

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**S. B. No. 270**

**Senators Manning, Hicks-Hudson**

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To amend sections 2152.16, 2152.17, 2152.19,  
2152.22, 2152.26, 5139.01, 5139.05, 5139.06,  
5139.20, 5139.35, and 5139.51 of the Revised  
Code to modify provisions relating to commitment  
of delinquent children to the department of  
youth services.

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

**Section 1.** That sections 2152.16, 2152.17, 2152.19,  
2152.22, 2152.26, 5139.01, 5139.05, 5139.06, 5139.20, 5139.35,  
and 5139.51 of the Revised Code be amended to read as follows:

**Sec. 2152.16.** (A) (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 act was committed by the  
delinquent child when the child was fourteen years of age or  
older, the juvenile court may commit the child to the legal  
custody of the department of youth services for secure  
confinement as follows:

(a) For an act that would be aggravated murder or murder  
if committed by an adult, until the offender attains twenty-one  
years of age;

(b) For a violation of section 2923.02 of the Revised Code

that involves an attempt to commit an act that would be 21  
aggravated murder or murder if committed by an adult, a minimum 22  
period of six to seven years as prescribed by the court and a 23  
maximum period not to exceed the child's attainment of twenty- 24  
one years of age; 25

(c) For a violation of section 2903.03, 2905.01, 2909.02, 26  
or 2911.01 or division (A) of section 2903.04 of the Revised 27  
Code or for a violation of any provision of section 2907.02 of 28  
the Revised Code other than division (A) (1) (b) of that section 29  
when the sexual conduct or insertion involved was consensual and 30  
when the victim of the violation of division (A) (1) (b) of that 31  
section was older than the delinquent child, was the same age as 32  
the delinquent child, or was less than three years younger than 33  
the delinquent child, for an indefinite term consisting of a 34  
minimum period of one to three years, as prescribed by the 35  
court, and a maximum period not to exceed the child's attainment 36  
of twenty-one years of age; 37

(d) If the child is adjudicated a delinquent child for 38  
committing an act that is not described in division (A) (1) (b) or 39  
(c) of this section and that would be a felony of the first or 40  
second degree if committed by an adult, for an indefinite term 41  
consisting of a minimum period of one year and a maximum period 42  
not to exceed the child's attainment of twenty-one years of 43  
age; 44

(e) For committing an act that would be a felony of the 45  
third, ~~fourth, or fifth~~ degree if committed by an adult ~~or for a~~ 46  
~~violation of division (A) of section 2923.211 of the Revised~~ 47  
~~Code,~~ for an indefinite term consisting of a minimum period of 48  
six months and a maximum period not to exceed the child's 49  
attainment of twenty-one years of age; 50

(f) Except as provided in division (A) (2) of this section, 51  
for committing an act that would be a felony of the fourth or 52  
fifth degree if committed by an adult or for a violation of 53  
division (A) of section 2923.211 of the Revised Code, for an 54  
indefinite term consisting of a minimum period of six months and 55  
a maximum period not to exceed the child's attainment of twenty- 56  
one years of age. 57

(2) A delinquent child shall not be admitted to a 58  
department of youth services facility or committed to the legal 59  
custody of the department of youth services if the child is 60  
adjudicated a delinquent child for committing an act that would 61  
be a felony of the fourth or fifth degree if committed by an 62  
adult, unless the child is adjudicated a delinquent child for an 63  
offense that would be a felony offense of violence if committed 64  
by an adult, the child has previously been adjudicated a 65  
delinquent child for committing an act that would be a felony if 66  
committed by an adult, or the child is also adjudicated a 67  
delinquent child for committing an act that would be a felony of 68  
the first, second, or third degree. 69

(3) In each case in which a court makes a disposition 70  
under this section, the court retains control over the 71  
commitment for the minimum period specified by the court in 72  
divisions (A) (1) (a) to ~~(e)~~ (f) of this section. During the 73  
minimum period, the department of youth services shall not move 74  
the child to a nonsecure setting without the permission of the 75  
court that imposed the disposition. 76

(B) (1) Subject to division (B) (2) of this section, if a 77  
delinquent child is committed to the department of youth 78  
services under this section, the department may release the 79  
child at any time after the minimum period specified by the 80

court in division (A) (1) of this section ends. 81

(2) A commitment under this section is subject to a 82  
supervised release or to a discharge of the child from the 83  
custody of the department for medical reasons pursuant to 84  
section 5139.54 of the Revised Code, but, during the minimum 85  
period specified by the court in division (A) (1) of this 86  
section, the department shall obtain court approval of a 87  
supervised release or discharge under that section. 88

(C) If a child is adjudicated a delinquent child, at the 89  
dispositional hearing and prior to making any disposition 90  
pursuant to this section, the court shall determine whether the 91  
delinquent child previously has been adjudicated a delinquent 92  
child for a violation of a law or ordinance. If the delinquent 93  
child previously has been adjudicated a delinquent child for a 94  
violation of a law or ordinance, the court, for purposes of 95  
entering an order of disposition of the delinquent child under 96  
this section, shall consider the previous delinquent child 97  
adjudication as a conviction of a violation of the law or 98  
ordinance in determining the degree of the offense the current 99  
act would be had it been committed by an adult. This division 100  
also shall apply in relation to the imposition of any financial 101  
sanction under section 2152.19 of the Revised Code. 102

**Sec. 2152.17.** (A) ~~Subject to division (D) of this section,~~ 103  
~~if~~ If a child is adjudicated a delinquent child for committing 104  
an act, other than a violation of section 2923.12 of the Revised 105  
Code, that would be a felony if committed by an adult, if the 106  
act was committed by the delinquent child when the child was 107  
fourteen years of age or older, and if the court determines 108  
that, if the child was an adult, the child would be guilty of a 109  
specification of the type set forth in section 2941.141, 110

2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, or 2941.1415 111  
of the Revised Code, in addition to any commitment or other 112  
disposition the court imposes for the underlying delinquent act, 113  
all of the following apply: 114

(1) If the court determines that the child would be guilty 115  
of a specification of the type set forth in section 2941.141, 116  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 117  
the court may commit the child to the department of youth 118  
services for ~~the specification for a definite period of up to~~ 119  
~~one year.~~ 120

~~(2) If the court determines that the child would be guilty~~ 121  
~~of a specification of the type set forth in section 2941.145 of~~ 122  
~~the Revised Code or if the~~ delinquent act is a violation of 123  
division (A) (1) or (2) of section 2903.06 of the Revised Code 124  
and the court determines that the child would be guilty of a 125  
specification of the type set forth in section 2941.1415 of the 126  
Revised Code, the court shall commit the child to the department 127  
of youth services for the specification for a definite period of 128  
not less than one and not more than three years, and the court 129  
also shall commit the child to the department for the underlying 130  
delinquent act under sections 2152.11 to 2152.16 of the Revised 131  
Code. 132

~~(3) If the court determines that the child would be guilty~~ 133  
~~of a specification of the type set forth in section 2941.144,~~ 134  
~~2941.146, or 2941.1412 of the Revised Code or if the~~ delinquent 135  
act is a violation of division (A) (1) or (2) of section 2903.06 136  
of the Revised Code and the court determines that the child 137  
would be guilty of a specification of the type set forth in 138  
section 2941.1414 of the Revised Code, the court shall commit 139  
the child to the department of youth services for the 140

specification for a definite period of not less than one and not 141  
more than five years, and the court also shall commit the child 142  
to the department for the underlying delinquent act under 143  
sections 2152.11 to 2152.16 of the Revised Code. 144

(B) (1) If a child is adjudicated a delinquent child for 145  
committing an act, other than a violation of section 2923.12 of 146  
the Revised Code, that would be a felony if committed by an 147  
adult, if the act was committed by the delinquent child when the 148  
child was fourteen years of age or older, if the court 149  
determines that the child is complicit in another person's 150  
conduct that is of such a nature that the other person would be 151  
guilty of a specification of the type set forth in section 152  
2941.141, 2941.144, 2941.145, or 2941.146 of the Revised Code if 153  
the other person was an adult, if the other person's conduct 154  
relates to the child's underlying delinquent act, and if the 155  
child did not furnish, use, or dispose of any firearm that was 156  
involved with the underlying delinquent act or with the other 157  
person's specification-related conduct, in addition to any other 158  
disposition the court imposes for the underlying delinquent act, 159  
the court may commit the child to the department of youth 160  
services for the specification for a definite period ~~of not more~~ 161  
~~than one year, subject to division (D) (2) of this section.~~ 162

(2) Except as provided in division (B) (1) of this section, 163  
division (A) of this section also applies to a child who is an 164  
accomplice regarding a specification of the type set forth in 165  
section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 166  
to the same extent the specifications would apply to an adult 167  
accomplice in a criminal proceeding. 168

(C) If a child is adjudicated a delinquent child for 169  
committing an act that would be aggravated murder, murder, or a 170

first, second, or third degree felony offense of violence if 171  
committed by an adult and if the court determines that, if the 172  
child was an adult, the child would be guilty of a specification 173  
of the type set forth in section 2941.142 of the Revised Code in 174  
relation to the act for which the child was adjudicated a 175  
delinquent child, the court shall commit the child for the 176  
specification to the legal custody of the department of youth 177  
services for institutionalization in a secure facility for a 178  
definite period of not less than one and not more than three 179  
years, subject to division (D) (2) of this section, and the court 180  
also shall commit the child to the department for the underlying 181  
delinquent act. 182

(D) (1) If the child is adjudicated a delinquent child for 183  
committing an act that would be an offense of violence that is a 184  
felony if committed by an adult and is committed to the legal 185  
custody of the department of youth services pursuant to division 186  
(A) (1) of section 2152.16 of the Revised Code and if the court 187  
determines that the child, if the child was an adult, would be 188  
guilty of a specification of the type set forth in section 189  
2941.1411 of the Revised Code in relation to the act for which 190  
the child was adjudicated a delinquent child, the court may 191  
commit the child to the custody of the department of youth 192  
services for institutionalization in a secure facility for up to 193  
two years, subject to division (D) (2) of this section. 194

(2) A court that imposes a period of commitment under 195  
division (A) of this section is not precluded from imposing an 196  
additional period of commitment under division (C) or (D) (1) of 197  
this section, a court that imposes a period of commitment under 198  
division (C) of this section is not precluded from imposing an 199  
additional period of commitment under division (A) or (D) (1) of 200  
this section, and a court that imposes a period of commitment 201

under division (D) (1) of this section is not precluded from 202  
imposing an additional period of commitment under division (A) 203  
or (C) of this section. 204

~~(E)~~ (E) (1) The court shall not commit a child to the legal 205  
custody of the department of youth services for a specification 206  
pursuant to this section for a period that exceeds five years 207  
for any one delinquent act. Any commitment imposed pursuant to 208  
division (A) (2) or (3), (B), (C), or (D) (1) of this section 209  
shall be in addition to, and shall be served consecutively with 210  
and prior to, a period of commitment ordered under this chapter 211  
for the underlying delinquent act, and each commitment imposed 212  
pursuant to division (A) (2) or (3), (B), (C), or (D) (1) of this 213  
section shall be in addition to, and shall be served 214  
consecutively with, any other period of commitment imposed under 215  
those divisions. If a commitment is imposed under division (A) 216  
(2) or (3) or division (B) of this section and a commitment also 217  
is imposed under division (C) of this section, the period 218  
imposed under division (A) (2) or (3) or (B) of this section 219  
shall be served prior to the period imposed under division (C) 220  
of this section. 221

(2) In each case in which a court makes a disposition 222  
under this section, the court retains control over the 223  
commitment for the entire period of the commitment. 224

(3) The total of all the periods of commitment imposed for 225  
any specification under this section and for the underlying 226  
offense shall not exceed the child's attainment of twenty-one 227  
years of age. 228

(F) If a child is adjudicated a delinquent child for 229  
committing two or more acts that would be felonies if committed 230  
by an adult and if the court entering the delinquent child 231



adjudication orders the commitment of the child for two or more 232  
of those acts to the legal custody of the department of youth 233  
services for institutionalization in a secure facility pursuant 234  
to section 2152.13 or 2152.16 of the Revised Code, the court may 235  
order that all of the periods of commitment imposed under those 236  
sections for those acts be served consecutively in the legal 237  
custody of the department of youth services, provided that those 238  
periods of commitment shall be in addition to and commence 239  
immediately following the expiration of a period of commitment 240  
that the court imposes pursuant to division (A) (2) or (3), (B), 241  
(C), or (D) (1) of this section. A court shall not commit a 242  
delinquent child to the legal custody of the department of youth 243  
services under this division for a period that exceeds the 244  
child's attainment of twenty-one years of age. 245

**Sec. 2152.19.** (A) ~~If~~ Except as provided in section 2152.16 246  
of the Revised Code, if a child is adjudicated a delinquent 247  
child, the court may make any of the following orders of 248  
disposition, in addition to any other disposition authorized or 249  
required by this chapter: 250

(1) Any order that is authorized by section 2151.353 of 251  
the Revised Code for the care and protection of an abused, 252  
neglected, or dependent child; 253

(2) Commit the child to the temporary custody of any 254  
school, camp, institution, or other facility operated for the 255  
care of delinquent children by the county, by a district 256  
organized under section 2152.41 or 2151.65 of the Revised Code, 257  
or by a private agency or organization, within or without the 258  
state, that is authorized and qualified to provide the care, 259  
treatment, or placement required, including, but not limited to, 260  
a school, camp, or facility operated under section 2151.65 of 261

the Revised Code; 262

(3) Place the child in a detention facility or district 263  
detention facility operated under section 2152.41 of the Revised 264  
Code, for up to ninety days; 265

(4) Place the child on community control under any 266  
sanctions, services, and conditions that the court prescribes. 267  
As a condition of community control in every case and in 268  
addition to any other condition that it imposes upon the child, 269  
the court shall require the child to abide by the law during the 270  
period of community control. As referred to in this division, 271  
community control includes, but is not limited to, the following 272  
sanctions and conditions: 273

(a) A period of basic probation supervision in which the 274  
child is required to maintain contact with a person appointed to 275  
supervise the child in accordance with sanctions imposed by the 276  
court; 277

(b) A period of intensive probation supervision in which 278  
the child is required to maintain frequent contact with a person 279  
appointed by the court to supervise the child while the child is 280  
seeking or maintaining employment and participating in training, 281  
education, and treatment programs as the order of disposition; 282

(c) A period of day reporting in which the child is 283  
required each day to report to and leave a center or another 284  
approved reporting location at specified times in order to 285  
participate in work, education or training, treatment, and other 286  
approved programs at the center or outside the center; 287

(d) A period of community service of up to five hundred 288  
hours for an act that would be a felony or a misdemeanor of the 289  
first degree if committed by an adult, up to two hundred hours 290

for an act that would be a misdemeanor of the second, third, or 291  
fourth degree if committed by an adult, or up to thirty hours 292  
for an act that would be a minor misdemeanor if committed by an 293  
adult; 294

(e) A requirement that the child obtain a high school 295  
diploma, a certificate of high school equivalence, vocational 296  
training, or employment; 297

(f) A period of drug and alcohol use monitoring; 298

(g) A requirement of alcohol or drug assessment or 299  
counseling, or a period in an alcohol or drug treatment program 300  
with a level of security for the child as determined necessary 301  
by the court; 302

(h) A period in which the court orders the child to 303  
observe a curfew that may involve daytime or evening hours; 304

(i) A requirement that the child serve monitored time; 305

(j) A period of house arrest without electronic monitoring 306  
or continuous alcohol monitoring; 307

(k) A period of electronic monitoring or continuous 308  
alcohol monitoring without house arrest, or house arrest with 309  
electronic monitoring or continuous alcohol monitoring or both 310  
electronic monitoring and continuous alcohol monitoring, that 311  
does not exceed the maximum sentence of imprisonment that could 312  
be imposed upon an adult who commits the same act. 313

A period of house arrest with electronic monitoring or 314  
continuous alcohol monitoring or both electronic monitoring and 315  
continuous alcohol monitoring, imposed under this division shall 316  
not extend beyond the child's twenty-first birthday. If a court 317  
imposes a period of house arrest with electronic monitoring or 318

continuous alcohol monitoring or both electronic monitoring and 319  
continuous alcohol monitoring, upon a child under this division, 320  
it shall require the child: to remain in the child's home or 321  
other specified premises for the entire period of house arrest 322  
with electronic monitoring or continuous alcohol monitoring or 323  
both except when the court permits the child to leave those 324  
premises to go to school or to other specified premises. 325  
Regarding electronic monitoring, the court also shall require 326  
the child to be monitored by a central system that can determine 327  
the child's location at designated times; to report periodically 328  
to a person designated by the court; and to enter into a written 329  
contract with the court agreeing to comply with all requirements 330  
imposed by the court, agreeing to pay any fee imposed by the 331  
court for the costs of the house arrest with electronic 332  
monitoring, and agreeing to waive the right to receive credit 333  
for any time served on house arrest with electronic monitoring 334  
toward the period of any other dispositional order imposed upon 335  
the child if the child violates any of the requirements of the 336  
dispositional order of house arrest with electronic monitoring. 337  
The court also may impose other reasonable requirements upon the 338  
child. 339

Unless ordered by the court, a child shall not receive 340  
credit for any time served on house arrest with electronic 341  
monitoring or continuous alcohol monitoring or both toward any 342  
other dispositional order imposed upon the child for the act for 343  
which was imposed the dispositional order of house arrest with 344  
electronic monitoring or continuous alcohol monitoring. As used 345  
in this division and division (A) (4) (1) of this section, 346  
"continuous alcohol monitoring" has the same meaning as in 347  
section 2929.01 of the Revised Code. 348

(1) A suspension of the driver's license, probationary 349

driver's license, or temporary instruction permit issued to the 350  
child for a period of time prescribed by the court, or a 351  
suspension of the registration of all motor vehicles registered 352  
in the name of the child for a period of time prescribed by the 353  
court. A child whose license or permit is so suspended is 354  
ineligible for issuance of a license or permit during the period 355  
of suspension. At the end of the period of suspension, the child 356  
shall not be reissued a license or permit until the child has 357  
paid any applicable reinstatement fee and complied with all 358  
requirements governing license reinstatement. 359

(5) Commit the child to the custody of the court; 360

(6) Require the child to not be absent without legitimate 361  
excuse from the public school the child is supposed to attend 362  
for thirty or more consecutive hours, forty-two or more hours in 363  
one school month, or seventy-two or more hours in a school year; 364

(7) (a) If a child is adjudicated a delinquent child for 365  
violating a court order regarding the child's prior adjudication 366  
as an unruly child for being a habitual truant, do either or 367  
both of the following: 368

(i) Require the child to participate in a truancy 369  
prevention mediation program; 370

(ii) Make any order of disposition as authorized by this 371  
section, except that the court shall not commit the child to a 372  
facility described in division (A) (2) or (3) of this section 373  
unless the court determines that the child violated a lawful 374  
court order made pursuant to division (C) (1) (e) of section 375  
2151.354 of the Revised Code or division (A) (6) of this section. 376

(b) If a child is adjudicated a delinquent child for 377  
violating a court order regarding the child's prior adjudication 378

as an unruly child for being a habitual truant and the court 379  
determines that the parent, guardian, or other person having 380  
care of the child has failed to cause the child's attendance at 381  
school in violation of section 3321.38 of the Revised Code, do 382  
either or both of the following: 383

(i) Require the parent, guardian, or other person having 384  
care of the child to participate in a truancy prevention 385  
mediation program; 386

(ii) Require the parent, guardian, or other person having 387  
care of the child to participate in any community service 388  
program, preferably a community service program that requires 389  
the involvement of the parent, guardian, or other person having 390  
care of the child in the school attended by the child. 391

(8) Make any further disposition that the court finds 392  
proper, except that the child shall not be placed in a state 393  
correctional institution, a county, multicounty, or municipal 394  
jail or workhouse, or another place in which an adult convicted 395  
of a crime, under arrest, or charged with a crime is held. 396

(B) If a child is adjudicated a delinquent child, in 397  
addition to any order of disposition made under division (A) of 398  
this section, the court, in the following situations and for the 399  
specified periods of time, shall suspend the child's temporary 400  
instruction permit, restricted license, probationary driver's 401  
license, or nonresident operating privilege, or suspend the 402  
child's ability to obtain such a permit: 403

(1) If the child is adjudicated a delinquent child for 404  
violating section 2923.122 of the Revised Code, impose a class 405  
four suspension of the child's license, permit, or privilege 406  
from the range specified in division (A)(4) of section 4510.02 407

of the Revised Code or deny the child the issuance of a license 408  
or permit in accordance with division (F) (1) of section 2923.122 409  
of the Revised Code. 410

(2) If the child is adjudicated a delinquent child for 411  
committing an act that if committed by an adult would be a drug 412  
abuse offense or for violating division (B) of section 2917.11 413  
of the Revised Code, suspend the child's license, permit, or 414  
privilege for a period of time prescribed by the court. The 415  
court, in its discretion, may terminate the suspension if the 416  
child attends and satisfactorily completes a drug abuse or 417  
alcohol abuse education, intervention, or treatment program 418  
specified by the court. During the time the child is attending a 419  
program described in this division, the court shall retain the 420  
child's temporary instruction permit, probationary driver's 421  
license, or driver's license, and the court shall return the 422  
permit or license if it terminates the suspension as described 423  
in this division. 424

(C) The court may establish a victim-offender mediation 425  
program in which victims and their offenders meet to discuss the 426  
offense and suggest possible restitution. If the court obtains 427  
the assent of the victim of the delinquent act committed by the 428  
child, the court may require the child to participate in the 429  
program. 430

(D) (1) If a child is adjudicated a delinquent child for 431  
committing an act that would be a felony if committed by an 432  
adult and if the child caused, attempted to cause, threatened to 433  
cause, or created a risk of physical harm to the victim of the 434  
act, the court, prior to issuing an order of disposition under 435  
this section, shall order the preparation of a victim impact 436  
statement by the probation department of the county in which the 437

victim of the act resides, by the court's own probation 438  
department, or by a victim assistance program that is operated 439  
by the state, a county, a municipal corporation, or another 440  
governmental entity. The court shall consider the victim impact 441  
statement in determining the order of disposition to issue for 442  
the child. 443

(2) Each victim impact statement shall identify the victim 444  
of the act for which the child was adjudicated a delinquent 445  
child, itemize any economic loss suffered by the victim as a 446  
result of the act, identify any physical injury suffered by the 447  
victim as a result of the act and the seriousness and permanence 448  
of the injury, identify any change in the victim's personal 449  
welfare or familial relationships as a result of the act and any 450  
psychological impact experienced by the victim or the victim's 451  
family as a result of the act, and contain any other information 452  
related to the impact of the act upon the victim that the court 453  
requires. 454

(3) A victim impact statement shall be kept confidential 455  
and is not a public record. However, the court may furnish 456  
copies of the statement to the department of youth services if 457  
the delinquent child is committed to the department or to both 458  
the adjudicated delinquent child or the adjudicated delinquent 459  
child's counsel and the prosecuting attorney. The copy of a 460  
victim impact statement furnished by the court to the department 461  
pursuant to this section shall be kept confidential and is not a 462  
public record. If an officer is preparing pursuant to section 463  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 464  
presentence investigation report pertaining to a person, the 465  
court shall make available to the officer, for use in preparing 466  
the report, a copy of any victim impact statement regarding that 467  
person. The copies of a victim impact statement that are made 468



available to the adjudicated delinquent child or the adjudicated 469  
delinquent child's counsel and the prosecuting attorney pursuant 470  
to this division shall be returned to the court by the person to 471  
whom they were made available immediately following the 472  
imposition of an order of disposition for the child under this 473  
chapter. 474

The copy of a victim impact statement that is made 475  
available pursuant to this division to an officer preparing a 476  
criminal presentence investigation report shall be returned to 477  
the court by the officer immediately following its use in 478  
preparing the report. 479

(4) The department of youth services shall work with local 480  
probation departments and victim assistance programs to develop 481  
a standard victim impact statement. 482

(E) (1) If a child is adjudicated a delinquent child for 483  
violating a court order regarding the child's prior adjudication 484  
as an unruly child for being a habitual truant and the court 485  
determines that the parent, guardian, or other person having 486  
care of the child has failed to cause the child's attendance at 487  
school in violation of section 3321.38 of the Revised Code, in 488  
addition to any order of disposition it makes under this 489  
section, the court shall warn the parent, guardian, or other 490  
person having care of the child that any subsequent adjudication 491  
with regard to truancy may result in a criminal charge against 492  
the parent, guardian, or other person having care of the child 493  
for a violation of division (C) of section 2919.21 or section 494  
2919.24 of the Revised Code. 495

(2) Not later than ten days after a child is adjudicated a 496  
delinquent child for violating a court order regarding the 497  
child's prior adjudication as an unruly child for being an 498

habitual truant, the court shall provide notice of that fact to 499  
the school district in which the child is entitled to attend 500  
school and to the school in which the child was enrolled at the 501  
time of the filing of the complaint. 502

(F) (1) During the period of a delinquent child's community 503  
control granted under this section, authorized probation 504  
officers who are engaged within the scope of their supervisory 505  
duties or responsibilities may search, with or without a 506  
warrant, the person of the delinquent child, the place of 507  
residence of the delinquent child, and a motor vehicle, another 508  
item of tangible or intangible personal property, or other real 509  
property in which the delinquent child has a right, title, or 510  
interest or for which the delinquent child has the express or 511  
implied permission of a person with a right, title, or interest 512  
to use, occupy, or possess if the probation officers have 513  
reasonable grounds to believe that the delinquent child is not 514  
abiding by the law or otherwise is not complying with the 515  
conditions of the delinquent child's community control. The 516  
court that places a delinquent child on community control under 517  
this section shall provide the delinquent child with a written 518  
notice that informs the delinquent child that authorized 519  
probation officers who are engaged within the scope of their 520  
supervisory duties or responsibilities may conduct those types 521  
of searches during the period of community control if they have 522  
reasonable grounds to believe that the delinquent child is not 523  
abiding by the law or otherwise is not complying with the 524  
conditions of the delinquent child's community control. The 525  
court also shall provide the written notice described in 526  
division (E) (2) of this section to each parent, guardian, or 527  
custodian of the delinquent child who is described in that 528  
division. 529

(2) The court that places a child on community control 530  
under this section shall provide the child's parent, guardian, 531  
or other custodian with a written notice that informs them that 532  
authorized probation officers may conduct searches pursuant to 533  
division (E)(1) of this section. The notice shall specifically 534  
state that a permissible search might extend to a motor vehicle, 535  
another item of tangible or intangible personal property, or a 536  
place of residence or other real property in which a notified 537  
parent, guardian, or custodian has a right, title, or interest 538  
and that the parent, guardian, or custodian expressly or 539  
impliedly permits the child to use, occupy, or possess. 540

(G) If a juvenile court commits a delinquent child to the 541  
custody of any person, organization, or entity pursuant to this 542  
section and if the delinquent act for which the child is so 543  
committed is a sexually oriented offense or is a child-victim 544  
oriented offense, the court in the order of disposition shall do 545  
one of the following: 546

(1) Require that the child be provided treatment as 547  
described in division (A)(2) of section 5139.13 of the Revised 548  
Code; 549

(2) Inform the person, organization, or entity that it is 550  
the preferred course of action in this state that the child be 551  
provided treatment as described in division (A)(2) of section 552  
5139.13 of the Revised Code and encourage the person, 553  
organization, or entity to provide that treatment. 554

**Sec. 2152.22.** (A) When a child is committed to the legal 555  
custody of the department of youth services under this chapter, 556  
the juvenile court relinquishes control with respect to the 557  
child so committed, except as provided in divisions (B), (C), 558  
(D), and (H) of this section or in sections 2152.82 to 2152.86 559

of the Revised Code. Subject to divisions (B), (C), and (D) of 560  
this section, sections 2151.353 and 2151.412 to 2151.421 of the 561  
Revised Code, sections 2152.82 to 2152.86 of the Revised Code, 562  
and any other provision of law that specifies a different 563  
duration for a dispositional order, all other dispositional 564  
orders made by the court under this chapter shall be temporary 565  
and shall continue for a period that is designated by the court 566  
in its order, until terminated or modified by the court or until 567  
the child attains twenty-one years of age. 568

The department shall not release the child from a 569  
department facility and as a result shall not discharge the 570  
child or order the child's release on supervised release prior 571  
to the expiration of the minimum period specified by the court 572  
in division (A)(1) of section 2152.16 of the Revised Code and 573  
any term of commitment imposed under division (A)(2) or (3), 574  
(B), (C), or (D)(1) of section 2152.17 of the Revised Code or 575  
prior to the child's attainment of twenty-one years of age, 576  
except upon the order of a court pursuant to division (B), (C), 577  
or (D) of this section or in accordance with section 5139.54 of 578  
the Revised Code. 579

(B)(1) Unless the court grants judicial release under 580  
division (D)(1)(b) of this section, the court that commits a 581  
delinquent child to the department of youth services may grant 582  
judicial release of the child to court supervision under this 583  
division during the first half of the prescribed minimum term 584  
for which the child was committed to the department or, if the 585  
child was committed to the department until the child attains 586  
twenty-one years of age, during the first half of the prescribed 587  
period of commitment that begins on the first day of commitment 588  
and ends on the child's twenty-first birthday, provided any 589  
commitment imposed under division (A) (2) or (3), (B), (C), or 590

(D) (1) of section 2152.17 of the Revised Code has ended. 591

(2) If the department desires to release a child during a 592  
period specified in division (B) (1) of this section, it shall 593  
request the court that committed the child to grant a judicial 594  
release of the child to court supervision under this division. 595  
During whichever of those periods is applicable, the child or 596  
the parents of the child also may request that court to grant a 597  
judicial release of the child to court supervision. Upon receipt 598  
of a request for a judicial release to court supervision under 599  
this division from the department, the child, or the child's 600  
parent, or upon its own motion, the court that committed the 601  
child shall do one of the following: approve the release by 602  
journal entry; schedule within thirty days after the request is 603  
received a time for a hearing on whether the child is to be 604  
released; or reject the request by journal entry without 605  
conducting a hearing. 606

If the court rejects an initial request for a release 607  
under this division by the child or the child's parent, the 608  
child or the child's parent may make one additional request for 609  
a judicial release to court supervision within the applicable 610  
period. The additional request may be made no earlier than 611  
thirty days after the filing of the prior request for a judicial 612  
release to court supervision. Upon the filing of a second 613  
request for a judicial release to court supervision, the court 614  
shall either approve or disapprove the release by journal entry 615  
or schedule within thirty days after the request is received a 616  
time for a hearing on whether the child is to be released. 617

(3) If a court schedules a hearing under division (B) (2) 618  
of this section, it may order the department to deliver the 619  
child to the court on the date set for the hearing and may order 620

the department to present to the court a report on the child's 621  
progress in the institution to which the child was committed and 622  
recommendations for conditions of supervision of the child by 623  
the court after release. The court may conduct the hearing 624  
without the child being present. The court shall determine at 625  
the hearing whether the child should be granted a judicial 626  
release to court supervision. 627

If the court approves the release under this division, it 628  
shall order its staff to prepare a written treatment and 629  
rehabilitation plan for the child that may include any 630  
conditions of the child's release that were recommended by the 631  
department and approved by the court. The committing court shall 632  
send the juvenile court of the county in which the child is 633  
placed a copy of the recommended plan. The court of the county 634  
in which the child is placed may adopt the recommended 635  
conditions set by the committing court as an order of the court 636  
and may add any additional consistent conditions it considers 637  
appropriate. If a child is granted a judicial release to court 638  
supervision, the release discharges the child from the custody 639  
of the department of youth services. 640

(C) (1) Unless the court grants judicial release under 641  
division (D) (1) (b) of this section, the court that commits a 642  
delinquent child to the department of youth services may grant 643  
judicial release of the child to department of youth services 644  
supervision under this division during the second half of the 645  
prescribed minimum term for which the child was committed to the 646  
department or, if the child was committed to the department 647  
until the child attains twenty-one years of age, during the 648  
second half of the prescribed period of commitment that begins 649  
on the first day of commitment and ends on the child's twenty- 650  
first birthday, provided any commitment imposed under division 651

(A) (2) or (3), (B), (C), or (D) (1) of section 2152.17 of the Revised Code has ended.

(2) If the department desires to release a child during a period specified in division (C) (1) of this section, it shall request the court that committed the child to grant a judicial release to department of youth services supervision. During whichever of those periods is applicable, the child or the child's parent also may request the court that committed the child to grant a judicial release to department of youth services supervision. Upon receipt of a request for judicial release to department of youth services supervision, the child, or the child's parent, or upon its own motion at any time during that period, the court shall do one of the following: approve the release by journal entry; schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released; or reject the request by journal entry without conducting a hearing.

If the court rejects an initial request for release under this division by the child or the child's parent, the child or the child's parent may make one or more subsequent requests for a release within the applicable period, but may make no more than one request during each period of ninety days that the child is in a secure department facility after the filing of a prior request for early release. Upon the filing of a request for release under this division subsequent to an initial request, the court shall either approve or disapprove the release by journal entry or schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released.

(3) If a court schedules a hearing under division (C) (2)

of this section, it may order the department to deliver the 682  
child to the court on the date set for the hearing and shall 683  
order the department to present to the court at that time a 684  
treatment plan for the child's post-institutional care. The 685  
court may conduct the hearing without the child being present. 686  
The court shall determine at the hearing whether the child 687  
should be granted a judicial release to department of youth 688  
services supervision. 689

If the court approves the judicial release to department 690  
of youth services supervision, the department shall prepare a 691  
written treatment and rehabilitation plan for the child pursuant 692  
to division (F) of this section that shall include the 693  
conditions of the child's release. It shall send the committing 694  
court and the juvenile court of the county in which the child is 695  
placed a copy of the plan. The court of the county in which the 696  
child is placed may adopt the conditions set by the department 697  
as an order of the court and may add any additional consistent 698  
conditions it considers appropriate, provided that the court may 699  
not add any condition that decreases the level or degree of 700  
supervision specified by the department in its plan, that 701  
substantially increases the financial burden of supervision that 702  
will be experienced by the department, or that alters the 703  
placement specified by the department in its plan. If the court 704  
of the county in which the child is placed adds to the 705  
department's plan any additional conditions, it shall enter 706  
those additional conditions in its journal and shall send to the 707  
department a copy of the journal entry of the additional 708  
conditions. 709

If the court approves the judicial release to department 710  
of youth services supervision, the actual date on which the 711  
department shall release the child is contingent upon the 712



department finding a suitable placement for the child. If the 713  
child is to be returned to the child's home, the department 714  
shall return the child on the date that the court schedules for 715  
the child's release or shall bear the expense of any additional 716  
time that the child remains in a department facility. If the 717  
child is unable to return to the child's home, the department 718  
shall exercise reasonable diligence in finding a suitable 719  
placement for the child, and the child shall remain in a 720  
department facility while the department finds the suitable 721  
placement. 722

(D) (1) Subject to division (D) (3) of this section, the 723  
court that commits a delinquent child to the department of youth 724  
services may grant judicial release of the child under this 725  
division at any time after the expiration of one of the 726  
following periods of time: 727

(a) Except as otherwise provided in division (D) (1) (b) of 728  
this section, if the child was committed to the department for a 729  
prescribed minimum period and a maximum period not to exceed the 730  
child's attainment of twenty-one years, the court may grant 731  
judicial release of the child at any time after the expiration 732  
of the prescribed minimum term for which the child was committed 733  
to the department. 734

(b) If the child was committed to the department for both 735  
one or more definite periods under division (A) (2) or (3), (B), 736  
(C), or (D) (1) of section 2152.17 of the Revised Code and a 737  
period of the type described in division (D) (1) (a) of this 738  
section, all of the prescribed minimum periods of commitment 739  
imposed under division (A) (2) or (3), (B), (C), or (D) (1) of 740  
section 2152.17 of the Revised Code and the prescribed period of 741  
commitment of the type described in division (D) (1) (a) of this 742

section shall be aggregated for purposes of this division, and 743  
the court may grant judicial release of the child at any time 744  
after the expiration of one year after the child begins serving 745  
the aggregate period of commitment. 746

(2) If a court grants a judicial release of a child under 747  
division (D)(1) of this section, the release shall be a judicial 748  
release to department of youth services supervision, if the 749  
release is granted during a period described in division (C)(1) 750  
of this section, and the second and third paragraphs of division 751  
(C)(3) of this section apply regarding the release. In all other 752  
cases, the release shall be a judicial release to court 753  
supervision, and the second paragraph of division (B)(3) of this 754  
section applies regarding the release. 755

(3) A court at the time of making the disposition of a 756  
child shall provide notice in the order of disposition that the 757  
judge is retaining jurisdiction over the child for the purpose 758  
of a possible grant of judicial release of the child under 759  
division (D)(1) of this section. The failure of a court to 760  
provide this notice does not affect the authority of the court 761  
to grant a judicial release under that division and does not 762  
constitute grounds for setting aside the child's delinquent 763  
child adjudication or disposition or for granting any post- 764  
adjudication relief to the child. 765

(4) The department of youth services, a child committed to 766  
the department, or the parents of the child, during a period 767  
specified in division (D)(1) of this section, may request the 768  
court that committed the child to grant a judicial release of 769  
the child under that division. Upon receipt of a request for 770  
judicial release of a child under this division from the 771  
department, the child, or the child's parent, or upon its own 772

motion, the court that committed the child shall do one of the 773  
following: 774

(a) Approve the request by journal entry; 775

(b) Schedule within thirty days after the request is 776  
received a time for a hearing on whether the child is to be 777  
released; 778

(c) Reject the request by journal entry without conducting 779  
a hearing. 780

If the court rejects an initial request for a release 781  
under this division by the child or the child's parent, division 782  
(C) (2) of this section applies regarding the making of 783  
additional requests. 784

If the court schedules a hearing under this division to 785  
consider the judicial release, the first paragraph of division 786  
(B) (3) of this section applies regarding the hearing. 787

(E) If a child is released under division (B), (C), or (D) 788  
of this section and the court of the county in which the child 789  
is placed has reason to believe that the child's deportment is 790  
not in accordance with the conditions of the child's judicial 791  
release, the court of the county in which the child is placed 792  
shall schedule a time for a hearing to determine whether the 793  
child violated any of the post-release conditions, and, if the 794  
child was released under division (C) of this section or under 795  
division (D) of this section under department supervision, 796  
divisions (A) to (E) of section 5139.52 of the Revised Code 797  
apply regarding the child. 798

If that court determines at the hearing that the child 799  
violated any of the post-release conditions, the court, if it 800  
determines that the violation was a serious violation, may order 801

the child to be returned to the department for 802  
institutionalization, consistent with the original order of 803  
commitment of the child, or in any case may make any other 804  
disposition of the child authorized by law that the court 805  
considers proper. If the court of the county in which the child 806  
is placed orders the child to be returned to a department of 807  
youth services institution, the time during which the child was 808  
held in a secure department facility prior to the child's 809  
judicial release shall be considered as time served in 810  
fulfilling the prescribed period of institutionalization that is 811  
applicable to the child under the child's original order of 812  
commitment. If the court orders the child returned to a 813  
department institution, the child shall remain in institutional 814  
care for a minimum of three months or until the child 815  
successfully completes a revocation program of a duration of not 816  
less than thirty days operated either by the department or by an 817  
entity with which the department has contracted to provide a 818  
revocation program. 819

(F) The department of youth services, prior to the release 820  
of a child pursuant to division (C) of this section or pursuant 821  
to division (D) of this section on department supervision, shall 822  
do all of the following: 823

(1) After reviewing the child's rehabilitative progress 824  
history and medical and educational records, prepare a written 825  
treatment and rehabilitation plan for the child that includes 826  
conditions of the release; 827

(2) Completely discuss the conditions of the plan prepared 828  
pursuant to division (F)(1) of this section and the possible 829  
penalties for violation of the plan with the child and the 830  
child's parents, guardian, or legal custodian; 831

(3) Have the plan prepared pursuant to division (F) (1) of 832  
this section signed by the child, the child's parents, legal 833  
guardian, or custodian, and any authority or person that is to 834  
supervise, control, and provide supportive assistance to the 835  
child at the time of the child's release pursuant to division 836  
(C) or (D) of this section; 837

(4) Prior to the child's release, file a copy of the 838  
treatment plan prepared pursuant to division (F) (1) of this 839  
section with the committing court and the juvenile court of the 840  
county in which the child is to be placed. 841

(G) The department of youth services shall file a written 842  
progress report with the committing court regarding each child 843  
released pursuant to division (C) of this section or released 844  
pursuant to division (D) of this section on judicial release to 845  
department supervision at least once every thirty days unless 846  
specifically directed otherwise by the court. The report shall 847  
indicate the treatment and rehabilitative progress of the child 848  
and the child's family, if applicable, and shall include any 849  
suggestions for altering the program, custody, living 850  
arrangements, or treatment. The department shall retain legal 851  
custody of a child so released until it discharges the child or 852  
until the custody is terminated as otherwise provided by law. 853

(H) When a child is committed to the legal custody of the 854  
department of youth services, the court retains jurisdiction to 855  
perform the functions specified in section 5139.51 of the 856  
Revised Code with respect to the granting of supervised release 857  
by the release authority and to perform the functions specified 858  
in section 5139.52 of the Revised Code with respect to 859  
violations of the conditions of supervised release granted by 860  
the release authority and to the revocation of supervised 861

release granted by the release authority. 862

**Sec. 2152.26.** (A) Except as provided in divisions (B) and 863  
(F) of this section and subject to section 2152.16 of the 864  
Revised Code, a child alleged to be or adjudicated a delinquent 865  
child or a juvenile traffic offender may be held only in the 866  
following places: 867

(1) A certified foster home or a home approved by the 868  
court; 869

(2) A facility operated by a certified child welfare 870  
agency; 871

(3) Any other suitable place designated by the court. 872

(B) In addition to the places listed in division (A) of 873  
this section, a child alleged to be or adjudicated a delinquent 874  
child or a person described in division (C) (7) of section 875  
2152.02 of the Revised Code may be held in a detention facility 876  
for delinquent children that is under the direction or 877  
supervision of the court or other public authority or of a 878  
private agency and approved by the court, and a child 879  
adjudicated a delinquent child may be held in accordance with 880  
division (F) (2) of this section in a facility of a type 881  
specified in that division. 882

(C) (1) Except as provided under division (C) (1) of section 883  
2151.311 of the Revised Code or division (A) (5) of section 884  
2152.21 of the Revised Code, a child alleged to be or 885  
adjudicated a juvenile traffic offender may not be held in any 886  
of the following facilities: 887

(a) A state correctional institution, county, multicounty, 888  
or municipal jail or workhouse, or other place in which an adult 889  
convicted of crime, under arrest, or charged with a crime is 890

held. 891

(b) A secure correctional facility. 892

(2) Except as provided under this section, sections 893  
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 894  
2152.21 of the Revised Code, a child alleged to be or 895  
adjudicated a juvenile traffic offender may not be held for more 896  
than twenty-four hours in a detention facility. 897

(D) Except as provided in division (F) of this section or 898  
in division (C) of section 2151.311, in division (C) (2) of 899  
section 5139.06 and section 5120.162, or in division (B) of 900  
section 5120.16 of the Revised Code, a child who is alleged to 901  
be or is adjudicated a delinquent child or a person described in 902  
division (C) (7) of section 2152.02 of the Revised Code may not 903  
be held in a state correctional institution, county, 904  
multicounty, or municipal jail or workhouse, or other place 905  
where an adult convicted of crime, under arrest, or charged with 906  
crime is held. 907

(E) Unless the detention is pursuant to division (F) of 908  
this section or division (C) of section 2151.311, division (C) 909  
(2) of section 5139.06 and section 5120.162, or division (B) of 910  
section 5120.16 of the Revised Code, the official in charge of 911  
the institution, jail, workhouse, or other facility shall inform 912  
the court immediately when a person who is or appears to be 913  
under the age of eighteen years, or a person who is charged with 914  
a violation of an order of a juvenile court or a violation of 915  
probation or parole conditions imposed by a juvenile court and 916  
who is or appears to be between the ages of eighteen and twenty- 917  
one years, is received at the facility and shall deliver the 918  
person to the court upon request or transfer the person to a 919  
detention facility designated by the court. 920

(F) (1) If a case is transferred to another court for 921  
criminal prosecution pursuant to section 2152.12 of the Revised 922  
Code and the alleged offender is a person described in division 923  
(C) (7) of section 2152.02 of the Revised Code, the person may 924  
not be transferred for detention pending the criminal 925  
prosecution in a jail or other facility except under the 926  
circumstances described in division (F) (4) of this section. Any 927  
child held in accordance with division (F) (3) of this section 928  
shall be confined in a manner that keeps the child beyond the 929  
sight and sound of all adult detainees. The child shall be 930  
supervised at all times during the detention. 931

(2) If a person is adjudicated a delinquent child or 932  
juvenile traffic offender or is a person described in division 933  
(C) (7) of section 2152.02 of the Revised Code and the court 934  
makes a disposition of the person under this chapter, at any 935  
time after the person attains twenty-one years of age, the 936  
person may be held under that disposition or under the 937  
circumstances described in division (F) (4) of this section in 938  
places other than those specified in division (A) of this 939  
section, including, but not limited to, a county, multicounty, 940  
or municipal jail or workhouse, or other place where an adult 941  
convicted of crime, under arrest, or charged with crime is held. 942

(3) (a) A person alleged to be a delinquent child may be 943  
held in places other than those specified in division (A) of 944  
this section, including, but not limited to, a county, 945  
multicounty, or municipal jail, if the delinquent act that the 946  
child allegedly committed would be a felony if committed by an 947  
adult, and if either of the following applies: 948

(i) The person attains twenty-one years of age before the 949  
person is arrested or apprehended for that act. 950



(ii) The person is arrested or apprehended for that act 951  
before the person attains twenty-one years of age, but the 952  
person attains twenty-one years of age before the court orders a 953  
disposition in the case. 954

(b) If, pursuant to division (F) (3) (a) of this section, a 955  
person is held in a place other than a place specified in 956  
division (A) of this section, the person has the same rights to 957  
bail as an adult charged with the same offense who is confined 958  
in a jail pending trial. 959

(4) (a) Any person whose case is transferred for criminal 960  
prosecution pursuant to section 2152.10 or 2152.12 of the 961  
Revised Code or any person who has attained the age of eighteen 962  
years but has not attained the age of twenty-one years and who 963  
is being held in a place specified in division (B) of this 964  
section may be held under that disposition or charge in places 965  
other than those specified in division (B) of this section, 966  
including a county, multicounty, or municipal jail or workhouse, 967  
or other place where an adult under arrest or charged with crime 968  
is held if the juvenile court, upon its own motion or upon 969  
motion by the prosecutor and after notice and hearing, 970  
establishes by a preponderance of the evidence and makes written 971  
findings of either of the following: 972

(i) With respect to a person whose case is transferred for 973  
criminal prosecution pursuant to either specified section or who 974  
has attained the age of eighteen years but who has not attained 975  
the age of twenty-one years and is being so held, that the youth 976  
is a threat to the safety and security of the facility; 977

(ii) With respect to a person who has attained the age of 978  
eighteen years but who has not attained the age of twenty-one 979  
years and is being so held, that the best interests of the youth 980

require that the youth be held in a place other than a place 981  
specified in division (B) of this section, including a county, 982  
multicounty, or municipal jail or workhouse, or other place 983  
where an adult under arrest or charged with crime is held. 984

(b) In determining for purposes of division (F) (4) (a) (i) 985  
of this section whether a youth is a threat to the safety and 986  
security of the facility, evidence that the youth is a threat to 987  
the safety and security of the facility may include, but is not 988  
limited to, whether the youth has done any of the following: 989

(i) Injured or created an imminent danger to the life or 990  
health of another youth or staff member in the facility or 991  
program by violent behavior; 992

(ii) Escaped from the facility or program in which the 993  
youth is being held on more than one occasion; 994

(iii) Established a pattern of disruptive behavior as 995  
verified by a written record that the youth's behavior is not 996  
conducive to the established policies and procedures of the 997  
facility or program in which the youth is being held. 998

(c) If a prosecutor submits a motion requesting that a 999  
person be held in a place other than those specified in division 1000  
(B) of this section or if the court submits its own motion, the 1001  
juvenile court shall hold a hearing within five days of the 1002  
filing of the motion, and, in determining whether a place other 1003  
than those specified in division (B) of this section is the 1004  
appropriate place of confinement for the person, the court shall 1005  
consider the following factors: 1006

(i) The age of the person; 1007

(ii) Whether the person would be deprived of contact with 1008  
other people for a significant portion of the day or would not 1009

have access to recreational facilities or age-appropriate 1010  
educational opportunities in order to provide physical 1011  
separation from adults; 1012

(iii) The person's current emotional state, intelligence, 1013  
and developmental maturity, including any emotional and 1014  
psychological trauma, and the risk to the person in an adult 1015  
facility, which may be evidenced by mental health or 1016  
psychological assessments or screenings made available to the 1017  
prosecuting attorney and the defense counsel; 1018

(iv) Whether detention in a juvenile facility would 1019  
adequately serve the need for community protection pending the 1020  
outcome of the criminal proceeding; 1021

(v) The relative ability of the available adult and 1022  
juvenile detention facilities to meet the needs of the person, 1023  
including the person's need for age-appropriate mental health 1024  
and educational services delivered by individuals specifically 1025  
trained to deal with youth; 1026

(vi) Whether the person presents an imminent risk of self- 1027  
inflicted harm or an imminent risk of harm to others within a 1028  
juvenile facility; 1029

(vii) Any other factors the juvenile court considers to be 1030  
relevant. 1031

(d) If the juvenile court determines that a place other 1032  
than those specified in division (B) of this section is the 1033  
appropriate place for confinement of a person pursuant to 1034  
division (F)(4)(a) of this section, the person may petition the 1035  
juvenile court for a review hearing thirty days after the 1036  
initial confinement decision, thirty days after any subsequent 1037  
review hearing, or at any time after the initial confinement 1038

decision upon an emergency petition by the youth due to the 1039  
youth facing an imminent danger from others or the youth's self. 1040  
Upon receipt of the petition, the juvenile court has discretion 1041  
over whether to conduct the review hearing and may set the 1042  
matter for a review hearing if the youth has alleged facts or 1043  
circumstances that, if true, would warrant reconsideration of 1044  
the youth's placement in a place other than those specified in 1045  
division (B) of this section based on the factors listed in 1046  
division (F) (4) (c) of this section. 1047

(e) Upon the admission of a person described in division 1048  
(F) (4) (a) of this section to a place other than those specified 1049  
in division (B) of this section, the facility shall advise the 1050  
person of the person's right to request a review hearing as 1051  
described in division (F) (4) (d) of this section. 1052

(f) Any person transferred under division (F) (4) (a) of 1053  
this section to a place other than those specified in division 1054  
(B) of this section shall be confined in a manner that keeps 1055  
those under eighteen years of age beyond sight and sound of all 1056  
adult detainees. Those under eighteen years of age shall be 1057  
supervised at all times during the detention. 1058

(G) (1) If a person who is alleged to be or has been 1059  
adjudicated a delinquent child or who is in any other category 1060  
of persons identified in this section or section 2151.311 of the 1061  
Revised Code is confined under authority of any Revised Code 1062  
section in a place other than a place specified in division (B) 1063  
of this section, including a county, multicounty, or municipal 1064  
jail or workhouse, or other place where an adult under arrest or 1065  
charged with crime is held, subject to division (G) (2) of this 1066  
section, all identifying information, other than the person's 1067  
county of residence, age, gender, and race and the charges 1068

against the person, that relates to the person's admission to 1069  
and confinement in that place is not a public record open for 1070  
inspection or copying under section 149.43 of the Revised Code 1071  
and is confidential and shall not be released to any person 1072  
other than to a court, to a law enforcement agency for law 1073  
enforcement purposes, or to a person specified by court order. 1074

(2) Division (G)(1) of this section does not apply with 1075  
respect to a person whose case is transferred for criminal 1076  
prosecution pursuant to section 2152.10 or 2152.12 of the 1077  
Revised Code, who is convicted of or pleads guilty to an offense 1078  
in that case, who is confined after that conviction or guilty 1079  
plea in a place other than a place specified in division (B) of 1080  
this section, and to whom one of the following applies: 1081

(a) The case was transferred other than pursuant to 1082  
division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the 1083  
Revised Code. 1084

(b) The case was transferred pursuant to division (A)(1) 1085  
(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, 1086  
and the person is sentenced for the offense pursuant to division 1087  
(B)(4) of section 2152.121 of the Revised Code. 1088

(c) The case was transferred pursuant to division (A)(1) 1089  
(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, 1090  
the person is sentenced for the offense pursuant to division (B) 1091  
(3) of section 2152.121 of the Revised Code by the court in 1092  
which the person was convicted of or pleaded guilty to the 1093  
offense, and the sentence imposed by that court is invoked 1094  
pursuant to division (B)(3)(b) of section 2152.121 of the 1095  
Revised Code. 1096

**Sec. 5139.01.** (A) As used in this chapter: 1097

(1) "Commitment" means the transfer of the physical 1098  
custody of a child or youth from the court to the department of 1099  
youth services. 1100

(2) "Permanent commitment" means a commitment that vests 1101  
legal custody of a child in the department of youth services. 1102

(3) "Legal custody," insofar as it pertains to the status 1103  
that is created when a child is permanently committed to the 1104  
department of youth services, means a legal status in which the 1105  
department has the following rights and responsibilities: the 1106  
right to have physical possession of the child; the right and 1107  
duty to train, protect, and control the child; the 1108  
responsibility to provide the child with food, clothing, 1109  
shelter, education, and medical care; and the right to determine 1110  
where and with whom the child shall live, subject to the minimum 1111  
periods of, or periods of, institutional care prescribed in 1112  
sections 2152.13 to 2152.18 of the Revised Code; provided, that 1113  
these rights and responsibilities are exercised subject to the 1114  
powers, rights, duties, and responsibilities of the guardian of 1115  
the person of the child, and subject to any residual parental 1116  
rights and responsibilities. 1117

(4) Unless the context requires a different meaning, 1118  
"institution" means a state facility that is created by the 1119  
general assembly and that is under the management and control of 1120  
the department of youth services or a private entity with which 1121  
the department has contracted for the institutional care and 1122  
custody of felony delinquents. 1123

(5) "Full-time care" means care for twenty-four hours a 1124  
day for over a period of at least two consecutive weeks. 1125

(6) "Placement" means the conditional release of a child 1126

under the terms and conditions that are specified by the 1127  
department of youth services. The department shall retain legal 1128  
custody of a child released pursuant to division (C) of section 1129  
2152.22 of the Revised Code or division (C) of section 5139.06 1130  
of the Revised Code until the time that it discharges the child 1131  
or until the legal custody is terminated as otherwise provided 1132  
by law. 1133

(7) "Home placement" means the placement of a child in the 1134  
home of the child's parent or parents or in the home of the 1135  
guardian of the child's person. 1136

(8) "Discharge" means that the department of youth 1137  
services' legal custody of a child is terminated. 1138

(9) "Release" means the termination of a child's stay in 1139  
an institution and the subsequent period during which the child 1140  
returns to the community under the terms and conditions of 1141  
supervised release. 1142

(10) "Delinquent child" has the same meaning as in section 1143  
2152.02 of the Revised Code. 1144

(11) "Felony delinquent" means any child who is at least 1145  
~~ten~~fourteen years of age but less than eighteen years of age 1146  
and who is adjudicated a delinquent child for having committed 1147  
an act that if committed by an adult would be a felony. "Felony 1148  
delinquent" includes any adult who is between the ages of 1149  
eighteen and twenty-one and who is in the legal custody of the 1150  
department of youth services for having committed an act that if 1151  
committed by an adult would be a felony. 1152

(12) "Juvenile traffic offender" has the same meaning as 1153  
in section 2152.02 of the Revised Code. 1154

(13) "Public safety beds" means all of the following: 1155

(a) Felony delinquents who have been committed to the 1156  
department of youth services for the commission of an act, other 1157  
than a violation of section 2911.01 or 2911.11 of the Revised 1158  
Code, that is a category one offense or a category two offense 1159  
and who are in the care and custody of an institution or have 1160  
been diverted from care and custody in an institution and placed 1161  
in a community corrections facility; 1162

(b) Felony delinquents who, while committed to the 1163  
department of youth services and in the care and custody of an 1164  
institution or a community corrections facility, are adjudicated 1165  
delinquent children for having committed in that institution or 1166  
community corrections facility an act that if committed by an 1167  
adult would be a misdemeanor or a felony; 1168

(c) Children who satisfy all of the following: 1169

(i) They are at least ~~ten~~ fourteen years of age but less 1170  
than eighteen years of age. 1171

(ii) They are adjudicated delinquent children for having 1172  
committed acts that if committed by an adult would be a felony. 1173

(iii) They are committed to the department of youth 1174  
services by the juvenile court of a county that has had one- 1175  
tenth of one per cent or less of the statewide adjudications for 1176  
felony delinquents as averaged for the past four fiscal years. 1177

(iv) They are in the care and custody of an institution or 1178  
a community corrections facility. 1179

(d) Felony delinquents who, while committed to the 1180  
department of youth services and in the care and custody of an 1181  
institution are serving disciplinary time for having committed 1182  
an act described in division (A)(18)(a), (b), or (c) of this 1183  
section, and who have been institutionalized or 1184



institutionalized in a secure facility for the minimum period of 1185  
time specified in divisions (A) (1) (b) to ~~(e)~~ (f) of section 1186  
2152.16 of the Revised Code. 1187

(e) Felony delinquents who are subject to and serving a 1188  
three-year period of commitment order imposed by a juvenile 1189  
court pursuant to divisions (A) and (B) of section 2152.17 of 1190  
the Revised Code for an act, other than a violation of section 1191  
2911.11 of the Revised Code, that would be a category one 1192  
offense or category two offense if committed by an adult. 1193

(f) Felony delinquents who are described in divisions (A) 1194  
(13) (a) to (e) of this section, who have been granted a judicial 1195  
release to court supervision under division (B) or (D) of 1196  
section 2152.22 of the Revised Code or a judicial release to the 1197  
department of youth services supervision under division (C) or 1198  
(D) of that section from the commitment to the department of 1199  
youth services for the act described in divisions (A) (13) (a) to 1200  
(e) of this section, who have violated the terms and conditions 1201  
of that release, and who, pursuant to an order of the court of 1202  
the county in which the particular felony delinquent was placed 1203  
on release that is issued pursuant to division (E) of section 1204  
2152.22 of the Revised Code, have been returned to the 1205  
department for institutionalization or institutionalization in a 1206  
secure facility. 1207

(g) Felony delinquents who have been committed to the 1208  
custody of the department of youth services, who have been 1209  
granted supervised release from the commitment pursuant to 1210  
section 5139.51 of the Revised Code, who have violated the terms 1211  
and conditions of that supervised release, and who, pursuant to 1212  
an order of the court of the county in which the particular 1213  
child was placed on supervised release issued pursuant to 1214

division (F) of section 5139.52 of the Revised Code, have had 1215  
the supervised release revoked and have been returned to the 1216  
department for institutionalization. A felony delinquent 1217  
described in this division shall be a public safety bed only for 1218  
the time during which the felony delinquent is institutionalized 1219  
as a result of the revocation subsequent to the initial ninety- 1220  
day period of institutionalization required by division (F) of 1221  
section 5139.52 of the Revised Code. 1222

(14) Unless the context requires a different meaning, 1223  
"community corrections facility" means a county or multicounty 1224  
rehabilitation center for felony delinquents who have been 1225  
committed to the department of youth services and diverted from 1226  
care and custody in an institution and placed in the 1227  
rehabilitation center pursuant to division (E) of section 1228  
5139.36 of the Revised Code. 1229

(15) "Secure facility" means any facility that is designed 1230  
and operated to ensure that all of its entrances and exits are 1231  
under the exclusive control of its staff and to ensure that, 1232  
because of that exclusive control, no child who has been 1233  
institutionalized in the facility may leave the facility without 1234  
permission or supervision. 1235

(16) "Community residential program" means a program that 1236  
satisfies both of the following: 1237

(a) It is housed in a building or other structure that has 1238  
no associated major restraining construction, including, but not 1239  
limited to, a security fence. 1240

(b) It provides twenty-four-hour care, supervision, and 1241  
programs for felony delinquents who are in residence. 1242

(17) "Category one offense" and "category two offense" 1243

have the same meanings as in section 2152.02 of the Revised 1244  
Code. 1245

(18) "Disciplinary time" means additional time that the 1246  
department of youth services requires a felony delinquent to 1247  
serve in an institution, that delays the felony delinquent's 1248  
planned release, and that the department imposes upon the felony 1249  
delinquent following the conduct of an internal due process 1250  
hearing for having committed any of the following acts while 1251  
committed to the department and in the care and custody of an 1252  
institution: 1253

(a) An act that if committed by an adult would be a 1254  
felony; 1255

(b) An act that if committed by an adult would be a 1256  
misdemeanor; 1257

(c) An act that is not described in division (A) (18) (a) or 1258  
(b) of this section and that violates an institutional rule of 1259  
conduct of the department. 1260

(19) "Unruly child" has the same meaning as in section 1261  
2151.022 of the Revised Code. 1262

(20) "Revocation" means the act of revoking a child's 1263  
supervised release for a violation of a term or condition of the 1264  
child's supervised release in accordance with section 5139.52 of 1265  
the Revised Code. 1266

(21) "Release authority" means the release authority of 1267  
the department of youth services that is established by section 1268  
5139.50 of the Revised Code. 1269

(22) "Supervised release" means the event of the release 1270  
of a child under this chapter from an institution and the period 1271

after that release during which the child is supervised and 1272  
assisted by an employee of the department of youth services 1273  
under specific terms and conditions for reintegration of the 1274  
child into the community. 1275

(23) "Victim" means the person identified in a police 1276  
report, complaint, or information as the victim of an act that 1277  
would have been a criminal offense if committed by an adult and 1278  
that provided the basis for adjudication proceedings resulting 1279  
in a child's commitment to the legal custody of the department 1280  
of youth services. 1281

(24) "Victim's representative" means a member of the 1282  
victim's family or another person whom the victim or another 1283  
authorized person designates in writing, pursuant to section 1284  
5139.56 of the Revised Code, to represent the victim with 1285  
respect to proceedings of the release authority of the 1286  
department of youth services and with respect to other matters 1287  
specified in that section. 1288

(25) "Member of the victim's family" means a spouse, 1289  
child, stepchild, sibling, parent, stepparent, grandparent, 1290  
other relative, or legal guardian of a child but does not 1291  
include a person charged with, convicted of, or adjudicated a 1292  
delinquent child for committing a criminal or delinquent act 1293  
against the victim or another criminal or delinquent act arising 1294  
out of the same conduct, criminal or delinquent episode, or plan 1295  
as the criminal or delinquent act committed against the victim. 1296

(26) "Judicial release to court supervision" means a 1297  
release of a child from institutional care or institutional care 1298  
in a secure facility that is granted by a court pursuant to 1299  
division (B) of section 2152.22 of the Revised Code during the 1300  
period specified in that division or that is granted by a court 1301

to court supervision pursuant to division (D) of that section 1302  
during the period specified in that division. 1303

(27) "Judicial release to department of youth services 1304  
supervision" means a release of a child from institutional care 1305  
or institutional care in a secure facility that is granted by a 1306  
court pursuant to division (C) of section 2152.22 of the Revised 1307  
Code during the period specified in that division or that is 1308  
granted to department supervision by a court pursuant to 1309  
division (D) of that section during the period specified in that 1310  
division. 1311

(28) "Juvenile justice system" includes all of the 1312  
functions of the juvenile courts, the department of youth 1313  
services, any public or private agency whose purposes include 1314  
the prevention of delinquency or the diversion, adjudication, 1315  
detention, or rehabilitation of delinquent children, and any of 1316  
the functions of the criminal justice system that are applicable 1317  
to children. 1318

(29) "Metropolitan county criminal justice services 1319  
agency" means an agency that is established pursuant to division 1320  
(A) of section 5502.64 of the Revised Code. 1321

(30) "Administrative planning district" means a district 1322  
that is established pursuant to division (A) or (B) of section 1323  
5502.66 of the Revised Code. 1324

(31) "Criminal justice coordinating council" means a 1325  
criminal justice services agency that is established pursuant to 1326  
division (D) of section 5502.66 of the Revised Code. 1327

(32) "Comprehensive plan" means a document that 1328  
coordinates, evaluates, and otherwise assists, on an annual or 1329  
multi-year basis, all of the functions of the juvenile justice 1330

systems of the state or a specified area of the state, that 1331  
conforms to the priorities of the state with respect to juvenile 1332  
justice systems, and that conforms with the requirements of all 1333  
federal criminal justice acts. These functions include, but are 1334  
not limited to, all of the following: 1335

(a) Delinquency; 1336

(b) Identification, detection, apprehension, and detention 1337  
of persons charged with delinquent acts; 1338

(c) Assistance to crime victims or witnesses, except that 1339  
the comprehensive plan does not include the functions of the 1340  
attorney general pursuant to sections 109.91 and 109.92 of the 1341  
Revised Code; 1342

(d) Adjudication or diversion of persons charged with 1343  
delinquent acts; 1344

(e) Custodial treatment of delinquent children; 1345

(f) Institutional and noninstitutional rehabilitation of 1346  
delinquent children. 1347

(B) There is hereby created the department of youth 1348  
services. The governor shall appoint the director of the 1349  
department with the advice and consent of the senate. The 1350  
director shall hold office during the term of the appointing 1351  
governor but subject to removal at the pleasure of the governor. 1352  
Except as otherwise authorized in section 108.05 of the Revised 1353  
Code, the director shall devote the director's entire time to 1354  
the duties of the director's office and shall hold no other 1355  
office or position of trust or profit during the director's term 1356  
of office. 1357

The director is the chief executive and administrative 1358

officer of the department and has all the powers of a department 1359  
head set forth in Chapter 121. of the Revised Code. The director 1360  
may adopt rules for the government of the department, the 1361  
conduct of its officers and employees, the performance of its 1362  
business, and the custody, use, and preservation of the 1363  
department's records, papers, books, documents, and property. 1364  
The director shall be an appointing authority within the meaning 1365  
of Chapter 124. of the Revised Code. Whenever this or any other 1366  
chapter or section of the Revised Code imposes a duty on or 1367  
requires an action of the department, the duty or action shall 1368  
be performed by the director or, upon the director's order, in 1369  
the name of the department. 1370

**Sec. 5139.05.** (A) The Except as provided in section 1371  
2152.16 of the Revised Code, the juvenile court may commit any a 1372  
child to the department of youth services as authorized in 1373  
Chapter 2152. of the Revised Code, provided that any child so 1374  
committed shall be at least ten-fourteen years of age at the 1375  
time of the child's delinquent act, ~~and, if the child is ten or~~ 1376  
~~eleven years of age, the delinquent act is a violation of~~ 1377  
~~section 2909.03 of the Revised Code or would be aggravated~~ 1378  
~~murder, murder, or a first or second degree felony offense of~~ 1379  
~~violence if committed by an adult.~~ Any order to commit a child 1380  
to an institution under the control and management of the 1381  
department shall have the effect of ordering that the child be 1382  
committed to the department and assigned to an institution or 1383  
placed in a community corrections facility in accordance with 1384  
division (E) of section 5139.36 of the Revised Code as follows: 1385

(1) For an indefinite term consisting of the prescribed 1386  
minimum period specified by the court under division (A)(1) of 1387  
section 2152.16 of the Revised Code and a maximum period not to 1388  
exceed the child's attainment of twenty-one years of age, if the 1389

child was committed pursuant to section 2152.16 of the Revised 1390  
Code; 1391

(2) Until the child's attainment of twenty-one years of 1392  
age, if the child was committed for aggravated murder or murder 1393  
pursuant to section 2152.16 of the Revised Code; 1394

(3) For a period of commitment that shall be in addition 1395  
to, and shall be served consecutively with and prior to, a 1396  
period of commitment described in division (A) (1) or (2) of this 1397  
section, if the child was committed pursuant to section 2152.17 1398  
of the Revised Code; 1399

~~(4) If the child is ten or eleven years of age, to an 1400  
institution, a residential care facility, a residential 1401  
facility, or a facility licensed by the department of job and 1402  
family services that the department of youth services considers 1403  
best designated for the training and rehabilitation of the child 1404  
and protection of the public. The child shall be housed 1405  
separately from children who are twelve years of age or older 1406  
until the child is released or discharged or until the child 1407  
attains twelve years of age, whichever occurs first. Upon the 1408  
child's attainment of twelve years of age, if the child has not 1409  
been released or discharged, the department is not required to 1410  
house the child separately. 1411~~

(B) (1) Except as otherwise provided in section 5139.54 of 1412  
the Revised Code, the release authority of the department of 1413  
youth services, in accordance with section 5139.51 of the 1414  
Revised Code and at any time after the end of the minimum period 1415  
specified under division (A) (1) of section 2152.16 of the 1416  
Revised Code, may grant the release from custody of any child 1417  
committed to the department. 1418



The order committing a child to the department of youth 1419  
services shall state that the child has been adjudicated a 1420  
delinquent child and state the minimum period. The jurisdiction 1421  
of the court terminates at the end of the minimum period except 1422  
as follows: 1423

(a) In relation to judicial release procedures, 1424  
supervision, and violations; 1425

(b) With respect to functions of the court related to the 1426  
revocation of supervised release that are specified in sections 1427  
5139.51 and 5139.52 of the Revised Code; 1428

(c) In relation to its duties relating to serious youthful 1429  
offender dispositional sentences under sections 2152.13 and 1430  
2152.14 of the Revised Code. 1431

(2) When a child has been committed to the department 1432  
under section 2152.16 of the Revised Code, the department shall 1433  
retain legal custody of the child until one of the following: 1434

(a) The department discharges the child to the exclusive 1435  
management, control, and custody of the child's parent or the 1436  
guardian of the child's person or, if the child is eighteen 1437  
years of age or older, discharges the child. 1438

(b) The committing court, upon its own motion, upon 1439  
petition of the parent, guardian of the person, or next friend 1440  
of a child, or upon petition of the department, terminates the 1441  
department's legal custody of the child. 1442

(c) The committing court grants the child a judicial 1443  
release to court supervision under section 2152.22 of the 1444  
Revised Code. 1445

(d) The department's legal custody of the child is 1446

terminated automatically by the child attaining twenty-one years 1447  
of age. 1448

(e) If the child is subject to a serious youthful offender 1449  
dispositional sentence, the adult portion of that dispositional 1450  
sentence is imposed under section 2152.14 of the Revised Code. 1451

(C) When a child is committed to the department of youth 1452  
services, the department may assign the child to a hospital for 1453  
mental, physical, and other examination, inquiry, or treatment 1454  
for the period of time that is necessary. The department may 1455  
remove any child in its custody to a hospital for observation, 1456  
and a complete report of every observation at the hospital shall 1457  
be made in writing and shall include a record of observation, 1458  
treatment, and medical history and a recommendation for future 1459  
treatment, custody, and maintenance. The department shall 1460  
thereupon order the placement and treatment that it determines 1461  
to be most conducive to the purposes of Chapters 2151. and 5139. 1462  
of the Revised Code. The committing court and all public 1463  
authorities shall make available to the department all pertinent 1464  
data in their possession with respect to the case. 1465

(D) Records maintained by the department of youth services 1466  
pertaining to the children in its custody shall be accessible 1467  
only to department employees, except by consent of the 1468  
department, upon the order of the judge of a court of record, or 1469  
as provided in divisions (D) (1) and (2) of this section. These 1470  
records shall not be considered "public records," as defined in 1471  
section 149.43 of the Revised Code. 1472

(1) Except as otherwise provided by a law of this state or 1473  
the United States, the department of youth services may release 1474  
records that are maintained by the department of youth services 1475  
and that pertain to children in its custody to the department of 1476

rehabilitation and correction regarding persons who are under 1477  
the jurisdiction of the department of rehabilitation and 1478  
correction and who have previously been committed to the 1479  
department of youth services. The department of rehabilitation 1480  
and correction may use those records for the limited purpose of 1481  
carrying out the duties of the department of rehabilitation and 1482  
correction. Records released by the department of youth services 1483  
to the department of rehabilitation and correction shall remain 1484  
confidential and shall not be considered public records as 1485  
defined in section 149.43 of the Revised Code. 1486

(2) The department of youth services shall provide to the 1487  
superintendent of the school district in which a child 1488  
discharged or released from the custody of the department is 1489  
entitled to attend school under section 3313.64 or 3313.65 of 1490  
the Revised Code the records described in divisions (D)(4)(a) to 1491  
(d) of section 2152.18 of the Revised Code. Subject to the 1492  
provisions of section 3319.321 of the Revised Code and the 1493  
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 1494  
amended, the records released to the superintendent shall remain 1495  
confidential and shall not be considered public records as 1496  
defined in section 149.43 of the Revised Code. 1497

(E)(1) When a child is committed to the department of 1498  
youth services, the department, orally or in writing, shall 1499  
notify the parent, guardian, or custodian of a child that the 1500  
parent, guardian, or custodian may request at any time from the 1501  
superintendent of the institution in which the child is located 1502  
any of the information described in divisions (E)(1)(a), (b), 1503  
(c), and (d) of this section. The parent, guardian, or custodian 1504  
may provide the department with the name, address, and telephone 1505  
number of the parent, guardian, or custodian, and, until the 1506  
department is notified of a change of name, address, or 1507

telephone number, the department shall use the name, address, 1508  
and telephone number provided by the parent, guardian, or 1509  
custodian to provide notices or answer inquiries concerning the 1510  
following information: 1511

(a) When the department of youth services makes a 1512  
permanent assignment of the child to a facility, the department, 1513  
orally or in writing and on or before the third business day 1514  
after the day the permanent assignment is made, shall notify the 1515  
parent, guardian, or custodian of the child of the name of the 1516  
facility to which the child has been permanently assigned. 1517

If a parent, guardian, or custodian of a child who is 1518  
committed to the department of youth services requests, orally 1519  
or in writing, the department to provide the parent, guardian, 1520  
or custodian with the name of the facility in which the child is 1521  
currently located, the department, orally or in writing and on 1522  
or before the next business day after the day on which the 1523  
request is made, shall provide the name of that facility to the 1524  
parent, guardian, or custodian. 1525

(b) If a parent, guardian, or custodian of a child who is 1526  
committed to the department of youth services, orally or in 1527  
writing, asks the superintendent of the institution in which the 1528  
child is located whether the child is being disciplined by the 1529  
personnel of the institution, what disciplinary measure the 1530  
personnel of the institution are using for the child, or why the 1531  
child is being disciplined, the superintendent or the 1532  
superintendent's designee, on or before the next business day 1533  
after the day on which the request is made, shall provide the 1534  
parent, guardian, or custodian with written or oral responses to 1535  
the questions. 1536

(c) If a parent, guardian, or custodian of a child who is 1537

committed to the department of youth services, orally or in 1538  
writing, asks the superintendent of the institution in which the 1539  
child is held whether the child is receiving any medication from 1540  
personnel of the institution, what type of medication the child 1541  
is receiving, or what condition of the child the medication is 1542  
intended to treat, the superintendent or the superintendent's 1543  
designee, on or before the next business day after the day on 1544  
which the request is made, shall provide the parent, guardian, 1545  
or custodian with oral or written responses to the questions. 1546

(d) When a major incident occurs with respect to a child 1547  
who is committed to the department of youth services, the 1548  
department, as soon as reasonably possible after the major 1549  
incident occurs, shall notify the parent, guardian, or custodian 1550  
of the child that a major incident has occurred with respect to 1551  
the child and of all the details of that incident that the 1552  
department has ascertained. 1553

(2) The failure of the department of youth services to 1554  
provide any notification required by or answer any requests made 1555  
pursuant to division (E) of this section does not create a cause 1556  
of action against the state. 1557

(F) The department of youth services, as a means of 1558  
punishment while the child is in its custody, shall not prohibit 1559  
a child who is committed to the department from seeing that 1560  
child's parent, guardian, or custodian during standard 1561  
visitation periods allowed by the department of youth services 1562  
unless the superintendent of the institution in which the child 1563  
is held determines that permitting that child to visit with the 1564  
child's parent, guardian, or custodian would create a safety 1565  
risk to that child, that child's parents, guardian, or 1566  
custodian, the personnel of the institution, or other children 1567

held in that institution. 1568

(G) As used in this section: 1569

(1) "Permanent assignment" means the assignment or 1570  
transfer for an extended period of time of a child who is 1571  
committed to the department of youth services to a facility in 1572  
which the child will receive training or participate in 1573  
activities that are directed toward the child's successful 1574  
rehabilitation. "Permanent assignment" does not include the 1575  
transfer of a child to a facility for judicial release hearings 1576  
pursuant to section 2152.22 of the Revised Code or for any other 1577  
temporary assignment or transfer to a facility. 1578

(2) "Major incident" means the escape or attempted escape 1579  
of a child who has been committed to the department of youth 1580  
services from the facility to which the child is assigned; the 1581  
return to the custody of the department of a child who has 1582  
escaped or otherwise fled the custody and control of the 1583  
department without authorization; the allegation of any sexual 1584  
activity with a child committed to the department; physical 1585  
injury to a child committed to the department as a result of 1586  
alleged abuse by department staff; an accident resulting in 1587  
injury to a child committed to the department that requires 1588  
medical care or treatment outside the institution in which the 1589  
child is located; the discovery of a controlled substance upon 1590  
the person or in the property of a child committed to the 1591  
department; a suicide attempt by a child committed to the 1592  
department; a suicide attempt by a child committed to the 1593  
department that results in injury to the child requiring 1594  
emergency medical services outside the institution in which the 1595  
child is located; the death of a child committed to the 1596  
department; an injury to a visitor at an institution under the 1597

control of the department that is caused by a child committed to 1598  
the department; and the commission or suspected commission of an 1599  
act by a child committed to the department that would be an 1600  
offense if committed by an adult. 1601

(3) "Sexual activity" has the same meaning as in section 1602  
2907.01 of the Revised Code. 1603

(4) "Controlled substance" has the same meaning as in 1604  
section 3719.01 of the Revised Code. 1605

(5) "Residential care facility" and "residential facility" 1606  
have the same meanings as in section 2151.011 of the Revised 1607  
Code. 1608

**Sec. 5139.06.** (A) When a child has been committed to the 1609  
department of youth services, the department shall do both of 1610  
the following: 1611

(1) Place the child in an appropriate institution under 1612  
the condition that it considers best designed for the training 1613  
and rehabilitation of the child and the protection of the 1614  
public, provided that the institutional placement shall be 1615  
consistent with the order committing the child to its custody; 1616

(2) Maintain the child in institutional care or 1617  
institutional care in a secure facility for the required period 1618  
of institutionalization in a manner consistent with division (A) 1619  
(1) of section 2152.16 and divisions (A) to (F) of section 1620  
2152.17 of the Revised Code, whichever are applicable, and with 1621  
section 5139.38 or division (B), (C), or (D) of section 2152.22 1622  
of the Revised Code. 1623

(B) When a child has been committed to the department of 1624  
youth services and has not been institutionalized or 1625  
institutionalized in a secure facility for the prescribed 1626

minimum period of time, including, but not limited to, a 1627  
prescribed period of time under division (A)(1)(a) of section 1628  
2152.16 of the Revised Code, the department, the child, or the 1629  
child's parent may request the court that committed the child to 1630  
order a judicial release to court supervision or a judicial 1631  
release to department of youth services supervision in 1632  
accordance with division (B), (C), or (D) of section 2152.22 of 1633  
the Revised Code, and the child may be released from 1634  
institutionalization or institutionalization in a secure 1635  
facility in accordance with the applicable division. A child in 1636  
those circumstances shall not be released from 1637  
institutionalization or institutionalization in a secure 1638  
facility except in accordance with section 2152.22 or 5139.38 of 1639  
the Revised Code. When a child is released pursuant to a 1640  
judicial release to court supervision under division (B) or (D) 1641  
of section 2152.22 of the Revised Code, the department shall 1642  
comply with division (B)(3) of that section and, if the court 1643  
requests, shall send the committing court a report on the 1644  
child's progress in the institution and recommendations for 1645  
conditions of supervision by the court after release. When a 1646  
child is released pursuant to a judicial release to department 1647  
of youth services supervision under division (C) or (D) of 1648  
section 2152.22 of the Revised Code, the department shall comply 1649  
with division (C)(3) of that section relative to the child and 1650  
shall send the committing court and the juvenile court of the 1651  
county in which the child is placed a copy of the treatment and 1652  
rehabilitation plan described in that division and the 1653  
conditions that it fixed. The court of the county in which the 1654  
child is placed may adopt the conditions as an order of the 1655  
court and may add any additional consistent conditions it 1656  
considers appropriate, provided that the court may not add any 1657  
condition that decreases the level or degree of supervision 1658



specified by the department in its plan, that substantially 1659  
increases the financial burden of supervision that will be 1660  
experienced by the department, or that alters the placement 1661  
specified by the department in its plan. Any violations of the 1662  
conditions of the child's judicial release or early release 1663  
shall be handled pursuant to division (E) of section 2152.22 of 1664  
the Revised Code. 1665

(C) When a child has been committed to the department of 1666  
youth services, the department may do any of the following: 1667

(1) Notwithstanding the provisions of this chapter, 1668  
Chapter 2151., or Chapter 2152. of the Revised Code that 1669  
prescribe required periods of institutionalization, transfer the 1670  
child to any other state institution, whenever it appears that 1671  
the child by reason of mental illness or developmental 1672  
disability ought to be in another state institution. Before 1673  
transferring a child to any other state institution, the 1674  
department shall include in the minutes a record of the order of 1675  
transfer and the reason for the transfer and, at least seven 1676  
days prior to the transfer, shall send a certified copy of the 1677  
order to the person shown by its record to have had the care or 1678  
custody of the child immediately prior to the child's 1679  
commitment. Except as provided in division (C) (2) of this 1680  
section, no person shall be transferred from a benevolent 1681  
institution to a correctional institution or to a facility or 1682  
institution operated by the department of youth services. 1683

(2) Notwithstanding the provisions of this chapter, 1684  
Chapter 2151., or Chapter 2152. of the Revised Code that 1685  
prescribe required periods of institutionalization, transfer the 1686  
child under section 5120.162 of the Revised Code to a 1687  
correctional medical center established by the department of 1688

rehabilitation and correction, whenever the child has an 1689  
illness, physical condition, or other medical problem and it 1690  
appears that the child would benefit from diagnosis or treatment 1691  
at the center for that illness, condition, or problem. Before 1692  
transferring a child to a center, the department of youth 1693  
services shall include in the minutes a record of the order of 1694  
transfer and the reason for the transfer and, except in 1695  
emergency situations, at least seven days prior to the transfer, 1696  
shall send a certified copy of the order to the person shown by 1697  
its records to have had the care or custody of the child 1698  
immediately prior to the child's commitment. If the transfer of 1699  
the child occurs in an emergency situation, as soon as possible 1700  
after the decision is made to make the transfer, the department 1701  
of youth services shall send a certified copy of the order to 1702  
the person shown by its records to have had the care or custody 1703  
of the child immediately prior to the child's commitment. A 1704  
transfer under this division shall be in accordance with the 1705  
terms of the agreement the department of youth services enters 1706  
into with the department of rehabilitation and correction under 1707  
section 5120.162 of the Revised Code and shall continue only as 1708  
long as the child reasonably appears to receive benefit from 1709  
diagnosis or treatment at the center for an illness, physical 1710  
condition, or other medical problem. 1711

(3) Revoke or modify any order of the department except an 1712  
order of discharge as often as conditions indicate it to be 1713  
desirable; 1714

(4) If the child was committed pursuant to division (A) (1) 1715  
(b), (c), (d), ~~or (e)~~, or (f) of section 2152.16 of the Revised 1716  
Code and has been institutionalized or institutionalized in a 1717  
secure facility for the prescribed minimum periods of time under 1718  
the division pursuant to which the commitment was made, assign 1719

the child to a family home, a group care facility, or other 1720  
place maintained under public or private auspices, within or 1721  
without this state, for necessary treatment and rehabilitation, 1722  
the costs of which may be paid by the department, provided that 1723  
the department shall notify the committing court, in writing, of 1724  
the place and terms of the assignment at least fifteen days 1725  
prior to the scheduled date of the assignment; 1726

(5) Release the child from an institution in accordance 1727  
with sections 5139.51 to 5139.54 of the Revised Code in the 1728  
circumstances described in those sections. 1729

(D) The department of youth services shall notify the 1730  
committing court of any order transferring the physical location 1731  
of any child committed to it in accordance with section 5139.35 1732  
of the Revised Code. Upon the discharge from its custody and 1733  
control, the department may petition the court for an order 1734  
terminating its custody and control. 1735

**Sec. 5139.20.** (A) Notwithstanding any other provision of 1736  
the Revised Code that sets forth the minimum periods or period 1737  
for which a child committed to the department of youth services 1738  
is to be institutionalized or institutionalized in a secure 1739  
facility or the procedures for the judicial release to court 1740  
supervision or judicial release to department of youth services 1741  
supervision, the department may grant emergency releases to 1742  
children confined in state juvenile institutions if the 1743  
governor, upon request of the director of the department 1744  
authorizes the director, in writing, to issue a declaration that 1745  
an emergency overcrowding condition exists in all of the 1746  
institutions in which males are confined, or in all of the 1747  
institutions in which females are confined, that are under the 1748  
control of the department. If the governor authorizes the 1749

issuance of a declaration, the director may issue the 1750  
declaration. If the director issues the declaration, the 1751  
director shall file a copy of it with the secretary of state, 1752  
which copy shall be a public record. Upon the filing of the 1753  
copy, the department is authorized to grant emergency releases 1754  
to children within its custody subject to division (B) of this 1755  
section. The authority to grant the emergency releases shall 1756  
continue until the expiration of thirty days from the day on 1757  
which the declaration was filed. The director shall not issue a 1758  
declaration that an emergency overcrowding condition exists 1759  
unless the director determines that no other method of 1760  
alleviating the overcrowding condition is available. 1761

(B) (1) If the department is authorized under division (A) 1762  
of this section to grant emergency releases to children within 1763  
its custody, the department shall determine which, if any, 1764  
children to release under that authority only in accordance with 1765  
this division and divisions (C), (D), and (E) of this section. 1766  
The department, in determining which, if any, children to 1767  
release, initially shall classify each child within its custody 1768  
according to the degree of offense that the act for which the 1769  
child is serving the period of institutionalization would have 1770  
been if committed by an adult. The department then shall 1771  
scrutinize individual children for emergency release, based upon 1772  
their degree of offense, in accordance with the categories and 1773  
the order of consideration set forth in division (B) (2) of this 1774  
section. After scrutiny of all children within the particular 1775  
category under consideration, the department shall designate 1776  
individual children within that category to whom it wishes to 1777  
grant an emergency release. 1778

(2) The categories of children in the custody of the 1779  
department that may be considered for emergency release under 1780

this section, and the order in which the categories shall be 1781  
considered, are as follows: 1782

(a) Initially, only children who are not serving a period 1783  
of institutionalization for an act that would have been 1784  
aggravated murder, murder, or a felony of the first, second, 1785  
third, or fourth degree if committed by an adult or for an act 1786  
that was committed before July 1, 1996, and that would have been 1787  
an aggravated felony of the first, second, or third degree if 1788  
committed by an adult may be considered. 1789

(b) When all children in the category described in 1790  
division (B) (2) (a) of this section have been scrutinized and all 1791  
children in that category who have been designated for emergency 1792  
release under division (B) (1) of this section have been so 1793  
released, then all children who are not serving a period of 1794  
institutionalization for an act that would have been aggravated 1795  
murder, murder, or a felony of the first or second degree if 1796  
committed by an adult or for an act that was committed before 1797  
July 1, 1996, and that would have been an aggravated felony of 1798  
the first or second degree if committed by an adult may be 1799  
considered. 1800

(c) When all children in the categories described in 1801  
divisions (B) (2) (a) and (b) of this section have been 1802  
scrutinized and all children in those categories who have been 1803  
designated for emergency release under division (B) (1) of this 1804  
section have been released, then all children who are not 1805  
serving a term of institutionalization for an act that would 1806  
have been aggravated murder, murder, or a felony of the first 1807  
degree if committed by an adult or for an act that was committed 1808  
before July 1, 1996, and that would have been an aggravated 1809  
felony of the first or second degree if committed by an adult 1810

may be considered. 1811

(d) In no case shall the department consider for emergency 1812  
release any child who is serving a term of institutionalization 1813  
for an act that would have been aggravated murder, murder, or a 1814  
felony of the first degree if committed by an adult or for an 1815  
act that was committed before July 1, 1996, and that would have 1816  
been an aggravated felony of the first degree if committed by an 1817  
adult, and in no case shall the department grant an emergency 1818  
release to any such child pursuant to this section. 1819

(C) An emergency release granted pursuant to this section 1820  
shall consist of one of the following: 1821

(1) A supervised release under terms and conditions that 1822  
the department believes conducive to law-abiding conduct; 1823

(2) A discharge of the child from the custody and control 1824  
of the department if the department is satisfied that the 1825  
discharge is consistent with the welfare of the individual and 1826  
protection of the public; 1827

(3) An assignment to a family home, a group care facility, 1828  
or other place maintained under public or private auspices, 1829  
within or without this state, for necessary treatment or 1830  
rehabilitation, the costs of which may be paid by the 1831  
department. 1832

(D) If a child is granted an emergency release pursuant to 1833  
this section, the child thereafter shall be considered to have 1834  
been institutionalized or institutionalized in a secure facility 1835  
for the prescribed minimum period of time under division (A) (1) 1836  
(b), (c), (d), ~~or (e)~~, or (f) of section 2152.16 of the Revised 1837  
Code, or all definite periods of commitment imposed under 1838  
division (A), (B), (C), or (D) of section 2152.17 of the Revised 1839

Code plus the prescribed minimum period of time imposed under 1840  
division (A) (1) (b), (c), (d), ~~or~~ (e), or (f) of section 2152.16 1841  
of the Revised Code, whichever is applicable. The department 1842  
shall retain legal custody of a child so released until it 1843  
discharges the child or until its custody is terminated as 1844  
otherwise provided by law. 1845

(E) (1) If a child is granted an emergency release so that 1846  
the child is released on supervised release or assigned to a 1847  
family home, group care facility, or other place for treatment 1848  
or rehabilitation, the department shall prepare a written 1849  
treatment and rehabilitation plan for the child in accordance 1850  
with division (F) of section 2152.22 of the Revised Code, which 1851  
shall include the conditions of the child's release or 1852  
assignment, and shall send the committing court and the juvenile 1853  
court of the county in which the child is placed a copy of the 1854  
plan and the conditions that it fixed. The court of the county 1855  
in which the child is placed may adopt the conditions as an 1856  
order of the court and may add any additional consistent 1857  
conditions it considers appropriate. If a child is released on 1858  
supervised release or is assigned subject to specified 1859  
conditions and the court of the county in which the child is 1860  
placed has reason to believe that the child's deportment is not 1861  
in accordance with any post-release conditions established by 1862  
the court in its journal entry, the court of the county in which 1863  
the child is placed, in its discretion, may schedule a time for 1864  
a hearing on whether the child violated any of the post-release 1865  
conditions. If that court conducts a hearing and determines at 1866  
the hearing that the child violated any of the post-release 1867  
conditions established in its journal entry, the court, if it 1868  
determines that the violation of the conditions was a serious 1869  
violation, may order the child to be returned to the department 1870

of youth services for institutionalization or, in any case, may  
make any other disposition of the child authorized by law that  
the court considers proper. If the court of the county in which  
the child is placed orders the child to be returned to a  
department of youth services institution, the child shall remain  
institutionalized for a minimum period of three months.

(2) The department also shall file a written progress  
report with the committing court regarding each child granted an  
emergency release pursuant to this section at least once every  
thirty days unless specifically directed otherwise by the court.  
The report shall include the information required of reports  
described in division (G) of section 2152.22 of the Revised  
Code.

**Sec. 5139.35.** (A) Except as provided in division (C) of  
this section and division (C) (2) of section 5139.06 of the  
Revised Code, the department of youth services shall not place a  
child committed to it pursuant to section 2152.16 or divisions  
(A) and (B) of section 2152.17 of the Revised Code who has not  
been institutionalized or institutionalized in a secure facility  
for the prescribed minimum period of institutionalization in an  
institution with a less restrictive setting than that in which  
the child was originally placed, other than an institution under  
the management and control of the department, without first  
obtaining the prior consent of the committing court.

(B) Except as provided in division (C) of this section,  
the department of youth services shall notify the committing  
court, in writing, of any placement of a child committed to it  
pursuant to division (A) (1) (b), (c), (d), ~~or (e)~~, or (f) of  
section 2152.16 or divisions (A) and (B) of section 2152.17 of  
the Revised Code who has been institutionalized or



institutionalized in a secure facility for the prescribed 1901  
minimum period of institutionalization under those divisions in 1902  
an institution with a less restrictive setting than that in 1903  
which the child was originally placed, other than an institution 1904  
under the management and control of the department, at least 1905  
fifteen days before the scheduled date of placement. 1906

(C) If, pursuant to division (C)(2) of section 5139.06 of 1907  
the Revised Code, the department of youth services transfers a 1908  
child committed to it pursuant to division (A)(1)(b), (c), (d), 1909  
~~or~~ (e), or (f) of section 2152.16 or divisions (A) and (B) of 1910  
section 2152.17 of the Revised Code to a correctional medical 1911  
center established by the department of rehabilitation and 1912  
correction, the department of youth services shall send the 1913  
committing court a certified copy of the transfer order. 1914

**Sec. 5139.51.** (A) The release authority of the department 1915  
of youth services shall not release a child who is in the 1916  
custody of the department of youth services from institutional 1917  
care or institutional care in a secure facility and shall not 1918  
discharge the child or order the child's release on supervised 1919  
release prior to the expiration of the prescribed minimum period 1920  
of institutionalization or institutionalization in a secure 1921  
facility or prior to the child's attainment of twenty-one years 1922  
of age, whichever is applicable under the order of commitment, 1923  
other than as is provided in section 2152.22 of the Revised 1924  
Code. The release authority may conduct periodic reviews of the 1925  
case of each child who is in the custody of the department and 1926  
who is eligible for supervised release or discharge after 1927  
completing the minimum period of time or period of time in an 1928  
institution prescribed by the committing court. At least thirty 1929  
days prior to conducting a periodic review of the case of a 1930  
child who was committed to the department regarding the 1931

possibility of supervised release or discharge and at least 1932  
thirty days prior to conducting a release review, a release 1933  
hearing, or a discharge review under division (E) of this 1934  
section, the release authority shall give notice of the review 1935  
or hearing to the court that committed the child, to the 1936  
prosecuting attorney in the case, and to the victim of the 1937  
delinquent act for which the child was committed or the victim's 1938  
representative. If a child is on supervised release and has had 1939  
the child's parole revoked, and if, upon release, there is 1940  
insufficient time to provide the notices otherwise required by 1941  
this division, the release authority, at least ten days prior to 1942  
the child's release, shall provide reasonable notice of the 1943  
child's release to the court that committed the child, to the 1944  
prosecuting attorney in the case, and to the victim of the 1945  
delinquent act for which the child was committed or the victim's 1946  
representative. The court or prosecuting attorney may submit to 1947  
the release authority written comments regarding, or written 1948  
objections to, the supervised release or discharge of that 1949  
child. Additionally, if the child was committed for an act that 1950  
is a category one or category two offense, the court or 1951  
prosecuting attorney orally may communicate to a representative 1952  
of the release authority comments regarding, or objections to, 1953  
the supervised release or discharge of the child or, if a 1954  
hearing is held regarding the possible release or discharge of 1955  
the child, may communicate those comments at the hearing. In 1956  
conducting the review of the child's case regarding the 1957  
possibility of supervised release or discharge, the release 1958  
authority shall consider any comments and objections so 1959  
submitted or communicated by the court or prosecutor and any 1960  
statements or comments submitted or communicated under section 1961  
5139.56 of the Revised Code by a victim of an act for which the 1962  
child was committed to the legal custody of the department or by 1963

the victim's representative of a victim of an act of that type. 1964

The release authority shall determine the date on which a 1965  
child may be placed on supervised release or discharged. If the 1966  
release authority believes that a child should be placed on 1967  
supervised release, it shall comply with division (B) of this 1968  
section. If the release authority believes that a child should 1969  
be discharged, it shall comply with division (C) or (E) of this 1970  
section. If the release authority denies the supervised release 1971  
or discharge of a child, it shall provide the child with a 1972  
written record of the reasons for the decision. 1973

(B) (1) When the release authority decides to place a child 1974  
on supervised release, consistent with division (D) of this 1975  
section, the department shall prepare a written supervised 1976  
release plan that specifies the terms and conditions upon which 1977  
the child is to be released from an institution on supervised 1978  
release and, at least thirty days prior to the release of the 1979  
child on the supervised release, shall send to the committing 1980  
court and the juvenile court of the county in which the child 1981  
will be placed a copy of the supervised release plan and the 1982  
terms and conditions of release. The juvenile court of the 1983  
county in which the child will be placed, within fifteen days 1984  
after its receipt of the copy of the supervised release plan, 1985  
may add to the supervised release plan any additional consistent 1986  
terms and conditions it considers appropriate, provided that the 1987  
court may not add any term or condition that decreases the level 1988  
or degree of supervision specified by the release authority in 1989  
the plan, that substantially increases the financial burden of 1990  
supervision that will be experienced by the department of youth 1991  
services, or that alters the placement specified by the plan. 1992

If, within fifteen days after its receipt of the copy of 1993

the supervised release plan, the juvenile court of the county in 1994  
which the child will be placed does not add to the supervised 1995  
release plan any additional terms and conditions, the court 1996  
shall enter the supervised release plan in its journal within 1997  
that fifteen-day period and, within that fifteen-day period, 1998  
shall send to the release authority a copy of the journal entry 1999  
of the supervised release plan. The journalized plan shall apply 2000  
regarding the child's supervised release. 2001

If, within fifteen days after its receipt of the copy of 2002  
the supervised release plan, the juvenile court of the county in 2003  
which the child will be placed adds to the supervised release 2004  
plan any additional terms and conditions, the court shall enter 2005  
the supervised release plan and the additional terms and 2006  
conditions in its journal and, within that fifteen-day period, 2007  
shall send to the release authority a copy of the journal entry 2008  
of the supervised release plan and additional terms and 2009  
conditions. The journalized supervised release plan and 2010  
additional terms and conditions added by the court that satisfy 2011  
the criteria described in this division shall apply regarding 2012  
the child's supervised release. 2013

If, within fifteen days after its receipt of the copy of 2014  
the supervised release plan, the juvenile court of the county in 2015  
which the child will be placed neither enters in its journal the 2016  
supervised release plan nor enters in its journal the supervised 2017  
release plan plus additional terms and conditions added by the 2018  
court, the court and the department of youth services may 2019  
attempt to resolve any differences regarding the plan within 2020  
three days. If a resolution is not reached within that three-day 2021  
period, thereafter, the supervised release plan shall be 2022  
enforceable to the same extent as if the court actually had 2023  
entered the supervised release plan in its journal. 2024

(2) When the release authority receives from the court a  
copy of the journalized supervised release plan and, if  
applicable, a copy of the journalized additional terms and  
conditions added by the court, the release authority shall keep  
the original copy or copies in the child's file and shall  
provide a copy of each document to the child, the employee of  
the department who is assigned to supervise and assist the child  
while on release, and the committing court.

(C) If a child who is in the custody of the department of  
youth services was committed pursuant to division (A) (1) (b),  
(c), (d), ~~or (e)~~, or (f) of section 2152.16 of the Revised Code  
and has been institutionalized or institutionalized in a secure  
facility for the prescribed minimum periods of time under those  
divisions and if the release authority is satisfied that the  
discharge of the child without the child being placed on  
supervised release would be consistent with the welfare of the  
child and protection of the public, the release authority,  
without approval of the court that committed the child, may  
discharge the child from the department's custody and control  
without placing the child on supervised release. Additionally,  
the release authority may discharge a child in the department's  
custody without the child being placed on supervised release if  
the child is removed from the jurisdiction of this state by a  
court order of a court of this state, another state, or the  
United States, or by any agency of this state, another state, or  
the United States, if the child is convicted of or pleads guilty  
to any criminal offense, or as otherwise provided by law. At  
least fifteen days before the scheduled date of discharge of the  
child without the child being placed on supervised release, the  
department shall notify the committing court, in writing, that  
it is going to discharge the child and of the reason for the

discharge. Upon discharge of the child without the child being 2056  
placed on supervised release, the department immediately shall 2057  
certify the discharge in writing and shall transmit the 2058  
certificate of discharge to the committing court. 2059

(D) In addition to requirements that are reasonably 2060  
related to the child's prior pattern of criminal or delinquent 2061  
behavior and the prevention of further criminal or delinquent 2062  
behavior, the release authority shall specify the following 2063  
requirements for each child whom it releases: 2064

(1) The child shall observe the law. 2065

(2) The child shall maintain appropriate contact, as 2066  
specified in the written supervised release plan for that child. 2067

(3) The child shall not change residence unless the child 2068  
seeks prior approval for the change from the employee of the 2069  
department assigned to supervise and assist the child, provides 2070  
that employee, at the time the child seeks the prior approval 2071  
for the change, with appropriate information regarding the new 2072  
residence address at which the child wishes to reside, and 2073  
obtains the prior approval of that employee for the change. 2074

(E) The period of a child's supervised release may extend 2075  
from the date of release from an institution until the child 2076  
attains twenty-one years of age. If the period of supervised 2077  
release extends beyond one year after the date of release, the 2078  
child may request in writing that the release authority conduct 2079  
a discharge review after the expiration of the one-year period 2080  
or the minimum period or period. If the child so requests, the 2081  
release authority shall conduct a discharge review and give the 2082  
child its decision in writing. The release authority shall not 2083  
grant a discharge prior to the discharge date if it finds good 2084

cause for retaining the child in the custody of the department 2085  
until the discharge date. A child may request an additional 2086  
discharge review six months after the date of a previous 2087  
discharge review decision, but not more than once during any 2088  
six-month period after the date of a previous discharge review 2089  
decision. 2090

(F) At least two weeks before the release authority places 2091  
on supervised release or discharge a child who was committed to 2092  
the legal custody of the department, the release authority shall 2093  
provide notice of the release or discharge as follows: 2094

(1) In relation to the placement on supervised release or 2095  
discharge of a child who was committed to the department for 2096  
committing an act that is a category one or category two 2097  
offense, the release authority shall notify, by the specified 2098  
deadline, all of the following of the release or discharge: 2099

(a) The prosecuting attorney of the county in which the 2100  
child was adjudicated a delinquent child and committed to the 2101  
custody of the department; 2102

(b) Whichever of the following is applicable: 2103

(i) If upon the supervised release or discharge the child 2104  
will reside in a municipal corporation, the chief of police or 2105  
other chief law enforcement officer of that municipal 2106  
corporation; 2107

(ii) If upon the supervised release or discharge the child 2108  
will reside in an unincorporated area of a county, the sheriff 2109  
of that county. 2110

(2) In relation to the placement on supervised release or 2111  
discharge of a child who was committed to the department for 2112  
committing any act, the release authority shall notify, by the 2113

specified deadline, each victim of the act for which the child 2114  
was committed to the legal custody of the department who, 2115  
pursuant to section 5139.56 of the Revised Code, has requested 2116  
to be notified of the placement of the child on supervised 2117  
release or the discharge of the child, provided that, if any 2118  
victim has designated a person pursuant to that section to act 2119  
on the victim's behalf as a victim's representative, the 2120  
notification required by this division shall be provided to that 2121  
victim's representative. 2122

**Section 2.** That existing sections 2152.16, 2152.17, 2123  
2152.19, 2152.22, 2152.26, 5139.01, 5139.05, 5139.06, 5139.20, 2124  
5139.35, and 5139.51 of the Revised Code are hereby repealed. 2125