



CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**Juvenile Justice Subcommittee**

June 15, 2015

Meeting Notes

Attending:	Paul Dobson, Chair	Senator Thomas
	Erin Davies, Vice Chair	Representative Pelanda
	Representative Craig	Judge Jamison
	Judge Delamatre	Ron Burkitt
	Jill Beeler-Andrews	Dustin Calhoun
	Jim Cole	Linda Janes
	Teresa Lampl	Hon. Aaron Montz
	Whitney Pesek	Kyle Petty
	David Roper	John Ryan
	Sara Andrews	

**Staff Liaison: Jo Ellen Cline**

The meeting was called to order by Chair Dobson at 12:02 p.m. Upon motion and second the meeting notes of the May 14, 2015 meeting were approved unanimously. Chair Dobson asked members to briefly introduce themselves.

The committee then took up the only agenda item for the meeting: juvenile court costs. Judge DeLamatre gave a brief overview of a presentation on the topic he had prepared for another purpose that had been circulated to the committee. A discussion ensued regarding the focus of the committee's work: should it be on collection issues or on imposition issues. The committee agreed the focus should be on clarifying the actions a court can take on imposing and collecting financial sanctions against juveniles. Financial sanctions include court costs, fines, and restitution.

Judge DeLamatre noted that the statute is very broad because it allows a number of things to be assessed as costs, including confinement costs, treatment costs and community control implementation (including supervision fees).

A lengthy discussion took place regarding the current Ohio Revised Code statute that allows a court to charge a child for the costs of confinement. Director Reed noted that he had never encountered a juvenile who had been ordered to pay the costs of confinement in DYS. Ms. Beeler-Andrews noted that the majority of confinement costs are for detention or

treatment facilities. Senator Thomas and Judge Jamison suggested that the committee keep in mind ability to pay when crafting its proposals. Upon motion and second, the committee unanimously agreed that, at a minimum, costs should not include a stay in DYS.

The committee spent time discussing ability to pay issues and the assessment of costs against the juvenile versus assessment of costs against the parent. Ms. Beeler-Andrews noted that children are presumed indigent for the purposes of appointment of counsel but they could still be assessed costs under the statute. There was discussion regarding a need for a mandatory "ability to pay" hearing. As for the parent versus child issue, the committee noted that the costs in R.C. 2152.20 are assessed against the child, including the costs of confinement. Judge DeLamatre noted that some courts have been able to get costs from parents by using a child support enforcement process. In this way, a parent would be required to pay the costs of confinement as a part of their obligation to support after an ability to pay hearing had taken place. Judge Jamison expressed concerns that mandating such a process would unduly burden local CSEAs.

Senator Thomas suggested that the committee consider that there be a way for a juvenile offender to meet certain expectations (e.g., receive their GED) and then costs would be waived or "forgiven". A proposal to affirmatively prohibit the assessment of costs of local detention or a treatment stay against either the parent or the child was tabled until the July meeting. In the meantime, the Ohio Judicial Conference and the Ohio Juvenile Judges Association will try to determine the impact such an affirmative prohibition would have on local jurisdictions.

On the issue of probation costs, the committee discussed the possibility of a ceiling on the amount that could be assessed against the child. Rep. Pelanda noted that putting a dollar amount in the statute could be troublesome because it becomes outdated very quickly. Because probation costs are more likely to be assessed in medium-sized or smaller jurisdictions, Judge Jamison suggested that the Ohio Judicial Conference and the Juvenile Judges Association determine the impact on smaller jurisdictions prior to finalizing any recommendation on this topic. The committee will also look to the Ohio Judicial Conference for more input and information on the costs of prosecution.

The committee discussed scheduling a conference call prior to the next committee meeting in July. That conference call will provide an opportunity for the Ohio Judicial Conference to report back on any input it has received and for a discussion of a rough draft of amendments to R.C. 2152.20 staff liaison Cline was asked to prepare. The July meeting will focus on fines and restitution with the goal of having a proposal to take to the full Commission on this topic in August.

There being no further business to be brought before the committee, the committee, upon motion and second, adjourned at 2 p.m.