

1 **OHIO RULES OF APPELLATE PROCEDURE**

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3 **RULE 1. Scope of Rules.**

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5 (A) These rules govern procedure in appeals to courts of appeals from the trial courts of record
6 in Ohio.

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8 (B) Procedure in appeals to courts of appeals from the board of tax appeals shall be as provided
9 by law, except that App.R. 13 to 33 shall be applicable to those appeals.

10
11 (C) Procedures in appeals to courts of appeals from juvenile courts pursuant to section
12 2505.073 of the Revised Code shall be as provided by that section, except that these rules govern
13 to the extent that the rules do not conflict with that section.

14
15 (D) “Victim” has the same meaning as provided in Chapter 2930 of the Revised Code. For
16 purposes of these rules, the term “victim” includes the “victim’s representative” and “victim’s
17 attorney,” as those terms are defined in Chapter 2930 of the Revised Code.

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20 **Proposed Staff Note (July 1, 2025, Amendment)**

21
22 **App.R. 1(D)**

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24 The word “victim” as used in the Appellate Rules is the same as the definition found in Crim.R.
25 2(Q).

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29 **RULE 8. Bail and Suspension of Execution of Sentence in Criminal Cases.**

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31 **[Existing language unaffected by the amendments is omitted to conserve space]**

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33 **(B) Release on bail and suspension of execution of sentence pending appeal from a**
34 **judgment of conviction**

35
36 Application for release on bail and for suspension of execution of sentence after a judgment of
37 conviction shall be made in the first instance in the trial court. Thereafter, if such application is
38 denied, a motion for bail and suspension of execution of sentence pending review may be made to
39 the court of appeals or to two judges thereof. The motion shall be determined promptly upon such
40 papers, affidavits, and portions of the record as the parties shall present and after reasonable notice
41 to the ~~appellee~~ prosecution. The prosecution shall promptly provide notice of the motion to the
42 victim, if any, following receipt of the notice of the motion.

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44 **[Existing language unaffected by the amendments is omitted to conserve space]**

RULE 11.2. Expedited Appeals.

[Existing language unaffected by the amendments is omitted to conserve space]

(D) Victim's rights appeals: interlocutory appeals

(1) Applicability

App.R. 11.2(D) shall only govern interlocutory appeals from decisions impacting the rights of a victim pursuant to Article I, Section 10a of the Ohio Constitution or the Revised Code. Such appeals shall be given priority over all cases except those governed by App.R. 11.2(B) and 11.2(C). Such appeals divest the trial court of jurisdiction of the portion of the case implicating the victim's rights until the interlocutory appeal is resolved by the appellate court.

(2) Record

Upon the filing of an interlocutory appeal, the trial court shall transmit those portions of the record and transcript, if any, necessary for consideration of the issues to be reviewed by the court of appeals within five business days.

(3) Briefs

Once the record is received by the court of appeals, the party that initiated the appeal shall have eight days to file a merit brief. Once the merit brief is filed, the appellee shall have eight days to file a response brief. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the briefing.

(4) Entry of judgment

The court of appeals shall decide the entire interlocutory appeal not later than thirty-five days after the appeal is filed. The litigants, with the approval of the court of appeals, may stipulate to a different period of time for the issuance of the decision and judgment on the appeal.

(E) Prosecutorial appeals from suppression orders; appeals concerning dependent, abused, neglected, unruly, or delinquent children

Prosecutorial appeals under Crim.R. 12(K) and Juv.R. 22(F) and appeals concerning a dependent, abused, neglected, unruly, or delinquent child shall be expedited and given calendar priority over all cases other than those governed by App.R. 11.2 (B) ~~and, (C), and~~ (D).

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2025, Amendment)

App.R. 11.2(D) **Victim's rights appeals: interlocutory appeals**

App.R. 11.2 lists various categories of expedited appeals that by law are entitled to priority over other appeals. The categories are enlarged to include interlocutory victim's rights appeals under Art. I, § 10a of the Ohio Constitution (commonly known as "Marsy's Law") and its enabling legislation. These appeals have priority over prosecutorial appeals from suppression orders.

RULE 43. Effective Date.

(A) Effective date of Original rules

~~These rules shall take~~ The Ohio Rules of Appellate Procedure originally took effect on the first day of July 1, 1971, pursuant to Article IV, Section 5 of the Ohio Constitution. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies Some rules have been amended in succeeding years, again pursuant to the Constitution.

(B) Effective date of amendments

~~The amendments submitted~~ Amendments to these rules filed hereafter by the supreme court to Supreme Court with the general assembly on January 15, 1972 General Assembly pursuant to Article IV, Section 5 of the Ohio Constitution, and not thereafter the subject of a concurrent resolution of disapproval, shall take effect on the following first day of July; 1972. They shall govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the rules amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(C) Effective date of amendments

~~The amendments submitted by the supreme court to the general assembly on January 12, 1973, and on April 30, 1973, shall take effect on July 1, 1973. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(D) Effective date of amendments

~~The amendments submitted by the supreme court to the general assembly on January 10, 1975, and on April 29, 1975, shall take effect on July 1, 1975. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then~~

pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(E) Effective date of amendments

The amendments submitted by the supreme court to the general assembly on January 9, 1976, shall take effect on July 1, 1976. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(F) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 12, 1978 shall take effect on July 1, 1978. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(G) Effective date of amendments

The amendments submitted by the Supreme court to the General Assembly on January 14, 1982 shall take effect on July 1, 1982. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(H) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on December 24, 1984 and January 8, 1985 shall take effect on July 1, 1985. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(I) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1988, as amended, shall take effect on July 1, 1988. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

186
187 **(J) Effective date of amendments**
188

189 ~~The amendments submitted by the Supreme Court to the General Assembly on January 6,~~
190 ~~1989, shall take effect on July 1, 1989. They govern all proceedings in actions brought~~
191 ~~after they take effect and also all further proceedings in actions then pending, except to the~~
192 ~~extent that their application in a particular action pending when the amendments take effect~~
193 ~~would not be feasible or would work injustice, in which event the former procedure applies.~~

194
195 **(K) Effective date of amendments**
196

197 ~~The amendments submitted by the Supreme Court to the General Assembly on January 10,~~
198 ~~1991 shall take effect on July 1, 1991. They govern all proceedings in actions brought after~~
199 ~~they take effect and also all further proceedings in actions then pending, except to the extent~~
200 ~~that their application in a particular action pending when the amendments take effect would~~
201 ~~not be feasible or would work injustice, in which event the former procedure applies.~~

202
203 **(L) Effective date of amendments**
204

205 ~~The amendments filed by the Supreme Court with the General Assembly on January 14,~~
206 ~~1992 and further filed on April 30, 1992, shall take effect on July 1, 1992. They govern~~
207 ~~all proceedings in actions brought after they take effect and also all future proceedings in~~
208 ~~actions then pending, except to the extent that their application in a particular action~~
209 ~~pending when the amendments take effect would not be feasible or would work injustice,~~
210 ~~in which event the former procedure applies.~~

211
212 **(M) Effective date of amendments**
213

214 ~~The amendments submitted by the Supreme Court to the General Assembly on January 8,~~
215 ~~1993 and further revised and filed on April 30, 1993 shall take effect on July 1, 1993. They~~
216 ~~govern all proceedings in actions brought after they take effect and also all further~~
217 ~~proceedings in actions then pending, except to the extent that their application in a~~
218 ~~particular action pending when the amendments take effect would not be feasible or would~~
219 ~~work injustice, in which event the former procedure applies.~~

220
221 **(N) Effective date of amendments**
222

223 ~~The amendments submitted by the Supreme Court to the General Assembly on January 14,~~
224 ~~1994 and further revised and filed on April 29, 1994 shall take effect on July 1, 1994. They~~
225 ~~govern all proceedings in actions brought after they take effect and also all further~~
226 ~~proceedings in actions then pending, except to the extent that their application in a~~
227 ~~particular action pending when the amendments take effect would not be feasible or would~~
228 ~~work injustice, in which event the former procedure applies.~~

229
230 **(O) Effective date of amendments**
231

The amendments to Rules 4 and 5 filed by the Supreme Court with the General Assembly on January 5, 1996 and further revised and filed on April 26, 1996 shall take effect on July 1, 1996. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(P) Effective date of amendments

The amendments to Rules 6, 11, 19, 26, 31, 32, 33, 34, 41, 42, and 43 filed by the Supreme Court with the General Assembly on January 10, 1997 and further revised and filed on April 24, 1997 shall take effect on July 1, 1997. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Q) Effective date of amendments

The amendments to Appellate Rule 11.2 filed by the Supreme Court with the General Assembly on January 13, 2000 and refiled on April 27, 2000 shall take effect on July 1, 2000. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(R) Effective date of amendments

The amendments to Appellate Rules 7, 11.2, 13, and 18 filed by the Supreme Court with the General Assembly on January 12, 2001, and revised and refiled on April 26, 2001, shall take effect on July 1, 2001. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(S) Effective date of amendments

The amendments to Appellate Rule 4 filed by the Supreme Court with the General Assembly on January 11, 2002, and revised and refiled on April 18, 2002 shall take effect on July 1, 2002. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(T) Effective date of amendments

~~The amendments to Appellate Rule 5 filed by the Supreme Court with the General Assembly on January 9, 2003 and refiled on April 28, 2003, shall take effect on July 1, 2003. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(U) Effective date of amendments

~~The amendments to Appellate 22 filed by the Supreme Court with the General Assembly on January 14, 2008 and refiled on April 28, 2008 shall take effect on July 1, 2008. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(V) Effective date of amendments

~~The amendments to Appellate 4 filed by the Supreme Court with the General Assembly on January 14, 2009 and refiled on April 30, 2009 shall take effect on July 1, 2009. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(W) Effective date of amendments

~~The amendments to Rules 14, 15, 25, and 26 filed by the Supreme Court with the General Assembly on January 14, 2010 and revised and refiled on April 28, 2010 shall take effect on July 1, 2010. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(X) Effective date of amendments

~~The amendments to Rules 4, 9, 21, 25, and 26 filed by the Supreme Court with the General Assembly on January 5, 2011 and revised and refiled on April 21, 2011 shall take effect on July 1, 2011. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(Y) Effective date of amendments

The amendments to Rules 4, 10, 13, 14, 16, 21, 26, and 43 filed by the Supreme Court with the General Assembly on January 13, 2012 and revised and refiled on April 30, 2012 shall take effect on July 1, 2012. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Z) Effective date of amendments

The amendments to Rules 3, 4, 9, 11.1, 16, 21, and 43 filed by the Supreme Court with the General Assembly on January 15, 2013 and revised and refiled on April 29, 2013 shall take effect on July 1, 2013. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(AA) Effective date of amendments

The amendments to Rules 4, 9, 10, and 11, and 43 filed by the Supreme Court with the General Assembly on January 15, 2014 and revised and refiled on April 30, 2014 shall take effect on July 1, 2014. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(BB) Effective date of amendments

The amendments to Rules 3, 9, 11.2, 12, 13, and 43 filed by the Supreme Court with the General Assembly on January 15, 2015 and revised and refiled on April 30, 2015 shall take effect on July 1, 2015. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(CC) Effective date of amendments

The amendments to Rules 11.1 and 19 filed by the Supreme Court with the General Assembly on January 6, 2017 and revised and refiled on April 26, 2017 shall take effect on July 1, 2017. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(DD) Effective date of amendments

The amendments to Rules 3 and 5 filed by the Supreme Court with the General Assembly on January 9, 2019 and revised and refiled on April 24, 2019 shall take effect on July 1, 2019. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(EE) Effective date of amendments

The amendments to Appellate Rules 3, 19, and 21, filed by the Supreme Court with the General Assembly on January 15, 2020 and refiled on March 12, 2020 and April 22, 2020 shall take effect on July 1, 2020. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(FF) Effective date of amendments

The amendments to Appellate Rules 4 and 21, filed by the Supreme Court with the General Assembly on January 13, 2021 and refiled on April 29, 2021 shall take effect on July 1, 2021. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

392 OHIO RULES OF CIVIL PROCEDURE

393
394 **RULE 65.1. Civil Protection Orders.**

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396 [Existing language unaffected by the amendments is omitted to conserve space]

397
398 **(D) Discovery order**

399
400 **(1) ~~Time.~~**

401
402 ~~Discovery under this rule shall be completed prior to the time set for the full~~
403 ~~hearing.~~

404
405 **(2) ~~Discovery Order.~~**

406
407 Discovery may be had only upon the entry of an order containing all of the
408 following to the extent applicable:

409
410 ~~(a)~~(1) The time and place of the discovery;

411
412 ~~(b)~~(2) The identities of the persons permitted to be present, which shall
413 include any victim advocate;

414
415 ~~(c)~~(3) Such terms and conditions deemed by the court to be necessary to
416 assure the safety of the Petitioner, including if applicable, maintaining the
417 confidentiality of the Petitioner's address and other contact information.

418
419 [Existing language unaffected by the amendments is omitted to conserve space]

420
421
422
423 **RULE 86. Effective Date.**

424
425 **(A) ~~Effective date of~~ Original rules**

426
427 ~~These rules shall take~~ The Ohio Rules of Civil Procedure originally took effect on the first
428 ~~day of July 1, 1970, pursuant to Article IV, Section 5 of the Ohio Constitution. They~~
429 ~~govern all proceedings in actions brought after they take effect and also all further~~
430 ~~proceedings in actions then pending, except to the extent that in the opinion of the court~~
431 ~~their application in a particular action pending when the rules take effect would not be~~
432 ~~feasible or would work injustice, in which event the former procedure applies~~ Some rules
433 have been amended in succeeding years, again pursuant to the Constitution.

434
435 **(B) Effective date of amendments**

436

~~The amendments submitted~~ Amendments to these rules filed hereafter by the Supreme Court to with the General Assembly on January 15, 1971, on April 14, 1971, and on April 30, 1971 pursuant to Article IV, Section 5 of the Ohio Constitution, and not thereafter the subject of a concurrent resolution of disapproval, shall take effect on the following first day of July, 1971. They shall govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that ~~in the opinion of the court~~ their application in a particular action pending when the ~~rules amendments~~ take effect would not be feasible or would work injustice, in which event the former procedure applies.

(C) Effective date of amendments

~~The amendments submitted by the Supreme Court to the General Assembly on January 15, 1972, and on May 1, 1972, shall take effect on the first day of July, 1972. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(D) Effective date of amendments

~~The amendments submitted by the supreme court to the general assembly on January 12, 1973, shall take effect on the first day of July 1973. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(E) Effective date of amendments

~~The amendments submitted by the Supreme Court to the General Assembly on January 10, 1975 and on April 29, 1975, shall take effect on July 1, 1975. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(F) Effective date of amendments

~~The amendments submitted by the Supreme Court to the General Assembly on January 9, 1976, shall take effect on July 1, 1976. They govern all proceeding in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible, or would work injustice, in which event the former procedure applies.~~

(G) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 12, 1978, and on April 28, 1978, shall take effect on July 1, 1978. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(H) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1980 shall take effect on July 1, 1980. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(I) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 12, 1983 shall take effect on July 1, 1983. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(J) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 12, 1984 shall take effect on July 1, 1984. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(K) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on December 24, 1984 and January 8, 1985 shall take effect on July 1, 1985. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(L) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 9, 1986 shall take effect on July 1, 1986. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent

that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(M) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1988 shall take effect on July 1, 1988. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(N) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 6, 1989 shall take effect on July 1, 1989. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(O) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 10, 1991 and further revised and submitted on April 29, 1991, shall take effect on July 1, 1991. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(P) Effective date of amendments

The amendments filed by the Supreme Court with the General Assembly on January 14, 1992 and further revised and filed on April 30, 1992, shall take effect on July 1, 1992. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Q) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 8, 1993 and further revised and filed on April 30, 1993 shall take effect on July 1, 1993. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(R) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1994 and further revised and filed on April 29, 1994 shall take effect on July 1, 1994. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(S) Effective date of amendments

The amendments to Rules 11 and 53 filed by the Supreme Court with the General Assembly on January 11, 1995 shall take effect on July 1, 1995. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(T) Effective Date of Amendments

The amendments to Rules 4.2, 19.1, 53, 54, 59, 73, and 75 filed by the Supreme Court with the General Assembly on January 5, 1996 and refiled on April 26, 1996 shall take effect on July 1, 1996. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(U) Effective date of amendments

The amendments to Rules 4.1, 4.2, 4.3, 4.5, 4.6, 30, 56, 73, and 75 filed by the Supreme Court with the General Assembly on January 10, 1997 and refiled on April 24, 1997 shall take effect on July 1, 1997. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(V) Effective date of amendments

The amendments to Rules 3, 53, and 75 filed by the Supreme Court with the General Assembly on January 15, 1998 and further revised and refiled on April 30, 1998 shall take effect on July 1, 1998. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(W) Effective date of amendments

~~The amendments to Rules 24, 33, and 56 filed by the Supreme Court with the General Assembly on January 13, 1999 shall take effect on July 1, 1999. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(X) Effective date of amendments

~~The amendments to Civil Rule 83 filed by the Supreme Court with the General Assembly on January 13, 2000 and refiled on April 27, 2000 shall take effect on July 1, 2000. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(Y) Effective date of amendments

~~The amendments to Civil Rules 5, 11, 28, 41, 73, and 75 filed by the Supreme Court with the General Assembly on January 12, 2001, and revised and refiled on April 26, 2001, shall take effect on July 1, 2001. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(Z) Effective date of amendments

~~The amendments to Civil Rule 53 filed by the Supreme Court with the General Assembly on January 9, 2003 and refiled on April 28, 2003, shall take effect on July 1, 2003. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(AA) Effective date of amendments

~~The amendments to Civil Rule 33 and 36 filed by the Supreme Court with the General Assembly on January 7, 2004 and refiled on April 28, 2004 shall take effect on July 1, 2004. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(BB) Effective date of amendments

The amendments to Civil Rules 3, 10, 34, 36, 42, 45, 47, and 51 filed by the Supreme Court with the General Assembly on January 14, 2005 and revised and refiled on April 20, 2005 shall take effect on July 1, 2005. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(CC) Effective date of amendments

The amendments to Civil Rules 30, 47, and 53 filed by the Supreme Court with the General Assembly on January 12, 2006 shall take effect on July 1, 2006. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(DD) Effective date of amendments

The amendments to Civil Rule 10 filed by the Supreme Court with the General Assembly on January 11, 2007 and refiled April 30, 2007 shall take effect on July 1, 2007. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(EE) Effective date of amendments

The amendments to Civil Rules 4, 16, 26, 33, 34, 36, 37, and 45 filed by the Supreme Court with the General Assembly on January 14, 2008 and refiled on April 28, 2008 shall take effect on July 1, 2008. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(FF) Effective date of amendments

The amendments to Civil Rules 4.2, 33, 36 and 47 filed by the Supreme Court with the General Assembly on January 14, 2009 and revised and refiled on April 30, 2009 shall take effect on July 1, 2009. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(GG) Effective date of amendments

~~The amendments to the Uniform Domestic Relations Forms (Affidavits 1 through 5), approved on May 25, 2010 by the Supreme Court pursuant to Ohio Rule of Civil Procedure 84 are effective July 1, 2010.~~

(HH) Effective date of amendments

~~The amendments to Civil Rule 53 and 84 filed by the Supreme Court with the General Assembly on January 5, 2011 and refiled on April 21, 2011 shall take effect on July 1, 2011. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(II) Effective date of amendments

~~The amendments to Civil Rules 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 5, 6, 11, 26, 30, 33, 36, 45, 47, 58, 65.1, 73, and 86 filed by the Supreme Court with the General Assembly on January 13, 2012 and revised and refiled on April 30, 2012 shall take effect on July 1, 2012. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(JJ) Effective date of amendments

~~The amendments to Civil Rules 4.4, 15, 40, 50, 59, and 86 filed by the Supreme Court with the General Assembly on January 15, 2013 and revised and refiled on April 29, 2013 shall take effect on July 1, 2013. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(KK) Effective date of amendments

~~New Uniform Domestic Relations Forms (6-28), approved on April 11, 2013 by the Supreme Court pursuant to Ohio Rule of Civil Procedure 84 are effective July 1, 2013.~~

(LL) Effective date of amendments

~~The amendment to the Appendix of Forms (Repeal of Form 20) of the Ohio Rules of Civil Procedure is effective September 1, 2013, pursuant to the Court's authority under Civil Rule 84.~~

(MM) Effective date of amendments

The amendments to Civil Rules 4.3, 4.5, 4.6, 7, 33, 36, 45, 75, and 86 filed by the Supreme Court with the General Assembly on January 15, 2014 and revised and refiled on April 30, 2014 shall take effect on July 1, 2014. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(NN) Effective date of amendments

The amendments to Civil Rules 1, 5, 6, 7, 23, 25, 30, 42, 43, 50, 52, 56, 59, and 86 filed by the Supreme Court with the General Assembly on January 15, 2015 and refiled on April 30, 2015 shall take effect on July 1, 2015. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(OO) Effective date of amendments

The amendments to the Uniform Domestic Relations Forms (Affidavits 1, 2, 4, and 5 and Forms 6 through 12 and 14 through 20), approved on February 23, 2016, by the Supreme Court pursuant to Ohio Rule of Civil Procedure 84 are effective March 15, 2016.

(PP) Effective date of amendments

The amendments to Civil Rules 4.1, 4.2, 4.4, 5, 10, 19.1, 37, 54, 65.1, and 86 filed by the Supreme Court with the General Assembly on January 13, 2016 and refiled on April 29, 2016 shall take effect on July 1, 2016. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(QQ) Effective date of amendments

The amendments to Civil Rules 4.2, 19.1, 30, 33, 34, 36 and 62 filed by the Supreme Court with the General Assembly on January 6, 2017 and refiled on April 26, 2017 shall take effect on July 1, 2017. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(RR) Effective date of amendments

The amendments to Civil Rules 3, 4.4, 5, 50, 59, and 75 filed by the Supreme Court with the General Assembly on January 9, 2018 and refiled on April 24, 2018 shall take effect on July 1, 2018. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their

application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(SS) Effective date of amendments

The amendments to Civil Rules 6, 7, 33, 34, 36, 47, 54, and 56 filed by the Supreme Court with the General Assembly on January 9, 2019 and refiled on April 24, 2019 shall take effect on July 1, 2019. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(TT) Effective date of amendments

The amendments to Civil Rules 4, 4.1, 4.7, 16, 26, 53, and 73 filed by the Supreme Court with the General Assembly on January 15, 2020 and refiled on March 12, 2020 and April 22, 2020 shall take effect on July 1, 2020. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(UU) Effective date of amendments

The amendments to Civil Rules 16, 26, 34, and 37, filed by the Supreme Court with the General Assembly on January 13, 2021 and refiled on April 29, 2021 shall take effect on July 1, 2021. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(VV) Effective date of amendments

The amendments to Civil Rules 4.7, 5, 11, 16, 26, 28, and 31, filed by the Supreme Court with the General Assembly on January 12, 2022 and refiled on April 26, 2022 shall take effect on July 1, 2022. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(WW) Effective date of amendments

The amendments to Civil Rules 1, 1.1, 4.1, 4.6, 10, 26, 30, 33, 36, 37, 39, 43, 45, 53, 57, 65.1, 73, and 75, filed by the Supreme Court with the General Assembly on January 10, 2023 and refiled on April 27, 2023 shall take effect on July 1, 2023. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action

849 pending when the amendments take effect would not be feasible or would work injustice,
850 in which event the former procedure applies.

851
852 **(XX) Effective date of amendments**

853
854 The amendments to Civil Rules 4, 4.1, 4.7, 30, and 45, filed by the Supreme Court with the
855 General Assembly on January 10, 2024 and refiled on May 1, 2024 shall take effect on July
856 1, 2024. They govern all proceedings in actions brought after they take effect and also all
857 further proceedings in actions then pending, except to the extent that their application in a
858 particular action pending when the amendments take effect would not be feasible or would
859 work injustice, in which event the former procedure applies.

860 OHIO RULES OF CRIMINAL PROCEDURE

861
862 **RULE 2. Definitions**

863
864 [Existing language unaffected by the amendments is omitted to conserve space]

865
866 (Q) “Victim” has the same meaning as provided in Chapter 2930 of the Revised Code. For
867 purposes of these rules, the term “victim” includes the “victim’s representative” and “victim’s
868 attorney,” as those terms are defined in Chapter 2930 of the Revised Code.

869
870 [Existing language unaffected by the amendments is omitted to conserve space]

871
872
873 **Proposed Staff Note (July 1, 2025, Amendment)**

874
875 **CrimR.2(Q)**

876
877 **Subsection (Q), definition of “victim.”** In that the Rules provide procedural implementation of
878 substantive law, the meaning of “victim” in the Rules needs to be consistent with the definitions found in
879 Article I, Section 10a of the Ohio Constitution and R.C. 2930.01, respectively. R.C. 2930.01(H) defines
880 “victim” as having “the same meaning as in Section 10a of Article I of the Ohio Constitution,” which, with
881 few exceptions, is “a person against whom the *criminal offense* or delinquent act is committed or who is
882 directly and proximately harmed by the commission of the offense or act.” (Art. I, Sec. 10a (D), emphasis
883 added). “Criminal offense” is not defined in Article I, Sec. 10a of the Ohio Constitution.

884
885 R.C. 2930.01(A) defines “criminal offense,” to include “alleged” acts or omissions –thus avoiding
886 any confusion between an alleged criminal offense and a criminal offense for which the defendant has
887 already been found guilty or adjudicated delinquent. By adopting the statutory meaning of “victim,” the
888 Rules also avoid confusion as to whether there can be a “victim” prior to the return of a guilty verdict or an
889 adjudication of delinquency – “victim” encompasses all stages of the process and should not be interpreted
890 as diminishing the constitutional presumption of innocence.

891
892
893
894 **RULE 2.1 Victim’s Rights and Responsibilities**

895
896 (A) Whenever a victim has a right to be heard at a public proceeding, the court shall allow the
897 victim to address the court orally, in writing, or both. When necessary, the court shall provide the
898 victim with the aid of an interpreter at no expense to the victim.

899
900 (B) Whenever these Rules reference a duty to provide notice to the victim or an opportunity
901 for the victim to be heard, such obligations shall not apply if the court finds that the victim has
902 either elected not to participate or has failed to respond to sufficient notice of their right to
903 participate, as provided by law.

904
905 (C) The court shall advise the victim of their right to appeal, where applicable.

906
907
908 **Proposed Staff Note (July 1, 2025, Amendment)**

Crim.R. 2.1

Crim.R. 2.1 is intended to ensure that these Rules are in accord with Chapter 2930 of the Revised Code.

Subsection (B) is consistent with R.C. 2930.03 and 2930.09 in recognizing the court's responsibilities to provide a victim with notice or an opportunity to be heard applies only to victims who, after proper statutory notice, elect to be involved in the proceedings. Chapter 2930 imposes other out-of-court notice requirements not covered within these Rules. See, e.g., R.C. 2930.16 (post-conviction notice of modification of incarceration).

Subsection (C) requires the trial court to advise the victim of their appellate rights under R.C. 2930.19.

RULE 5. Initial Appearance, Preliminary Hearing.

(A) Procedure upon initial appearance

When a defendant first appears before a judge or magistrate, the judge or magistrate shall permit the accused or the accused's counsel to read the complaint or a copy thereof, and shall inform the defendant:

- (1) Of the nature of the charge against the defendant;
- (2) That the defendant has a right to counsel and the right to a reasonable continuance in the proceedings to secure counsel, and, pursuant to Crim.R. 44, the right to have counsel assigned without cost if the defendant is unable to employ counsel;
- (3) That the defendant need make no statement and any statement made may be used against the defendant;
- (4) Of the right to a preliminary hearing in a felony case, when the defendant's initial appearance is not pursuant to indictment;
- (5) Of the right, where appropriate, to jury trial and the necessity to make demand therefor in petty offense cases.

In addition, if the defendant has not been admitted to bail for a bailable offense, the judge or magistrate shall admit the defendant to bail as provided ~~in these rules~~ by law.

In felony cases the defendant shall not be called upon to plead either at the initial appearance or at a preliminary hearing.

In misdemeanor cases the defendant may be called upon to plead at the initial appearance. Where the defendant enters a plea the procedure established by Crim.R. 10 and Crim.R. 11 applies.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2025 Amendment)

Crim.R. 5(A)

Procedure upon initial appearance

The amendment recognizes the 2023 repeal of Crim.R. 46. R.C. 2930.011 and other statutory provisions now address bail.

RULE 7. The Indictment and the Information.

[Existing language unaffected by the amendments is omitted to conserve space]

(E) Bill of particulars

When the defendant makes a written request within twenty-one days after arraignment but not later than seven days before trial, or upon court order, the prosecuting attorney shall furnish the defendant with a bill of particulars setting up specifically the nature of the offense ~~charge~~ charged and of the conduct of the defendant alleged to constitute the offense. A bill of particulars may be amended at any time subject to such conditions as justice requires.

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 11. Pleas, Rights Upon Plea.

[Existing language unaffected by the amendments is omitted to conserve space]

(F) Negotiated plea cases

When a negotiated plea of guilty or no contest to one or more offenses charged or to one or more other or lesser offenses is offered, the underlying agreement upon which the plea is based shall be stated on the record in open court. ~~To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code, before accepting the plea, the trial court shall allow an alleged victim of the crime to raise any objection to the terms of the plea agreement.~~

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 12. Pleadings and Motions Before Trial: Defenses and Objections.

[Existing language unaffected by the amendments is omitted to conserve space]

(K) Appeal by state

When the state takes an appeal as provided by law from an order suppressing or excluding evidence, or from an order directing pretrial disclosure of evidence, the prosecuting attorney shall certify that both of the following apply:

- (1) the appeal is not taken for the purpose of delay;
- (2) the ruling on the motion or motions has rendered the state's proof with respect to the pending charge so weak in its entirety that any reasonable possibility of effective prosecution has been destroyed, or the pretrial disclosure of evidence ordered by the court will have one of the effects enumerated in Crim.R. 16(D).

The appeal from an order suppressing or excluding evidence shall not be allowed unless the notice of appeal and the certification by the prosecuting attorney are filed with the clerk of the trial court within seven days after the date of the entry of the judgment or order granting the motion. Any appeal taken under this rule shall be prosecuted diligently.

If the defendant previously has not been released, the defendant shall, except in capital cases, be released from custody on the defendant's own recognizance pending appeal when the prosecuting attorney files the notice of appeal and certification.

~~This appeal shall take precedence over all other appeals.~~

If an appeal from an order suppressing or excluding evidence pursuant to this division results in an affirmance of the trial court, the state shall be barred from prosecuting the defendant for the same offense or offenses except upon a showing of newly discovered evidence that the state could not, with reasonable diligence, have discovered before filing of the notice of appeal.

(L) ~~Motions by alleged~~ Motion practice by a victim

To the extent required by ~~Article I, Section 10a of the Ohio Constitution or by the Revised Code law~~, the court shall allow ~~an alleged the~~ the victim ~~of the crime~~ to file pretrial motions in accordance with the time parameters in subsection (D) and to respond to any motion filed by either the prosecution or the defendant within a time prescribed by the court.

(M) Appeal by victim

An interlocutory appeal by or on behalf of the victim as provided by law shall not be allowed unless the notice of appeal is filed with the clerk of the trial court within fourteen days after notice of the judgment or order being appealed was provided to the victim pursuant to law.

Proposed Staff Note (July 1, 2025, Amendment)

Crim.R. 12(L) **Motion practice by a victim**

Crim.R. 12(L)'s language regarding a victim's ability to file or respond to motions is limited to issues directly implicating the victim's rights as enumerated in Ohio Const., Art. I, Section 10a. See R.C. 2930.19(B)(1).

Crim.R. 12(M) **Appeal by victim**

Crim.R. 12(M) applies only when a victim has a constitutional or statutory right to appeal, i.e. where the availability of an appeal is provided by law. Crim.R 12(M) also provides that a victim's appeal must be initiated by a timely filing with the clerk of the trial court.

RULE 16. Discovery and Inspection.

[Existing language unaffected by the amendments is omitted to conserve space]

(L) Regulation of discovery

(1) The trial court may make orders regulating discovery not inconsistent with this rule. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may order such party to permit the discovery or inspection, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may make such other order as it deems just under the circumstances.

(2) The trial court specifically may regulate the time, place, and manner of a *pro se* defendant's access to any discoverable material not to exceed the scope of this rule.

(3) In cases in which the attorney-client relationship is terminated prior to trial for any reason, any material that is designated "counsel only", or limited in dissemination by protective order, must be returned to the state. Any work product derived from said material shall not be provided to the defendant.

(4) To the extent required by ~~Article I, Section 10a of the Ohio Constitution or by the Revised Code law~~, the trial court shall allow ~~an alleged~~ the victim of the crime, ~~who has so requested,~~ to be heard regarding objections to pretrial disclosure.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2025, Amendment)

Crim.R. 16(L)(4)

Crim.R. 16(L)(4) recognizes the victim's right to be heard regarding discovery matters where a victim's rights under the Revised Code or Ohio Const., Art. I, Sec. 10a are implicated. See, e.g., R.C. 2930.07 (victim may object to documents or information in a document, or certain audio or video recordings in cases involving violations of protection orders, offenses of violence, or sex offenses); ~~R.C. 2930.074 (victim may seek to quash subpoena requesting records of or concerning the victim where compliance would be unreasonable or oppressive)~~; R.C. 2930.072 (victim may refuse to do an interview that is conducted by the defendant, the defendant's attorney, or an agent of the defendant).

RULE 32. Sentence.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Notification to defendant of right to appeal

(1) After imposing sentence in a serious offense that has gone to trial, the court shall advise the defendant that the defendant has a right to appeal the conviction.

(2) After imposing sentence in a serious offense, the court shall advise the defendant of the defendant's right, where applicable, to appeal or to seek leave to appeal the sentence imposed.

(3) If a right to appeal or a right to seek leave to appeal applies under division (B)(1) or (B)(2) of this rule, the court also shall advise the defendant of all of the following:

(a) That if the defendant is unable to pay the cost of an appeal, the defendant has the right to appeal without payment;

(b) That if the defendant is unable to obtain counsel for an appeal, counsel will be appointed without cost;

(c) That if the defendant is unable to pay the costs of documents necessary to an appeal, the documents will be provided without cost;

(d) That the defendant has a right to have a notice of appeal timely filed on his or her behalf.

Upon defendant's request, the court shall forthwith appoint counsel for appeal.

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 32.2. Presentence Investigation.

Unless the defendant and the prosecutor in the case agree to waive the presentence investigation report, the court shall, in felony cases, order a presentence investigation and report before imposing community control sanctions or granting probation. The court may order a presentence investigation report notwithstanding the agreement to waive the report. In misdemeanor cases the court may order a presentence investigation before granting probation.

The investigative report, or portions thereof, shall be available to the parties and the victim as provided by law. The reasons for any redaction of portions of the report shall be stated on the record.

Proposed Staff Note (July 1, 2025, Amendment)

Crim. R. 32.2

The Rule has been amended in accord with R.C. 2930.131(A) and provides simultaneous availability to the prosecutor assigned to the case.

RULE 32.3. Revocation of Probation.

[Existing language unaffected by the amendments is omitted to conserve space]

(A) Hearing

The court shall not impose a prison term for violation of the conditions of a community control sanction or revoke probation except after a hearing at which the defendant shall be present and apprised of the grounds on which action is proposed. ~~The defendant may be admitted to bail pending hearing.~~

[Existing language unaffected by the amendments is omitted to conserve space]

(E) Victim's opportunity to be heard

In the event a violation is found and the court proceeds to sentencing, the victim shall have the same opportunity to be heard as provided under Crim.R. 32(A).

[Existing language unaffected by the amendments is omitted to conserve space]

~~RULE 37. Notice to Alleged Victims; Victim's Rights.~~

1191 To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code,
1192 the trial court shall ensure that the alleged victim, upon request, be given notice of all public
1193 proceedings involving the alleged criminal offense against the victim and the opportunity to be
1194 present at all such proceedings. In this regard, the trial court may direct the prosecuting attorney
1195 to provide such notice to the alleged victim.
1196

1197 To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code,
1198 the trial court shall, upon request, provide the alleged victim the opportunity to be heard in any
1199 public proceeding in which a right of the alleged victim is implicated, including but not limited to
1200 public proceedings involving release, plea, sentencing, or disposition.
1201

1202
1203 **Staff Note (July 1, 2019 Amendment)**
1204

1205 **Crim R 37 Victim's opportunity to be heard**
1206

1207 Previously reserved, this new rule was added to comply with the 2017 amendment to Article I,
1208 Section 10a of the Ohio Constitution, also known as Marsy's Law.
1209
1210
1211

1212 **RULE 59. Effective Date.**
1213

1214 **(A) Effective date of Original rules**
1215

1216 These rules shall take The Ohio Rules of Criminal Procedure originally took effect on July
1217 1, 1973, pursuant to Article IV, Section 5 of the Ohio Constitution. except for rules or
1218 portions of rules for which a later date is specified, which shall take effect on such later
1219 date. They govern all proceedings in actions brought after they take effect, and also all
1220 further proceedings in actions then pending, except to the extent that their application in a
1221 particular action pending when the rules take effect would not be feasible or would work
1222 injustice, in which event the former procedure applies Some rules have been amended in
1223 succeeding years, again pursuant to the Constitution.
1224

1225 **(B) Effective date of amendments**
1226

1227 ~~The amendments submitted~~ Amendments to these rules filed hereafter by the supreme court
1228 ~~to Supreme Court with the general assembly on January 10, 1975~~ General Assembly
1229 pursuant to Article IV, Section 5 of the Ohio Constitution, and not thereafter the subject of
1230 a concurrent resolution of disapproval, shall take effect on the following first day of July
1231 1, 1975. They shall govern all proceedings in actions brought after they take effect and also
1232 all further proceedings in actions then pending, except to the extent that their application
1233 in a particular action pending when the amendments take effect would not be feasible or
1234 would work injustice, in which event the former procedure applies.
1235

1236 **(C) Effective date of amendments**
1237

The amendments submitted by the supreme court to the general assembly on January 9, 1976, shall take effect on July 1, 1976. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

(D) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 12, 1978, and on April 28, 1978, shall take effect on July 1, 1978. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(E) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1980, shall take effect on July 1, 1980. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(F) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1981, and on April 29, 1981, shall take effect on July 1, 1981. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(G) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1982 shall take effect on July 1, 1982. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(H) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on December 24, 1984 and January 8, 1985 shall take effect on July 1, 1985. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the

amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(I) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 12, 1990 and further revised and submitted on April 16, 1990, shall take effect on July 1, 1990. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(J) Effective date of amendments

The amendments filed by the Supreme Court with the General Assembly on January 14, 1992 and further revised and filed on April 30, 1992, shall take effect on July 1, 1992. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(K) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 8, 1993 and further filed on April 30, 1993 shall take effect on July 1, 1993. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(L) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1994 and further filed on April 29, 1994 shall take effect on July 1, 1994. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(M) Effective date of amendments

The amendments to rules 12 and 19 filed by the Supreme Court with the General Assembly on January 11, 1995 shall take effect on July 1, 1995. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the

amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(N) Effective date of amendments

~~The amendments to Rule 1 filed by the Supreme Court with the General Assembly on January 5, 1996 and refiled on April 26, 1996 shall take effect on July 1, 1996. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(O) Effective date of amendments

~~The amendments to Rule 35 filed by the Supreme Court with the General Assembly on January 10, 1997 and refiled on April 24, 1997 shall take effect on July 1, 1997. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(P) Effective date of amendments

~~The amendments to Rules 4, 11, 12, 32, 32.1, 32.2, 32.3, and 46 filed by the Supreme Court with the General Assembly on January 15, 1998 and further revised and refiled on April 30, 1998 shall take effect on July 1, 1998. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(Q) Effective date of amendments

~~The amendments to Criminal Rules 7, 17.1, and 19 filed by the Supreme Court with the General Assembly on January 13, 2000 and refiled on April 27, 2000 shall take effect on July 1, 2000. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(R) Effective date of amendments

~~The amendments to Criminal Rule 12 filed by the Supreme Court with the General Assembly on January 12, 2001, and refiled on April 26, 2001, shall take effect on July 1, 2001. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a~~

particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(S) Effective date of amendments

~~The amendments to Criminal Rule 24 filed by the Supreme Court with the General Assembly on January 11, 2002, and refiled on April 18, 2002, shall take effect on July 1, 2002. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(T) Effective date of amendments

~~The amendments to Criminal Rules 4.1, 21, and 32, filed by the Supreme Court with the General Assembly on January 7, 2004 and refiled on April 28, 2004 shall take effect on July 1, 2004. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(U) Effective date of amendments

~~The amendments to Criminal Rules 24 and 30 filed by the Supreme Court with the General Assembly on January 14, 2005 and revised and refiled on April 20, 2005 shall take effect on July 1, 2005. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(V) Effective date of amendments

~~The amendments to Criminal Rules 19, 24, and 46 filed by the Supreme Court with the General Assembly on January 12, 2006 shall take effect on July 1, 2006. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(W) Effective date of amendments

~~The amendments to Criminal Rules 10, 24, and 43 filed by the Supreme Court with the General Assembly on January 14, 2008 and refiled on April 28, 2008 shall take effect on July 1, 2008. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application~~

in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(X) Effective date of amendments

The amendments to Criminal Rules 24 and 32 filed by the Supreme Court with the General Assembly on January 14, 2009 and refiled on April 30, 2009 shall take effect on July 1, 2009. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Y) Effective date of amendments

The amendments to Criminal Rules 12, 16 and 41 filed by the Supreme Court with the General Assembly on January 14, 2010 and revised and refiled on April 28, 2010 shall take effect on July 1, 2010. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Z) Effective date of amendments

The amendments to Criminal Rule 12, 14, 19, and 58 filed by the Supreme Court with the General Assembly on January 5, 2011 and refiled on April 21, 2011 shall take effect on July 1, 2011. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(AA) Effective date of amendments

The amendments to Criminal Rule 5, 15, and 59 filed by the Supreme Court with the General Assembly on January 13, 2012 and revised and refiled on April 30, 2012 shall take effect on July 1, 2012. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(BB) Effective date of amendments

The amendments to Criminal Rule 12, 32, and 59 filed by the Supreme Court with the General Assembly on January 15, 2013 and refiled on April 29, 2013 shall take effect on July 1, 2013. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application

in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(CC) Effective date of amendments

The amendments to Criminal Rule 4, 41, and 59 filed by the Supreme Court with the General Assembly on January 15, 2014 and refiled on April 30, 2014 shall take effect on July 1, 2014. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(DD) Effective date of amendments

The amendments to Criminal Rule 16 and 59 filed by the Supreme Court with the General Assembly on January 13, 2016 and refiled on April 29, 2016 shall take effect on July 1, 2016. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(EE) Effective date of amendments

The amendments to Criminal Rules 5, 32.2, and 42 filed by the Supreme Court with the General Assembly on January 6, 2017 and refiled on April 26, 2017 shall take effect on July 1, 2017. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(FF) Effective date of amendments

The amendments to Criminal Rule 4, filed by the Supreme Court with the General Assembly on January 9, 2018 and refiled on April 24, 2018 shall take effect on July 1, 2018. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(GG) Effective date of amendments

The amendments to Criminal Rules 4, 6, 11, 12, 16, and 37, filed by the Supreme Court with the General Assembly on January 9, 2019 and refiled on April 24, 2019 shall take effect on July 1, 2019. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their

application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(HH) Effective date of amendments

The amendments to Criminal Rules 44 and 46, filed by the Supreme Court with the General Assembly on January 15, 2020 and refiled on March 12, 2020 and April 22, 2020 shall take effect on July 1, 2020. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(II) Effective date of amendments

The amendments to Criminal Rules 11, 19, 33, and 41, filed by the Supreme Court with the General Assembly on January 13, 2021 and refiled on April 29, 2021 shall take effect on July 1, 2021. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(JJ) Effective date of amendments

The amendments to Criminal Rules 3, 4, 12.1, 12.2, 29, and 33, filed by the Supreme Court with the General Assembly on January 12, 2022 and refiled on April 26, 2022 shall take effect on July 1, 2022. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(KK) Effective date of amendments

The amendments to Criminal Rules 1, 2, 4, 6, 9, 10, 12, 15, 19, 40, 43, and 46, filed by the Supreme Court with the General Assembly on January 10, 2023 and refiled on April 27, 2023 shall take effect on July 1, 2023. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

1548 OHIO RULES OF EVIDENCE

1549
1550 **RULE 615. Separation and Exclusion of Witnesses.**

1551
1552 [Existing language unaffected by the amendments is omitted to conserve space]

1553
1554 (B) This rule does not authorize exclusion of any of the following persons from the hearing:

1555
1556 (1) A party who is a natural person;

1557
1558 (2) An officer or employee of a party that is not a natural person designated as its
1559 representative by its attorney;

1560
1561 (3) A person whose presence is shown by a party to be essential to the presentation of
1562 the party's cause;

1563
1564 (4) In a criminal proceeding, ~~an alleged~~ a victim of the charged offense to the extent
1565 that the ~~alleged~~ victim's presence is authorized by statute enacted by the General Assembly
1566 or by the Ohio Constitution. As used in this rule, "victim" has the same meaning as
1567 provided in Chapter 2930 of the Revised Code.

1568
1569 [Existing language unaffected by the amendments is omitted to conserve space]

1570
1571
1572
1573 **RULE 1102. Effective Date.**

1574
1575 (A) ~~Effective date of~~ Original rules

1576
1577 ~~These rules shall take~~ The Ohio Rules of Evidence originally took effect ~~on the first day of~~
1578 July 1, 1980, pursuant to Article IV, Section 5 of the Ohio Constitution. ~~They govern all~~
1579 ~~proceedings in actions brought after they first take effect and also all further proceedings~~
1580 ~~in actions then pending, except to the extent that in the opinion of the court their application~~
1581 ~~in a particular action pending when the rules take effect would not be feasible or would~~
1582 ~~work injustice, in which event former evidentiary rules apply~~ Some rules have been
1583 amended in succeeding years, again pursuant to the Constitution.

1584
1585 (B) **Effective date of amendments**

1586
1587 ~~The amendments submitted~~ Amendments to these rules filed hereafter by the Supreme
1588 Court with the General Assembly ~~on January 14, 1981, and on April 29, 1981~~ pursuant to
1589 Article IV, Section 5 of the Ohio Constitution, and not thereafter the subject of a concurrent
1590 resolution of disapproval, shall take effect on the following first day of July 1, 1981. They
1591 shall govern all further proceedings in actions then pending, except to the extent that their
1592 application in a particular action pending when the amendments take effect would not be
1593 feasible or would work injustice, in which event the former procedure applies.

(C) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 12, 1990, and further revised and submitted on April 16, 1990, shall take effect on July 1, 1990. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(D) Effective Date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 10, 1991 and further revised and submitted on April 29, 1991, shall take effect on July 1, 1991. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(E) Effective date of amendments

The amendments filed by the Supreme Court with the General Assembly on January 14, 1992 and further filed on April 30, 1992, shall take effect on July 1, 1992. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(F) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 8, 1993 and further filed on April 30, 1993 shall take effect on July 1, 1993. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(G) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 14, 1994 and further filed on April 29, 1994 shall take effect on July 1, 1994. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(H) Effective date of amendments

The amendments to Rules 101, 102, and 403 filed by the Supreme Court with the General Assembly on January 5, 1996 and refiled on April 26, 1996 shall take effect on July 1, 1996. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(I) Effective date of amendments

The amendments to Rules 607, 613, 616, 706, and 806 filed by the Supreme Court with the General Assembly on January 15, 1998 and further revised and refiled on April 30, 1998 shall take effect on July 1, 1998. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(J) Effective date of amendments

The amendments to Rules 101 and 1102(I) filed by the Supreme Court with the General Assembly on January 13, 1999 shall take effect on July 1, 1999. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(K) Effective date of amendments

The amendments to Evidence Rule 407 filed by the Supreme Court with the General Assembly on January 13, 2000 and refiled on April 27, 2000 shall take effect on July 1, 2000. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(L) Effective date of amendments

The amendments to Evidence Rules 615 and 804 filed by the Supreme Court with the General Assembly on January 12, 2001, and refiled on April 26, 2001, shall take effect on July 1, 2001. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(M) Effective date of amendments

~~The amendments to Evidence Rules 609 and 615 filed by the Supreme Court with the General Assembly on January 9, 2003 and refiled on April 28, 2003, shall take effect on July 1, 2003. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(N) Effective date of amendments

~~The amendment to Evidence Rule 803 and the repeal of Evidence Rule 706 filed by the Supreme Court with the General Assembly on January 12, 2006 shall take effect on July 1, 2006. The amendment and repeal govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(O) Effective date of amendments

~~The amendments to the Rules of Evidence filed by the Supreme Court with the General Assembly on January 11, 2007 and refiled April 30, 2007 shall take effect on July 1, 2007. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(P) Effective date of amendments

~~The amendments to the Rules of Evidence filed by the Supreme Court with the General Assembly on January 5, 2011 and refiled on April 21, 2011 shall take effect on July 1, 2011. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(Q) Effective date of amendments

~~The amendments to the Rules of Evidence filed by the Supreme Court with the General Assembly on January 13, 2012 and refiled on April 30, 2012 shall take effect on July 1, 2012. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(R) Effective date of amendments

The amendments to the Rules of Evidence 601, 803, and 1102 filed by the Supreme Court with the General Assembly on January 13, 2016 and refiled on April 29, 2016 shall take effect on July 1, 2016. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(S) Effective date of amendments

The amendments to the Rules of Evidence 103 filed by the Supreme Court with the General Assembly on January 6, 2017 and refiled on April 26, 2017 shall take effect on July 1, 2017. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(T) Effective date of amendments

The amendments to the Rules of Evidence 807 filed by the Supreme Court with the General Assembly on January 9, 2018 and refiled on April 24, 2018 shall take effect on July 1, 2018. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(U) Effective date of amendments

The amendments to the Rules of Evidence 615 and 801 filed by the Supreme Court with the General Assembly on January 9, 2019 and refiled on April 24, 2019 shall take effect on July 1, 2019. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(V) Effective date of amendments

The amendments to the Rules of Evidence 601 and 902 filed by the Supreme Court with the General Assembly on January 15, 2020 and refiled on March 12, 2020 and April 22, 2020 shall take effect on July 1, 2020. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(W) Effective date of amendments

The amendments to the Rule of Evidence 601 filed by the Supreme Court with the General Assembly on January 13, 2021 and refiled on April 29, 2021 shall take effect on July 1, 2021. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(X) Effective date of amendments

The amendments to the Rule of Evidence 404, 502, 606, 801, and 803, filed by the Supreme Court with the General Assembly on January 12, 2022 and refiled on April 26, 2022 shall take effect on July 1, 2022. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Y) Effective date of amendments

The amendments to the Rule of Evidence 101, 601, 607, 609, and 616, filed by the Supreme Court with the General Assembly on January 10, 2023 and refiled on April 27, 2023 shall take effect on July 1, 2023. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

Staff Note (July 1, 1999 Amendment)

Rule 1102 Effective Date

Division (I) of this rule, governing rules and amendments that took effect July 1, 1998, was amended to delete an erroneous reference to Rule 611 of the Rules of Evidence. Evid.R. 611 was not amended in 1998 and the reference to it was deleted from division (I).

Staff Note (July 1, 2007 Amendments)

The 2007 amendments to the Ohio Rules of Evidence make no substantive changes to the rules. The rules are amended to apply gender neutral language.

1817 **OHIO RULES OF JUVENILE PROCEDURE**

1818

1819 **RULE 2. Definitions.**

1820

1821 [Existing language unaffected by the amendments is omitted to conserve space]

1822

1823 (WW) “Victim” has the same meaning as provided in Chapter 2930 of the

1824 Revised Code. For purposes of these rules, the term “victim” includes the

1825 “victim’s representative” and “victim’s attorney.” as those terms are defined in

1826 Chapter 2930 of the Revised Code.

1827

1828

1829 **Proposed Staff Note (July 1, 2025, Amendment)**

1830

1831 **Juv.R.2 Subsection (WW), definition of “victim.”**

1832

1833 In that the Rules provide procedural implementation of substantive law, the meaning of “victim” in

1834 the Rules needs to be consistent with the definitions found in Article I, Section 10a of the Ohio Constitution

1835 and R.C. 2930.01, respectively. R.C. 2930.01(H) defines “victim” as having “the same meaning as in

1836 Section 10 of Article I of the Ohio Constitution,” which, with few exceptions, is “a person against whom the

1837 *criminal offense* or delinquent act is committed or who is directly and proximately harmed by the

1838 commission of the offense or act.” (Art. I, Sec. 10a (D), emphasis added). ~~“Criminal offense Delinquent~~

1839 ~~act”~~ is not defined in Article I, Sec. 10a of the Ohio Constitution.

1840

1841 R.C. 2930.01(A O) defines ~~“criminal offense delinquent act,”~~ to include “alleged” acts or omissions

1842 thus avoiding any confusion between an alleged ~~criminal offense delinquent act~~ and a ~~criminal offense~~

1843 ~~delinquent act~~ for which the ~~defendant~~ juvenile has already been found guilty or adjudicated delinquent. By

1844 adopting the statutory definition of “victim,” the Rules also avoid confusion as to whether there can be a

1845 “victim” prior to the return of a guilty verdict or an adjudication of delinquency – “victim” encompasses all

1846 stages of the process and should not be interpreted as diminishing the constitutional presumption of

1847 innocence.

1848

1849

1850

1851 **RULE 3. Waiver of Rights.**

1852

1853 [Existing language unaffected by the amendments is omitted to conserve space]

1854

1855 (F) A victim who fails to request initial notice pursuant to law, or who later opts out of

1856 receiving notices, may resubmit their request to receive notices at any time, as provided by law.

1857

1858

1859

1860 **RULE 4. Assistance of Counsel; Guardian Ad Litem.**

1861

1862 [Existing language unaffected by the amendments is omitted to conserve space]

1863

1864 **(H) Victim’s Attorney**

1865

1866 Victims may retain an attorney to assert their constitutional and statutory rights. Counsel

will not be appointed for victims, except pursuant to Revised Code 2907.02(F), as provided by law.

RULE 7. Detention and Shelter Care.

[Existing language unaffected by the amendments is omitted to conserve space]

(F) Detention hearing

(1) Hearing: time; notice

When a child has been admitted to detention or shelter care, a detention hearing shall be held promptly, not later than seventy-two hours after the child is placed in detention or shelter care or the next court day, whichever is earlier, to determine whether detention or shelter care is required. Reasonable oral or written notice of the time, place, and purpose of the detention hearing shall be given to the child and to the parents, guardian, or other custodian if that person or those persons can be found, and to the victim pursuant to law.

(2) Hearing: advisement of rights

Prior to the hearing, the court shall inform the parties of the right to counsel and to appointed counsel if indigent and the child's right to remain silent with respect to any allegation of a juvenile traffic offense, delinquency, or unruliness.

(3) Hearing procedure

The court may consider any evidence, including the reports filed by the person who brought the child to the facility and the admissions officer, without regard to formal rules of evidence. Unless it appears from the hearing that the child's detention or shelter care is required under division (A) of this rule, and except as provided in division (F)(4) of this rule, the court shall order the child's release to a parent, guardian, or custodian. Whenever abuse, neglect, or dependency is alleged, the court shall determine whether there are any appropriate relatives of the child who are willing to be temporary custodians and, if so, appoint an appropriate relative as the temporary custodian of the child. The court shall make a reasonable efforts determination in accordance with Juv.R. 27(B)(1). The victim, if present, has the right to be heard orally, in writing, or both, on the conditions of release.

(4) Release of child; serious youthful offender

With respect to a child alleged to be or adjudicated a serious youthful offender, the juvenile court shall set the terms and conditions for release of the child.

(5) Notice to victim

The prosecutor shall notify a victim of court orders pertaining to the detention or release of the child or any modifications to the conditions of release if requested by the victim. If the prosecutor is not involved in this stage of the proceeding, the court shall notify a victim of court orders pertaining to the detention or release of a child or any modifications to the conditions of release if requested by the victim.

(G) Rehearing

(1) If a parent, guardian, or custodian did not receive notice of the initial hearing and did not appear or waive appearance at the hearing, the court shall rehear the matter promptly. After a child is placed in shelter care or detention care, any party and the guardian ad litem of the child may file a motion with the court requesting that the child be released from detention or shelter care. Upon the filing of the motion, the court shall hold a hearing within seventy-two hours.

(2) When required by law to rehear the matter of an alleged delinquent's release, The court shall also rehear the matter do so promptly upon the request of a victim who requested notice of the hearing but did not receive it.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 7(F)(1)

The language of Section (F)(1) is in accord with R.C. 2930.05.

Juv.R. 7(G)(2)

The language of Section (G)(2) is in reference to the procedures outlined in R.C. 2930.05(B)(1).

RULE 11. Transfer to Another County.

(A) Residence in another county; transfer optional

If the child resides in a county of this state and the proceeding is commenced in a court of another county, that court, on its own motion or a motion of a party, may transfer the proceeding to the county of the child's residence upon the filing of the complaint or after the adjudicatory or dispositional hearing for such further proceeding as required. The prosecutor shall inform the court either orally or in writing of the victim's position. The court may set the matter for hearing to provide the victim an opportunity to be heard before making the transfer decision.

The court of the child's residence shall then proceed as if the original complaint had been filed in that court. Transfer may also be made if the residence of the child changes.

[Existing language unaffected by the amendments is omitted to conserve space]

(E) Notification to victims

~~Victims who have submitted the victim's rights form~~ Whenever a victim has requested notification as provided by law, they shall be notified of a transfer ~~or other rulings and orders made thereto.~~

RULE 17. Subpoena.

[Existing language unaffected by the amendments is omitted to conserve space]

(D) Protection of persons subject to subpoenas

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2)

(a) A person commanded to produce under division (A)(1)(b)(ii), (iii), or (iv) of this rule is not required to appear in person at the place of production or inspection unless commanded to attend and give testimony at a trial, hearing, proceeding, or deposition.

(b) Subject to division (E)(2) of this rule, a person commanded to produce under division (A)(1)(b)(ii), (iii), or (iv) of this rule may serve upon the party or attorney designated in the subpoena written objections to production. The objections must be served within fourteen days after service of the subpoena or before the time specified for compliance if that time is less than fourteen days after service. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court that issued the subpoena. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions,

if the subpoena does any of the following:

- (a) Fails to allow reasonable time to comply;
- (b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
- (c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
- (d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (D)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (D)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (D)(3)(c) or (D)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

(6) Records of or concerning the victim may be produced as permitted by the Revised Code law.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 17(D)(6)

Subsection (D)(6), records concerning victim. Revised Code Section 2930.071 describes the process by which a defendant may subpoena records of or concerning a victim.

RULE 20. Service and Filing of Papers When Required Subsequent to Filing of Complaint.

(A) Service: when required

Written notices, requests for discovery, designation of record on appeal and written motions, other than those which are heard ex parte, and similar papers shall be served upon each of the parties. When a victim files a notice of appearance, copies of all notices and motions where a victim's rights may be at issue, and court orders filed thereafter, shall be served upon the victim in the same manner as the parties in the case.

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 20(A) Service: when required

The language concerning notice of appearance follows the statutory language in R.C. 2930.191. Method of service, e.g. instructions filed with the clerk; e-file instructions to the clerk; address of counsel, regular mail should be governed by local rule.

RULE 22. Pleadings and Motions; Defenses and Objections.

(A) Pleadings and motions

Pleadings in juvenile proceedings shall be the complaint and the answer, if any, filed by a party. A party may move to dismiss the complaint or for other appropriate relief. If the court dismisses the complaint prior to involvement of the prosecutor, and notice has been requested by the victim, the court must notify the victim of the dismissal.

[Existing language unaffected by the amendments is omitted to conserve space]

(G) ~~Motions~~ Motion practice by alleged a victim

~~To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code, the~~ The trial court shall allow the an-alleged victim of a crime to file pretrial motions in accordance with the time parameters in subsection (E) of this rule and to respond within a time proscribed by the court to any motion filed by either the prosecutor or the child alleged to be delinquent where a victim's rights may be at issue.

(H) Appeal by victim

An interlocutory appeal or an extraordinary writ may be filed as provided by law no later than fourteen days after notice of the judgment entry or decision denying the enforcement of the victim's rights.

RULE 23. Continuance.

Continuances shall be granted only when imperative to secure fair treatment for the parties.

In delinquency proceedings, if a court receives a motion, request, or agreement for a continuance of the case that may result in a delay of the prosecution of the case, the prosecutor must inform the victim if notice has been requested. If the victim objects to the delay in the prosecution of the case, the court may grant a continuance only if the delay in the prosecution of the case is reasonable under the circumstances or is otherwise in the interest of justice. If granted, the court shall state on the record or in a written order the specific reason for the continuance.

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 23

While the granting of a continuance is normally considered a procedural matter over which the rules of procedure supersede any relevant statutory provisions, the Commission believes that the General Assembly's comprehensive codification of Marsy's Law must be a priority consideration for judges considering continuances. The rule defers to the Revised Code in those instances where a continuance is being considered over a victim's objection. See R.C. 2930.08(C).

RULE 24. Discovery.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Order granting discovery: limitations; sanctions

If a request for discovery is refused, application may be made to the court for a written order granting the discovery. Motions for discovery shall certify that a request for discovery has been made and refused. An order granting discovery may make such discovery reciprocal for all parties to the proceeding, including the party requesting discovery. Notwithstanding the provisions of subdivision (A), the court may deny, in whole or part, or otherwise limit or set conditions on the discovery authorized by such subdivision, upon its own motion, or upon a showing by a party or a victim upon whom a request for discovery is made that granting discovery may jeopardize the safety of a party, victim, witness, or confidential informant, result in the production of perjured testimony or evidence, endanger the existence of physical evidence, violate a privileged communication, or impede the criminal prosecution of a minor as an adult or of an adult charged with an offense arising from the same transaction or occurrence.

(C) Failure to comply

If at any time during the course of the proceedings it is brought to the attention of the court that a person has failed to comply with an order issued pursuant to this rule, the court may grant a continuance, prohibit the person from introducing in evidence the material not disclosed, or enter such other order as it deems just under the circumstances.

(D) Rights of ~~alleged~~ victims

To the extent required by ~~Article I, Section 10a of the Ohio Constitution or by the Revised Code law~~, the trial court shall allow ~~an alleged~~ the victim of a crime, who has so requested, to be heard regarding objections to pretrial disclosure when the victim's rights may be at issue.

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 24(D)

Rule 24(D) is consistent with Art. I, § 10a of the Ohio Constitution, R.C. 2930.07, 2930.071, and 2930.072 on privacy of victims concerning case documents, subpoena, and interviews.

RULE 26. Victim's Rights of Alleged Victims of crime and Responsibilities.

~~To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code, the trial court shall ensure that the alleged victim of a crime, upon request, be given notice of all public proceedings involving the alleged criminal offense against the victim and the opportunity to be present at all such proceedings. In this regard, the trial court may direct the prosecuting attorney to provide such notice to the alleged victim.~~

~~To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code, the trial court shall, upon request, provide the alleged victim of a crime the opportunity to be heard in any public proceeding in which a right of the alleged victim is implicated, including but not limited to public proceedings involving release, plea, sentencing, or disposition.~~

(A) Whenever a victim has a right to be heard at a public proceeding, the court shall allow the victim to address the court orally, in writing, or both. ~~When necessary~~ As provided by law, the court shall provide the victim with the aid of an interpreter at no expense to the victim.

(B) Whenever these Rules reference a duty to provide notice to the victim or an opportunity to be heard, such obligations shall not apply if the court finds that the victim has either elected not to participate or has failed to respond to sufficient notice of their right to participate, as provided by law.

(C) The court shall advise the victim of their right to appeal where applicable.

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 26

Juv.R. 26 is intended to ensure that these Rules are in accord with Chapter 2930 of the Revised Code.

Section (B) is consistent with R.C. 2930.03 and 2930.09 in recognizing the court's responsibilities to provide a victim with notice or an opportunity to be heard applies only to victims who, after proper

statutory notice, elect to be involved in the proceedings. Chapter 2930 imposes other out-of-court notice requirements not covered within these Rules. See, e.g., R.C. 2930.16 (post-conviction notice of modification of incarceration).

Section (C) requires the trial court to advise the victim of their appellate rights under R.C. 2930.19.

RULE 27. Hearings: General.

(A) General provisions

Unless otherwise stated in this rule, the juvenile court may conduct its hearings in an informal manner and may adjourn its hearings from time to time.

The court may excuse the attendance of the child at the hearing in neglect, dependency, or abuse cases.

(1) Public access to hearings

In serious youthful offender proceedings, hearings shall be open to the public. In all other proceedings, the court may exclude the general public from any hearing, but may not exclude ~~either~~ any of the following:

(a) Persons with a direct interest in the case including the victim;

(b) Persons who demonstrate, at a hearing, a countervailing right to be present.

(2) Separation of juvenile and adult cases

Cases involving children shall be heard separate and apart from the trial of cases against adults, except for cases involving chronic or habitual truancy.

(3) Jury trials

The court shall hear and determine all cases of children without a jury, except for the adjudication of a serious youthful offender complaint, indictment, or information in which trial by jury has not been waived.

(B) Special provisions for abuse, neglect, and dependency proceedings

(1) In any proceeding involving abuse, neglect, or dependency at which the court removes a child from the child's home or continues the removal of a child from the child's home, or in a proceeding where the court orders detention, the court shall determine whether the person who filed the complaint ~~in the case and removed the child from the~~

child's home has custody of the child or will be given custody and has made reasonable efforts to do any of the following:

- (a) Prevent the removal of the child from the child's home;
- (b) Eliminate the continued removal of the child from the child's home;
- (c) Make it possible for the child to return home.

[Existing language unaffected by the amendments is omitted to conserve space]

(C) Testimony by victim

The court must conduct an in-camera hearing if a victim refuses to testify about personal information including their residential address. If the court finds the information necessary, the court shall proceed according to law.

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 27(C) Testimony by victim

Subsection (C) provides the court with the ability to accommodate the privacy concerns of victims within the parameters of the Revised Code, Ohio Const., Art. I, Sec. 16 (public's right to open courts), and *State ex rel. Cincinnati Enquirer v. Bloom*, Slip Opinion No. 2024-Ohio-5029.

RULE 29. Adjudicatory Hearing.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Advisement and findings at the commencement of the hearing

At the beginning of the hearing, the court shall do all of the following:

- (1) Ascertain whether notice requirements have been complied with and, if not, whether the affected parties; and victim waive compliance;
- (2) Inform the parties of the substance of the complaint, the purpose of the hearing, and possible consequences of the hearing, including the possibility that the cause may be transferred to the appropriate adult court under Juv.R. 30 where the complaint alleges that a child fourteen years of age or over is delinquent by conduct that would constitute a felony if committed by an adult;
- (3) Inform unrepresented parties of their right to counsel and determine if those parties are waiving their right to counsel;

(4) Appoint counsel for any unrepresented party under Juv.R. 4(A) who does not waive the right to counsel;

(5) Inform any unrepresented party who waives the right to counsel of the right: to obtain counsel at any stage of the proceedings, to remain silent, to offer evidence, to cross-examine witnesses, and, upon request, to have a record of all proceedings made, at public expense if indigent.

(6) Inquire of the prosecutor if the victim requested to confer and whether the prosecutor conferred and gave timely notice to the victim if requested. If the victim is not present and the court determines that timely notice was not given to the victim, the prosecutor failed to confer with the victim, or the victim was not adequately informed of the nature of the proceeding, the court shall neither accept a plea nor amend or dismiss a complaint and must continue the hearing. The matter may proceed if the prosecutor states the victim has been appropriately notified, is not reachable, or is uncooperative.

[Existing language unaffected by the amendments is omitted to conserve space]

(F) Procedure upon determination of the issues

Upon the determination of the issues, the court shall do one of the following:

(1) If the allegations of the complaint, indictment, or information were not proven, dismiss the complaint;

(2) If the allegations of the complaint, indictment, or information are admitted or proven, do any one of the following, unless precluded by statute after compliance with Article I, Section 10a of the Ohio Constitution and all provisions in the Revised Code setting forth victim rights:

(a) Enter an adjudication and proceed forthwith to disposition;

(b) Enter an adjudication and continue the matter for disposition for not more than six months and may make appropriate temporary orders;

(c) Postpone entry of adjudication for not more than six months;

(d) Dismiss the complaint if dismissal is in the best interest of the child and the community.

(3) Upon request make written findings of fact and conclusions of law pursuant to Civ.R. 52.

(4) Ascertain whether the child should remain or be placed in shelter care until the dispositional hearing in an abuse, neglect, or dependency proceeding. In

making a shelter care determination, the court shall make written finding of facts with respect to reasonable efforts in accordance with the provisions in Juv.R. 27(B)(1) and to relative placement in accordance with Juv.R. 7(F)(3).

(5) To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code, before disposition, allow an alleged victim of a crime to be heard.

~~(6) At the conclusion of the hearing, the court shall advise the victim of the right to full restitution for economic losses suffered because of the delinquent act.~~

(G) Restitution

~~Pursuant to Revised Code 2152.20(A)(3), the court may order restitution to the victim or the victim's estate if the victim is deceased unless it is a traffic offense that would be a minor misdemeanor if committed by an adult or could be disposed of by the Juvenile Traffic Violations Bureau.~~

~~The court may order the juvenile to perform community service to generate funds for restitution pursuant to the Revised Code.~~

~~The court may modify the restitution payment terms upon motion made by the juvenile or the prosecutor as requested by the victim.~~

~~Any outstanding amount owed on the restitution at the time the juvenile court ceases to exercise authority shall be reduced to a certificate of judgment that may be filed in the county or municipal court where the juvenile or victim resides. A victim has the right to receive a copy of a certificate of judgment and judgment entry related to the restitution order at no cost.~~

RULE 32. Social History; Physical Examination; Mental Examination; Investigation Involving the Allocation of Parental Rights and Responsibilities for the Care of Children.

[Existing language unaffected by the amendments is omitted to conserve space]

(E) Predisposition Investigation and Report

~~During a predisposition investigation, unless the victim has affirmatively indicated that they do not wish to provide input in this regard, the person conducting the investigation must attempt to contact the victim regarding the victim's economic, physical, psychological, emotional harm, or safety concerns resulting from the delinquent act. The predisposition report shall include the substance of any comment, whether oral or in writing, provided by the victim. If the victim provides a written statement and indicates that the victim desires the entirety of that statement to be included in the report, the report~~

~~shall include the statement verbatim.~~

The predisposition report shall be made available to the parties and the victim, as provided by law. The copy made available to the victim must be redacted of the delinquent child's sensitive, confidential, or otherwise protected information.

~~A victim may make an oral or written statement to the person preparing the predisposition report or investigation regarding the impact of the delinquent act. Said statement is to be included in the witness statement made by the victim, if one is ordered by the court, and is to be used when preparing the predisposition report. The victim may request the statement be included in the report subject to the limitations and requirements of the Revised Code.~~

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 32(E) Predisposition Investigation and Report

The Rule has been amended in accord with R.C. 2930.131(A) and provides simultaneous availability to the prosecutor assigned to the case.

RULE 34. Dispositional Hearing.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Hearing procedure

The hearing shall be conducted in the following manner:

(1) The judge or magistrate who presided at the adjudicatory hearing shall, if possible, preside;

(2) Except as provided in division (I) of this rule, the court may admit evidence that is material and relevant, including, but not limited to, hearsay, opinion, and documentary evidence;

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

(4) ~~To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code law, before disposition, the trial court shall allow an alleged a victim of a crime to be heard, in writing, orally, or both during the proceeding.~~

[Existing language unaffected by the amendments is omitted to conserve space]

(K) Advisement of victims

Prior to or at the conclusion of the dispositional hearing, the court shall advise the victim of the right to receive notice upon request, and if present, to be heard at any proceedings to terminate or modify the terms of probation or community control of an adjudicated delinquent if the change would affect the delinquent's contact with or the safety of the victim, restitution, or confinement status.

Proposed Staff Note (July 1, 2025, Amendment)

Juv.R. 34(K) Advisement of victims

This advisement may be addressed by local rule to provide a copy or notice of filing of the dispositional order which contains a written advisement to the victim of his/her post-dispositional rights above.

RULE 35. Proceedings After Judgment.

[Existing language unaffected by the amendments is omitted to conserve space]

(D) Sealing and expungement of records

The court must notify the prosecutor within thirty days prior to the hearing to seal or expunge a juvenile's record unless a shorter time is agreed to by the prosecutor and the court. If requested, the prosecutor must provide timely notice to the victim. The victim may be heard orally, in writing or both concerning the effects of the delinquent act, the circumstances and the manner in which the act was perpetrated, and their opinion on whether the record should be sealed or expunged.

A court must consider the victim's position in deciding whether to grant the application. A copy of any witness statement made by the victim is to be given to the juvenile and the Ohio Department of Youth Services.

The court is to consider any statement made by the victim when deciding to seal or expunge the record. The court must promptly notify the prosecutor of its decision.

RULE 47. Effective Dates.

(A) Effective date of Original rules

~~These rules shall take The Ohio Rules of Juvenile Procedure originally took effect on the first day of July 1, 1972, pursuant to Article IV, Section 5 of the Ohio Constitution. Some rules have been amended in succeeding years, again pursuant to the Constitution. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending except to the extent that their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(B) Effective date Date of amendments

~~The amendments submitted Amendments to these rules filed hereafter by the Supreme Court on January 12, 1973, to with the General Assembly pursuant to Article IV, Section 5 of the Ohio Constitution, and not thereafter the subject of a concurrent resolution of disapproval, shall take effect on the following first day of July, 1973. They shall govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(C) Effective date of amendments

~~The amendments submitted by the Supreme Court to the General Assembly on January 10, 1975, and on April 29, 1975, shall take effect on July 1, 1975. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(D) Effective date of amendments

~~The amendments submitted by the Supreme Court to the General Assembly on January 9, 1976 shall take effect on July 1, 1976. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(E) Effective date of amendments

~~The amendments submitted by the Supreme Court to the General Assembly on January 14, 1980, shall take effect on July 1, 1980. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(F) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on December 24, 1984 and January 8, 1985 shall take effect on July 1, 1985. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(G) Effective date of amendments

The amendments submitted by the Supreme Court to the General Assembly on January 10, 1991 shall take effect on July 1, 1991. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(H) Effective date of amendments

The amendments filed by the Supreme Court with the General Assembly on January 14, 1992 and further filed on April 30, 1992, shall take effect on July 1, 1992. They govern all proceedings in actions brought after they take effect and also all future proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(I) Effective date of amendments

The amendments filed by the Supreme Court with the General Assembly on January 14, 1994 and further revised and filed on April 29, 1994 shall take effect on July 1, 1994. They govern all proceedings in actions brought after they take effect and also all future proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(J) Effective Date of amendments

The amendments to Rules 1, 4, and 40 filed by the Supreme Court with the General Assembly on January 11, 1995 and further revised and filed on April 25, 1995 shall take effect on July 1, 1995. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(K) Effective Date of amendments

The amendments to Rules 6, 8, 13, 27, 34, 36, and 37 filed by the Supreme Court with the General Assembly on January 5, 1996 and refiled on April 26, 1996 shall take effect on

July 1, 1996. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(L) Effective date of amendments

The amendments to Rule 30 filed by the Supreme Court with the General Assembly on January 10, 1997 and refiled on April 24, 1997 shall take effect on July 1, 1997. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(M) Effective date of amendments

The amendments to Rules 2, 4, 10, 11, 15, 16, 29, 39, and 40 filed by the Supreme Court with the General Assembly on January 15, 1998 and further revised and refiled on April 30, 1998 shall take effect on July 1, 1998. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(N) Effective date of amendments

The amendments to Juvenile Rules 2, 7, 8, 10, 15, 22, 27, 29, 37, and 40 filed by the Supreme Court with the General Assembly on January 12, 2001, and revised and refiled on April 26, 2001, shall take effect on July 1, 2001. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(O) Effective date of amendments

The amendments to Juvenile Rules 2, 10, 15, and 34 filed by the Supreme Court with the General Assembly on January 11, 2002, and refiled on April 18, 2002 shall take effect on July 1, 2002. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(P) Effective date of amendments

The amendments to Juvenile Rule 40 filed by the Supreme Court with the General Assembly on January 9, 2003 and refiled on April 28, 2003, shall take effect on July 1,

2003. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Q) Effective date of amendments

The amendments to Juvenile Rule 29 filed by the Supreme Court with the General Assembly on January 7, 2004 and refiled on April 28, 2004 shall take effect on July 1, 2004. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(R) Effective date of amendments

The amendments to Juvenile Rule 40 filed by the Supreme Court with the General Assembly on January 12, 2006 shall take effect on July 1, 2006. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(S) Effective date of amendments

The amendments to Juvenile Rule 25 filed by the Supreme Court with the General Assembly on January 14, 2009 and revised and refiled on April 30, 2009 shall take effect on July 1, 2009. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(T) Effective date of amendments

The amendments to Juvenile Rules 40 and 46 filed by the Supreme Court with the General Assembly on January 5, 2011 and refiled on April 21, 2011 shall take effect on July 1, 2011. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(U) Effective date of amendments

The amendments to Juvenile Rules 3, 5, 22, and 47 filed by the Supreme Court with the General Assembly on January 13, 2012 and revised and refiled on April 30, 2012 shall take effect on July 1, 2012. They govern all proceedings in actions brought after they take effect

and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(V) Effective date of amendments

The amendments to Juvenile Rules 16 and 47 filed by the Supreme Court with the General Assembly on January 15, 2013 and revised and refiled on April 29, 2013 shall take effect on July 1, 2013. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(W) Effective date of amendments

The amendments to Juvenile Rules 40 and 47 filed by the Supreme Court with the General Assembly on January 15, 2014 and refiled on April 30, 2014 shall take effect on July 1, 2014. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(X) Effective date of amendments

The amendments to Juvenile Rules 41 and 47 filed by the Supreme Court with the General Assembly on January 15, 2015 and refiled on April 30, 2015 shall take effect on July 1, 2015. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Y) Effective date of amendments

The amendments to Juvenile Rules 20 and 47 filed by the Supreme Court with the General Assembly on January 13, 2016 and refiled on April 29, 2016 shall take effect on July 1, 2016. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(Z) Effective date of amendments

The amendments to Juvenile Rule 34 filed by the Supreme Court with the General Assembly on January 9, 2018 and refiled on April 24, 2018 shall take effect on July 1, 2018. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a

particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(AA) Effective date of amendments

~~The amendments to Juvenile Rule 22, 24, 26, 29, and 34 filed by the Supreme Court with the General Assembly on January 9, 2019 and refiled on April 24, 2019 shall take effect on July 1, 2019. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(BB) Effective date of amendments

~~The amendments to Juvenile Rule 4 and 42 filed by the Supreme Court with the General Assembly on January 15, 2020 and refiled on March 12, 2020 and April 22, 2020 shall take effect on July 1, 2020. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(CC) Effective date of amendments

~~The amendments to Juvenile Rule 7, 16, and 24, filed by the Supreme Court with the General Assembly on January 12, 2022 and refiled on April 26, 2022 shall take effect on July 1, 2022. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(DD) Effective date of amendments

~~The amendments to Juvenile Rule 1, 2, 7, 8, 18, 30, 34, 35, 40, and 41, filed by the Supreme Court with the General Assembly on January 10, 2023 and refiled on April 27, 2023 shall take effect on July 1, 2021. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~