
the dispositional hearing for an adjudicated abused, neglected, 103
or dependent child immediately after the adjudicatory hearing if 104
all parties were served prior to the adjudicatory hearing with 105
all documents required for the dispositional hearing. The 106
dispositional hearing may not be held more than thirty days 107
after the adjudicatory hearing is held. The dispositional 108
hearing shall not be held more than ninety days after the date 109
on which the complaint in the case was filed except that, for 110
good cause shown, the court, on its own motion or on the motion 111

of any party or the child's guardian ad litem, may continue the 112
dispositional hearing for a reasonable period of time beyond the 113
ninety-day deadline. This extension beyond the ninety-day 114
deadline shall not exceed forty-five days and shall not be 115
available for any case in which the complaint was dismissed and 116
subsequently refiled. 117

If the dispositional hearing is not held within the period 118
of time required by this division, the court, on its own motion 119
or the motion of any party or the guardian ad litem of the 120
child, shall dismiss the complaint without prejudice. 121

(2) The dispositional hearing shall be conducted in 122
accordance with all of the following: 123

(a) The judge or referee who presided at the adjudicatory 124
hearing shall preside, if possible, at the dispositional 125
hearing; 126

(b) The court may admit any evidence that is material and 127
relevant, including, but not limited to, hearsay, opinion, and 128
documentary evidence; 129

(c) Medical examiners and each investigator who prepared a 130
social history shall not be cross-examined, except upon consent 131
of the parties, for good cause shown, or as the court in its 132
discretion may direct. Any party may offer evidence 133
supplementing, explaining, or disputing any information 134
contained in the social history or other reports that may be 135
used by the court in determining disposition. 136

(3) After the conclusion of the dispositional hearing, the 137
court shall enter an appropriate judgment within seven days and 138
shall schedule the date for the hearing to be held pursuant to 139
section 2151.415 of the Revised Code. The court may make any 140

order of disposition that is set forth in section 2151.353 of 141
the Revised Code. A copy of the judgment shall be given to each 142
party and to the child's guardian ad litem. If the judgment is 143
conditional, the order shall state the conditions of the 144
judgment. If the child is not returned to the child's own home, 145
the court shall determine which school district shall bear the 146
cost of the child's education and shall comply with section 147
2151.36 of the Revised Code. 148

(4) As part of its dispositional order, the court may 149
issue any order described in division (B) of section 2151.33 of 150
the Revised Code. 151

(C) The court shall give all parties to the action and the 152
child's guardian ad litem notice of the adjudicatory and 153
dispositional hearings in accordance with the Juvenile Rules. 154

(D) If the court issues an order pursuant to division (A) 155
(4) of section 2151.353 of the Revised Code committing a child 156
to the permanent custody of a public children services agency or 157
a private child placing agency, the parents of the child whose 158
parental rights were terminated cease to be parties to the 159
action upon the issuance of the order. This division is not 160
intended to eliminate or restrict any right of the parents to 161
appeal the permanent custody order issued pursuant to division 162
(A) (4) of section 2151.353 of the Revised Code. 163

(E) Each juvenile court shall schedule its hearings in 164
accordance with the time requirements of this chapter. 165

(F) In cases regarding abused, neglected, or dependent 166
children, the court may admit any statement of a child that the 167
court determines to be excluded by the hearsay rule if the 168
proponent of the statement informs the adverse party of the 169

proponent's intention to offer the statement and of the 170
particulars of the statement, including the name of the 171
declarant, sufficiently in advance of the hearing to provide the 172
party with a fair opportunity to prepare to challenge, respond 173
to, or defend against the statement, and the court determines 174
all of the following: 175

(1) The statement has circumstantial guarantees of 176
trustworthiness; 177

(2) The statement is offered as evidence of a material 178
fact; 179

(3) The statement is more probative on the point for which 180
it is offered than any other evidence that the proponent can 181
procure through reasonable efforts; 182

(4) The general purposes of the evidence rules and the 183
interests of justice will best be served by the admission of the 184
statement into evidence. 185

(G) If a child is alleged to be an abused child, the court 186
may order that the testimony of the child be taken by 187
deposition. On motion of the prosecuting attorney, guardian ad 188
litem, or any party, or in its own discretion, the court may 189
order that the deposition be videotaped. Any deposition taken 190
under this division shall be taken with a judge or referee 191
present. 192

If a deposition taken under this division is intended to 193
be offered as evidence at the hearing, it shall be filed with 194
the court. Part or all of the deposition is admissible in 195
evidence if counsel for all parties had an opportunity and 196
similar motive at the time of the taking of the deposition to 197
develop the testimony by direct, cross, or redirect examination 198

and the judge determines that there is reasonable cause to 199
believe that if the child were to testify in person at the 200
hearing, the child would experience emotional trauma as a result 201
of participating at the hearing. 202

Sec. 2152.11. (A) A child who is adjudicated a delinquent 203
child for committing an act that would be a felony if committed 204
by an adult is eligible for a particular type of disposition 205
under this section if the child's case was not transferred under 206
section 2152.12 of the Revised Code. If a child is adjudicated a 207
delinquent child for committing an act that would be a felony or 208
an offense of violence if committed by an adult, the juvenile 209
court shall not dismiss the case or any specifications without 210
disposition, even if the court determines that dismissal would 211
be in the best interest of the child. If the complaint, 212
indictment, or information charging the act includes one or more 213
of the following factors, the act is considered to be enhanced, 214
and the child is eligible for a more restrictive disposition 215
under this section; 216

(1) The act charged against the child would be an offense 217
of violence if committed by an adult. 218

(2) During the commission of the act charged, the child 219
used a firearm, displayed a firearm, brandished a firearm, or 220
indicated that the child possessed a firearm and actually 221
possessed a firearm. 222

(3) The child previously was admitted to a department of 223
youth services facility for the commission of an act that would 224
have been aggravated murder, murder, a felony of the first or 225
second degree if committed by an adult, or an act that would 226
have been a felony of the third degree and an offense of 227
violence if committed by an adult. 228

(B) If a child is adjudicated a delinquent child for 229
committing an act that would be aggravated murder or murder if 230
committed by an adult, the child is eligible for whichever of 231
the following is appropriate: 232

(1) Mandatory SYO, if the act allegedly was committed when 233
the child was fourteen or fifteen years of age; 234

(2) Discretionary SYO, if the act was committed when the 235
child was ten, eleven, twelve, or thirteen years of age; 236

(3) Traditional juvenile, if divisions (B)(1) and (2) of 237
this section do not apply. 238

(C) If a child is adjudicated a delinquent child for 239
committing an act that would be attempted aggravated murder or 240
attempted murder if committed by an adult, the child is eligible 241
for whichever of the following is appropriate: 242

(1) Mandatory SYO, if the act allegedly was committed when 243
the child was fourteen or fifteen years of age; 244

(2) Discretionary SYO, if the act was committed when the 245
child was ten, eleven, twelve, or thirteen years of age; 246

(3) Traditional juvenile, if divisions (C)(1) and (2) of 247
this section do not apply. 248

(D) If a child is adjudicated a delinquent child for 249
committing an act that would be a felony of the first degree if 250
committed by an adult, the child is eligible for whichever of 251
the following is appropriate: 252

(1) Mandatory SYO, if the act allegedly was committed when 253
the child was sixteen or seventeen years of age, and the act is 254
enhanced by the factors described in division (A)(1) and either 255
division (A)(2) or (3) of this section; 256

(2) Discretionary SYO, if any of the following applies:	257
(a) The act was committed when the child was sixteen or	258
seventeen years of age, and division (D)(1) of this section does	259
not apply.	260
(b) The act was committed when the child was fourteen or	261
fifteen years of age.	262
(c) The act was committed when the child was twelve or	263
thirteen years of age, and the act is enhanced by any factor	264
described in division (A)(1), (2), or (3) of this section.	265
(d) The act was committed when the child was ten or eleven	266
years of age, and the act is enhanced by the factors described	267
in division (A)(1) and either division (A)(2) or (3) of this	268
section.	269
(3) Traditional juvenile, if divisions (D)(1) and (2) of	270
this section do not apply.	271
(E) If a child is adjudicated a delinquent child for	272
committing an act that would be a felony of the second degree if	273
committed by an adult, the child is eligible for whichever of	274
the following is appropriate:	275
(1) Discretionary SYO, if the act was committed when the	276
child was fourteen, fifteen, sixteen, or seventeen years of age;	277
(2) Discretionary SYO, if the act was committed when the	278
child was twelve or thirteen years of age, and the act is	279
enhanced by any factor described in division (A)(1), (2), or (3)	280
of this section;	281
(3) Traditional juvenile, if divisions (E)(1) and (2) of	282
this section do not apply.	283

(F) If a child is adjudicated a delinquent child for committing an act that would be a felony of the third degree if committed by an adult, the child is eligible for whichever of the following is appropriate:

(1) Discretionary SYO, if the act was committed when the child was sixteen or seventeen years of age;

(2) Discretionary SYO, if the act was committed when the child was fourteen or fifteen years of age, and the act is enhanced by any factor described in division (A) (1), (2), or (3) of this section;

(3) Traditional juvenile, if divisions (F) (1) and (2) of this section do not apply.

(G) If a child is adjudicated a delinquent child for committing an act that would be a felony of the fourth or fifth degree if committed by an adult, the child is eligible for whichever of the following dispositions is appropriate:

(1) Discretionary SYO, if the act was committed when the child was sixteen or seventeen years of age, and the act is enhanced by any factor described in division (A) (1), (2), or (3) of this section;

(2) Traditional juvenile, if division (G) (1) of this section does not apply.

(H) The following table describes the dispositions that a juvenile court may impose on a delinquent child:

	1	2	3	4	5
A	OFFENSE CATEGORY	AGE	AGE	AGE	AGE

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		16 & 17	14 & 15	12 & 13	10 & 11
B	(Enhancement factors)				
C	Murder/aggravated murder	N/A	MSYO, TJ	DSYO, TJ	DSYO, TJ
D	Attempted murder/attempted aggravated murder	N/A	MSYO, TJ	DSYO, TJ	DSYO, TJ
E	F1 (Enhanced by offense of violence factor and either disposition firearm factor or previous DYS admission factor)	MSYO, TJ	DSYO, TJ	DSYO, TJ	DSYO, TJ
F	F1 (Enhanced by any single or other combination of enhancement factors)	DSYO, TJ	DSYO, TJ	DSYO, TJ	TJ
G	F1 (Not enhanced)	DSYO, TJ	DSYO, TJ	TJ	TJ
H	F2 (Enhanced by any enhancement factor)	DSYO, TJ	DSYO, TJ	DSYO, TJ	TJ
I	F2 (Not enhanced)	DSYO, TJ	DSYO, TJ	TJ	TJ
J	F3 (Enhanced by any enhancement factor)	DSYO, TJ	DSYO, TJ	TJ	TJ
K	F3 (Not enhanced)	DSYO, TJ	TJ	TJ	TJ
L	F4 (Enhanced by any enhancement factor)	DSYO, TJ	TJ	TJ	TJ

M	F4 (Not enhanced)	TJ	TJ	TJ	TJ
N	F5 (Enhanced by any enhancement factor)	DSYO, TJ	TJ	TJ	TJ
O	F5 (Not enhanced)	TJ	TJ	TJ	TJ

(I) The table in division (H) of this section is for illustrative purposes only. If the table conflicts with any provision of divisions (A) to (G) of this section, divisions (A) to (G) of this section shall control.

(J) Key for table in division (H) of this section:

(1) "Any enhancement factor" applies when the criteria described in division (A) (1), (2), or (3) of this section apply.

(2) The "disposition firearm factor" applies when the criteria described in division (A) (2) of this section apply.

(3) "DSYO" refers to discretionary serious youthful offender disposition.

(4) "F1" refers to an act that would be a felony of the first degree if committed by an adult.

(5) "F2" refers to an act that would be a felony of the second degree if committed by an adult.

(6) "F3" refers to an act that would be a felony of the third degree if committed by an adult.

(7) "F4" refers to an act that would be a felony of the fourth degree if committed by an adult.

(8) "F5" refers to an act that would be a felony of the fifth degree if committed by an adult.

(9) "MSYO" refers to mandatory serious youthful offender disposition.	330 331
(10) The "offense of violence factor" applies when the criteria described in division (A) (1) of this section apply.	332 333
(11) The "previous DYS admission factor" applies when the criteria described in division (A) (3) of this section apply.	334 335
(12) "TJ" refers to traditional juvenile.	336
Section 2. That existing sections 2151.35 and 2152.11 of the Revised Code are hereby repealed.	337 338