

## **PROPOSED AMENDMENTS TO THE OHIO RULES OF PRACTICE AND PROCEDURE**

Comments Requested: The Supreme Court of Ohio will accept public comments until October 21, 2024, on the following proposed amendments to the Ohio Rules of Appellate Procedure, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Rules of Evidence, and the Ohio Rules of Juvenile Procedure.

Comments on the proposed amendments should be submitted in writing to: September Coyne, Legislative Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431 or [ruleamendments@sc.ohio.gov](mailto:ruleamendments@sc.ohio.gov) not later than October 21, 2024. Please include your full name and mailing address in any comments submitted by e-mail.

### Key to Adopted Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

## **PROPOSED AMENDMENTS TO THE RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS**

**Authority:** The proposed amendments are being considered by the Supreme Court pursuant to Article IV, Section 5(B) of the Ohio Constitution, as proposed by the Commission on the Rules of Practice and Procedure in Ohio Courts and pursuant to the document styled “Process for Amending the Rules of Practice and Procedure in Ohio Courts” as set forth on the following page.

**Purpose of Publication:** The Supreme Court has authorized the publication of the proposed amendments for public comment. The authorization for publication by the Court is neither an endorsement of, nor a declaration of intent to approve the proposed amendments. The purpose of the publication is to invite the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effect of the proposed amendments.

**Staff Notes:** A Staff Note may follow a proposed amendment. Staff Notes are prepared by the Commission on the Rules of Practice and Procedure. Although the Supreme Court uses the Staff Notes during its consideration of proposed amendments, the Staff Notes are not adopted by the Supreme Court and are not a part of the rule. As such, the Staff Notes represent the views of the Commission on the Rules of Practice and Procedure and not necessarily those of the Supreme Court. The Staff Notes are not filed with the General Assembly but are included when the proposed amendments are published for public comment and are made available to the appropriate committees of the General Assembly.

## **PROCESS FOR AMENDING THE RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS**

In 1968 the citizens of Ohio approved proposed amendments to Article IV of the Ohio Constitution granting the Supreme Court, among other duties, rule-making authority for the judicial branch of Ohio government. These amendments are widely known as the Modern Courts Amendment.

Pursuant to this rule-making authority, the Supreme Court has created the Commission on the Rules of Practice and Procedure (“Commission”). The Commission consists of twenty-one members, including judges as nominated by the six judges’ associations, and members of the practicing bar appointed by the Supreme Court. The Commission reviews and recommends amendments to the Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, Rules of Juvenile Procedure, and Rules of Evidence.

In the fall of each year, the Commission submits to the Supreme Court proposed amendments to the rules of practice and procedure that it recommends take effect the following July 1. The Supreme Court then authorizes the publication of the rules for public comment. The authorization by the Supreme Court of the publication of the proposed amendments is neither an endorsement of, nor a declaration of intent to approve, the proposed amendments. It is an invitation to the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effect of the proposed amendments. The public comments are reviewed by the Commission, which may withdraw, amend, or resubmit all or any provision of the proposed amendments to the Supreme Court. Pursuant to Article IV, Section 5(B) of the Ohio Constitution, if the proposed amendments are to take effect by July 1<sup>st</sup>, the Supreme Court must file the proposed amendments with the General Assembly by January 15<sup>th</sup>.

In addition to filing the proposed amendments with the General Assembly, the Supreme Court publishes the proposed amendments for a second round of public comment. The Court’s authorization of a second round of publication for public comment is neither an endorsement of, nor a declaration of intent to approve, the proposed amendments. As with the first round of publication, it is an approval inviting the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effects of the proposed amendments. Once the second round of public comments concludes, the comments are reviewed by the Commission, which may withdraw, amend, or resubmit all or any provision of the proposed amendments to the Supreme Court for final consideration.

Pursuant to Article IV, Section 5(B) of the Ohio Constitution, the Supreme Court has until April 30<sup>th</sup> of each year to accept all or any provision of the proposed amendments and file with the General Assembly the amendments that the Court approves. The General Assembly has until June 30<sup>th</sup> to issue a concurrent resolution of disapproval for all or any portion of a proposed amendment the Supreme Court has proposed. If a concurrent resolution of disapproval is not issued by that date, the proposed amendments become effective July 1<sup>st</sup>.

The following is a summary of the proposed amendments. In addition to the substantive amendments, non-substantive grammar changes are made throughout any rule that is proposed for amendment.

## Summary

### NARRATIVE DESCRIPTION OF RULE PROPOSALS

#### **1. OHIO RULES OF APPELLATE PROCEDURE**

*- Bail and Suspension of Execution of Sentence in Criminal Cases.*

**(App.R. 8)**

*Related Revised Code Sections: 2930.15 (Notice of appeal)*

The Commission recommends adding “and the victim” to the last sentence of Appellate Rule 8 (B). This will require reasonable notice to be given to the victim before the court determines a motion for bail and suspension of execution of sentence pending review. Appellate Rule 8 (B) currently gives such notice to the appellee.

*- Expedited Appeals*

**(App.R.11.2)**

*Related Revised Code Sections: 2930.19 (Victim standing to assert rights or challenge denial of rights; right to appeal)*

The Commission recommends adding new subsection (D) and revising (E) to Appellate Rule 11.2 on expedited appeals. Subsection (D) provides that the rule only applies to interlocutory appeals from decisions impacting a victim’s rights and divests the trial court of jurisdiction over the victim’s rights portion of the case until the appeal is resolved. Additionally, subsection (D) requires the trial court to transmit portions of the transcript necessary within five business days and gives the party initiating the appeal eight days to file a merit brief after the transcript is received by the court. The same eight-day timeline applies to appellees after the merit brief is filed. Lastly, the rule gives the appellate court thirty-five days after the appeal is filed to decide the entire interlocutory appeal but gives the litigants the opportunity to stipulate to a different period of time with court approval.

The subsection (E) revision adds the victim’s rights appeals under subsection (D) to the list of appeals that take priority over all other cases.

#### **2. OHIO RULES OF CIVIL PROCEDURE**

*- Civil Protection Orders*

**(Civ.R. 65.1)**

*Related Revised Code Section: 2930.07 (Privacy of victim’s information)*

The Commission recommends adding the phrase “and other contact information” to subsection (D) regarding discovery in civil protection order cases. The current language allows the court to include terms and conditions necessary to maintain the confidentiality of petitioner’s address. This additional language provides for other contact information that may be redacted for victims under Marsy’s law.

### 3. OHIO RULES OF CRIMINAL PROCEDURE

#### - Definitions **(Crim.R. 2)**

*Related Revised Code Sections: 2930.01(H) (Definitions)*

The Commission recommends adding a definition for “victim” consistent with the definition provided in the Revised Code. This definition is proposed to be adopted throughout the criminal rules.

#### - Initial Appearance, Preliminary Hearing **(Crim.R. 5)**

*Related Revised Code Sections: 2930.09(D) (Victim’s presence at trial)*

The Commission recommends revising Crim.R.5 (A) in two respects: First, the proposed amendment would require that a victim who is present at an initial appearance be permitted to be heard by the court. Second, the proposed amendment prohibits the court from proceeding to sentencing in a misdemeanor case in the event that a victim is not present unless the court has determined that the victim does not wish to be present at sentencing.

#### - The Indictment and the Information **(Crim.R. 7)**

*Related Revised Code Sections: None*

The Commission identified a typo in line 4 of subsection (E). The proposed change would add the letter “d” to the word “charge”.

#### - Pleas, Rights Upon Plea **(Crim.R. 11)**

*Related Revised Code Sections: 2930.121 (Victim’s rights on dismissed counts)*

The Commission proposes changing the term “alleged victim” to “victim” in the rule and aligning the rule more closely with the statute.

#### - Pleadings and Motions Before Trial: Defenses and Objections **(Crim.R. 12)**

*Related Revised Code Sections: 2930.19 (Victim standing to assert rights or challenge denial of rights; right to appeal)*

The Commission recommends the following changes to reflect the statute: First, the term “alleged victim” is replaced with “victim”. Secondly, Subsection (L) makes clear that the court must allow the victim to respond to any motion filed by either the prosecution or the defendant. Finally, the language provides the statutory fourteen-day period for filing the interlocutory appeal.

#### - Discovery and Inspection **(Crim.R. 16)**

*Related Revised Code Sections: 2930.09 (Victim’s presence at trial)*

The Commission recommends removing language referring to an “alleged victim” and language requiring that the victim must request to be heard regarding objections to pretrial disclosure.

#### - Sentence **(Crim.R. 32)**

*Related Revised Code Sections: 2930.15 (Notice of appeal)*

The Commission recommends the amendment to reflect the statutory requirement that the court advise the victim of their right to appeal.

- Presentence Investigation  
**(Crim.R. 32.2)**

*Related Revised Code Sections: 2930.131 (Presentence investigation report copies)*

The Commission recommends adding language to the rule to reflect the statutory requirement that the court provide the presentence investigation report to the victim and state the reasons for any redactions.

- Revocation of Probation  
**(Crim.R. 32.3)**

*Related Revised Code Sections: 2930.09 (Victim's presence at trial)*

The Commission recommends adding language requiring that the victim have an opportunity to be heard at a hearing where a defendant is being sentenced for violation of conditions of probation.

- Victim's Rights  
**(Crim.R. 37)**

*Related Revised Code Chapter: Chapter 2930*

The Commission recommends replacing the broad language regarding victim's rights with more specific language to reflect the constitutional and statutory requirements related to victim's notification and victim's right to address the court.

**4. OHIO RULES OF EVIDENCE**

- Expert Witness Qualification  
**(Evid.R. 615)**

*Related Revised Code Sections: 2930.01(H) (Definitions)*

The Commission recommends changing the term "alleged victim" to "victim" in subsection (B)(4) of the Rule. This change is meant to reflect the Marsy's Law definition of victim provided in the constitutional provisions and Revised Code.

**5. OHIO RULES OF JUVENILE PROCEDURE**

- Definitions  
**(Juv.R. 2)**

*Related Revised Code Section: 2930.01(Definitions)*

The Commission recommends adding a definition for "victim" that is consistent with Revised Code Section 2930.01. The term will encompass the victim, the victim's representative, and victim's attorney. The proposed definition is in alignment with the proposed definition for "victim" in the Ohio Rules of Criminal Procedure. The Commission recommends a staff note with cites to Revised Code Sections 2930.01(A) and 2930.01(H).

- Waiver of Rights  
**(Juv.R. 3)**

*Related Revised Code Section: 2930.04 (Information provided to victim by law enforcement agency)*

The Commission recommends adding subsection (F) to Juv.R. 3 as part of the overhaul to bring the rules in alignment with Marsy's Law. The proposed amendment provides that a victim may submit a request

to receive notices as authorized by Revised Code Chapter 2930. Additionally, the proposed amendment provides that the victim may also waive the notices (as provided by Revised Code Chapter 2930). The proposed amendment further provides that a victim that has initially waived receiving the notices may resubmit a request to receive notices.

- Assistance of Counsel; Guardian Ad Litem

**(Juv.R. 4)**

*Related Revised Code Section: 2930.19 (Victim standing to assert rights or challenge denial of rights; right to appeal)*

The Commission recommends an amendment to Juv.R.4 that explains a victim may retain counsel to assert their rights. Additionally, the amendment provides that the court shall not appoint counsel for the victim except pursuant to Revised Code 2907.02(F).

- Detention and Shelter Care

**(Juv.R. 7)**

*Related to Revised Code Section: 2930.04 (Information provided to victim by law enforcement agency)*

The Commission recommends the following changes to Juv.R. 7 in accordance with Marsy's Law and its notice requirements. Juv.R. 7(F)(1) provides that a victim who has requested to be notified will receive notification of a detention hearing. The proposed amendment to Juv.R.7(F)(3) allows for a victim, if present, to address the court with respect to release conditions. Juv.R. 7(F)(5) requires the court to notify a victim that has submitted a victim's right's form be notified of the court's ruling and any changes in release conditions. Juv.R. 7(G) includes that a victim who requested notice of hearings and did not receive notice of initial hearing and did not appear or waive the appearance at the hearing will require the court to hold a rehearing on the detention matter.

- Transfer to Another County

**(Juv.R. 11)**

*Related to Revised Code Sections: 2930.04; 2930.06*

The Commission recommends the following changes to Juv.R.11 to require notice to the victim when requested. Juv.R.11(A) will require a court to allow the victim to address the court when a request to transfer matter to another county. Juv.R.11(E) requires victims who submit the victim's rights form to receive notification of a transfer as well as other orders and rulings made.

- Subpoena

**(Juv.R. 17)**

*Related to Revised Code Section: 2930.071 (Subpoena of victim records)*

The Commission recommends amending Juv.R. 17 (D)(6) which allows for the records concerning a victim to be produced via subpoena as permitted by the Revised Code. The Commission further recommends a staff note be provided with the cite to the Revised Code Section that describes the process a court should follow when the victim's records are subpoenaed.

- Service and Filing of Papers When Required Subsequent to Filing of Complaint

**(Juv.R. 20)**

*Related to Revised Code Section: 2930.063 (Copies of case documents)*

The Commission recommends amending Juv.R. 20(A) to include that a victim that has made a request for notice of appearance will receive copies of all notices, discovery requests, etc. filed in the case. This amendment is proposed to ensure compliance with Marsy's Law.

- Pleadings and Motions; Defenses and Objections

**(Juv.R. 22)**

*Related to Revised Code Section: 2930.06 (Prosecutor to confer with victim—court to give notice of proceedings to victim); 2930.19 (Victim standing to assert rights or challenge denial of rights; right to appeal)*

The Commission recommends amending Juv.R.22 to add language to subsection (A) that a matter cannot be dismissed only at the request of the victim, with some exceptions, and if the matter is dismissed prior to involvement of the prosecutor, the victim must receive notice of the dismissal. The Commission also proposes to amend subsection (G) to authorize the victim to file a response to any motion filed by the prosecutor or the alleged delinquent. Finally, the Commission proposes the addition of subsection (H) that provides when a victim may take an interlocutory appeal.

- Continuance

**(Juv.R. 23)**

*Related to Ohio Revised Code Section: 2930.08 (Notification of substantial delay in prosecution; victim objection to delay)*

The Commission recommends adding language to Juv.R. 23 making the process for granting a continuance, in a matter with a victim, consistent with the requirements of Marsy's Law.

- Discovery

**(Juv.R. 24)**

*Related to Ohio Revised Code Section: 2930.072 (Victim interview); 2930.071 (Subpoena of victim records)*

The Commission recommends an amendment to Juv.R. 24(B) to include "victims" as the list of individuals that may request the court limit or prohibit discovery from due to safety or other concerns. The Commission also proposes changing the term "alleged victim" to "victim" in the rule and aligning the rule more closely with the statute.

- Rights of Victims in Delinquency, Traffic, and Unruly Child Proceedings

**(Juv.R. 26)**

*Related to Ohio Revised Code Chapter: 2930*

The Commission recommends amending Juv.R. 26 to broadly capture the rights a victim has during the course of a matter in juvenile court. The proposed language in this rule is the same as language proposed in Criminal Rule 37.

- Hearings: General

**(Juv.R. 27)**

*Related to Ohio Revised Code Section: 2930.09 (Victim's presence at trial); 2930.07 (Privacy of victim's information)*

The Commission recommends amending Juv.R. 27 to include the victim as one of the individuals that cannot be excluded from a juvenile hearing (subsection (A)(1)(a)). The Commission proposes to add



subsection (C) instructing the court to hold an in camera hearing if a victim refuses to testify about personal information and to close the proceeding during the disclosure of personal information.

- Adjudicatory Hearing

**(Juv.R. 29)**

*Related to Ohio Revised Code Sections: 2930.06 (Prosecutor to confer with victim—court to give notice of proceedings to victim); 2152.203 (Restitution)*

The Commission recommends the following amendments be made to Juv.R. 29 in accordance with Marsy's Law. For subsection (B)(1) proposes adding "victim" to denote the Court should ascertain if notice requirements were met or if the victim waived compliance with the requirements. The Commission proposes to add subsection (B)(6) making clear it is the court's responsibility to confirm with the prosecutor that proper notice has been provided to a victim that has requested to receive notice and that if the notice was not given the matter may not proceed. However, the matter may proceed if that notice was properly given even if the victim is not present. The Commission proposes to amend subsection (F)(2) to include that the court must confirm compliance with all provisions of the Ohio Revised Code that set forth victim rights prior to moving forward on disposition of the matter. The Commission recommends adding subsection (F)(6) requiring the court to advise the victim of the right to a full restitution for economic losses suffered because of the delinquent act. Finally, the Commission recommends adding new subsection (G) that gives the court authority to order the juvenile to complete community service to generate funds to pay the restitution. Allows the court to modify the restitution order upon motion of the juvenile or the prosecutor at the request of the victim. It would also permit the court to transfer any outstanding amount owed on the restitution order to a certificate of judgment when the juvenile turns 21 years of age. A victim has a right to receive a copy of the certificate of judgment and judgment entry related to the restitution order.

- Social History; Physical Examination; Mental Examination; Investigation Involving the Allocation of Parent Rights and Responsibilities for the Care of Children

**(Juv.R. 32)**

*Related to Ohio Revised Code Section: 2930.14 (Victim impact statement)*

The Commission recommends adding subsection (E)—*Predisposition Investigation and Report*—to Juv.R. 32. The proposed language requires the person completing the investigation to attempt to contact the victim regarding the victim's economic, physical, psychological, emotional harm or safety concerns because of the delinquent act. Additionally, the Commission recommends if the report is made available to the juvenile prior to the disposition hearing the court must simultaneously make the report available to the prosecutor and victim. The victim may make an oral or written statement to the person preparing the predisposition report regarding the impact of the delinquent act. The statement shall be included in the disposition report if one is ordered by the court.

- Dispositional Hearing

**(Juv.R. 34)**

*Related to Ohio Revised Code Section: 2930.14 (Victim impact statement); 2930.16 (Notice of incarceration and release date)*

The Commission recommends amending Juv.R. 34 to include that a court shall allow a victim to be heard orally, in writing, or both prior to imposing a disposition. The Commission further recommends adding subsection (K) that requires the court to advise a victim of the right to be heard at any proceeding to terminate or modify the terms of probation, or community control.

*- Proceedings After Judgment*

**(Juv.R. 35)**

*Related to Ohio Revised Code Section: 2930.171 (Victim rights prior to sealing or expunging records)*

The Commission recommends adding subsection (D) to Juv.R. 35 to clarify that the court must notify the prosecutor at least 30 days prior to a hearing to seal or expunge a juvenile's record. If requested, the prosecutor must notify the victim of the hearing and give timely notice of the hearing. The victim may be heard orally or in writing. The court should consider the victim's position prior to deciding whether to grant the application.

1 OHIO RULES OF APPELLATE PROCEDURE

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

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

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

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10 Application for release on bail and for suspension of execution of sentence after a judgment of  
11 conviction shall be made in the first instance in the trial court. Thereafter, if such application is  
12 denied, a motion for bail and suspension of execution of sentence pending review may be made  
13 to the court of appeals or to two judges thereof. The motion shall be determined promptly upon  
14 such papers, affidavits, and portions of the record as the parties shall present and after reasonable  
15 notice to the appellee and the victim.

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

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20 **RULE 11.2. Expedited Appeals.**

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

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25 **(D) Victim's rights appeals: interlocutory appeals**

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27 (1) Applicability

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

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36 (2) Record

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

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42 (3) Briefs

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44 Once the transcript is received by the court of appeals, the party that initiated the  
45 appeal shall have eight days to file a merit brief. Once the merit brief is filed, the  
46 appellee shall have eight days to file a response brief. Notwithstanding these limits,

47 the litigants, with the approval of the court, may stipulate to a different period of  
48 time for the briefing.

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50 (4) Entry of judgment

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

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57 **~~(D)~~(E) Prosecutorial appeals from suppression orders; appeals concerning**  
58 **dependent, abused, neglected, unruly, or delinquent children**

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

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

66 OHIO RULES OF CIVIL PROCEDURE

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68 CIVIL RULE 65.1. Civil Protection Orders.

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

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72 (D) **Discovery order**

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74 (1) ~~Time.~~ Discovery under this rule shall be completed prior to the time set for the full  
75 hearing.

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77 (2) ~~Discovery Order.~~ Discovery may be had only upon the entry of an order containing all  
78 of the following to the extent applicable:

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80 (a) The time and place of the discovery;

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82 (b) (2) The identities of the persons permitted to be present, which shall include any  
83 victim advocate; and

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

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

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## OHIO RULES OF CRIMINAL PROCEDURE

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

### **RULE 2. Definitions**

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

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

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

R.C. 2930.01(A) defines “criminal offense,” to include “alleged” acts or omissions –thus avoiding any confusion between an alleged criminal offense and a criminal offense for which the defendant has already been found guilty or adjudicated delinquent. By adopting the statutory meaning of “victim,” the Rules also avoid confusion as to whether there can be a “victim” prior to the return of a guilty verdict or an adjudication of delinquency – “victim” encompasses all stages of the process.

116 **RULE 5. Initial Appearance, Preliminary Hearing.**

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**(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~~. The victim, if present, shall be permitted to be heard.

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. In the event the victim is not present, the court shall not proceed to sentencing unless it determines that the victim does not desire to be present at sentencing.

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

153 **RULE 7. The Indictment and the Information.**

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

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157 **(E) Bill of particulars**

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



164 **RULE 11. Pleas, Rights Upon Plea.**

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

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168 **(F) Negotiated plea cases**

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170 When a negotiated plea of guilty or no contest to one or more offenses charged or to one

171 or more other or lesser offenses is offered, the underlying agreement upon which the plea

172 is based shall be stated on the record in open court. ~~To the extent required by Article I,~~

173 ~~Section 10a of the Ohio Constitution or by the Revised Code, before~~ Before accepting the

174 plea, the trial court shall allow ~~an alleged~~ the victim ~~of the crime~~ to ~~raise any objection to~~

175 be heard regarding the terms of the plea agreement.

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

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

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

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182 **(K) Appeal by state**

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

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188 (1) the appeal is not taken for the purpose of delay;
- 189  
190 (2) the ruling on the motion or motions has rendered the state's proof with  
191 respect to the pending charge so weak in its entirety that any reasonable possibility  
192 of effective prosecution has been destroyed, or the pretrial disclosure of evidence  
193 ordered by the court will have one of the effects enumerated in Crim.R. 16(D).

194  
195 The appeal from an order suppressing or excluding evidence shall not be allowed unless  
196 the notice of appeal and the certification by the prosecuting attorney are filed with the clerk  
197 of the trial court within seven days after the date of the entry of the judgment or order  
198 granting the motion. Any appeal taken under this rule shall be prosecuted diligently.

199  
200 If the defendant previously has not been released, the defendant shall, except in capital  
201 cases, be released from custody on the defendant's own recognizance pending appeal when  
202 the prosecuting attorney files the notice of appeal and certification.

203  
204 ~~This appeal shall take precedence over all other appeals.~~

205  
206 If an appeal from an order suppressing or excluding evidence pursuant to this division  
207 results in an affirmance of the trial court, the state shall be barred from prosecuting the  
208 defendant for the same offense or offenses except upon a showing of newly discovered  
209 evidence that the state could not, with reasonable diligence, have discovered before filing  
210 of the notice of appeal.

211  
212 **(L) Motions by alleged victim**

213  
214 To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised  
215 Code, the court shall allow the victim to file pretrial motions in accordance with the time  
216 parameters in subsection (D) and to respond to any motion filed by either the prosecution  
217 or the defendant within a time prescribed by the court.

218  
219 **(M) Appeal by victim**

220  
221 An interlocutory appeal by or on behalf of the victim as provided by law shall not be  
222 allowed unless the notice of appeal is filed with the clerk of the trial court within fourteen

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days after notice of the judgment or order being appealed was provided to the victim pursuant to law.

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**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, 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]**

252 **RULE 32. Sentence.**

253

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

255

256 **(B) Notification to defendant of right to appeal**

257

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

260

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

264

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

267

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

270

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

273

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

276

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

279

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

281

282 **(C) Notification to victim of right to appeal**

283

284 The court shall advise the victim of their right to appeal as provided by the Ohio  
285 Constitution, the Revised Code, and the Rules of Appellate Procedure.

286

287 **(D) Judgment**

288

289 A judgment of conviction shall set forth the fact of conviction and the sentence. Multiple  
290 judgments of conviction may be addressed in one judgment entry. If the defendant is found  
291 not guilty or for any other reason is entitled to be discharged, the court shall render  
292 judgment accordingly. The judge shall sign the judgment and the clerk shall enter it on the  
293 journal. A judgment is effective only when entered on the journal by the clerk.

294

295

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

296 **RULE 32.2. Presentence Investigation.**

297

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

303

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

307 **RULE 32.3. Revocation of Probation.**

308

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

310

311 **(A) Hearing**

312

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

317

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

319

320 **(E) Victim's opportunity to be heard**

321

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

324

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

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

327

328 ~~To the extent required~~ **(A) Presence of and notice to victim**

329

330 (1) Except as provided by Article I, Section 10a of the Ohio Constitution or by the  
331 Revised Code, ~~the trial a~~ court shall ~~ensure that~~ not conduct hearings in the absence of the  
332 alleged victim, ~~upon request, be given notice of all public proceedings involving the~~  
333 alleged criminal offense against the victim and the opportunity to be present at all such  
334 proceedings. In this regard, the trial court may direct the prosecuting attorney to provide  
335 such notice to the alleged victim.

336

337 ~~To the extent required~~ (2) Except as provided by Article I, Section 10a of the Ohio  
338 Constitution or by the Revised Code, ~~the trial a~~ court shall, ~~upon request, provide~~ not rule  
339 on any substantive issue affecting the victim's rights without first providing the alleged  
340 victim the opportunity to be heard in any public proceeding in which a right of the alleged  
341 victim is implicated, including but not limited to public proceedings involving release,  
342 plea, sentencing, or disposition with notice and an opportunity to be heard.

343

344 **(B) Addressing the court**

345

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

349

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



OHIO RULES OF EVIDENCE

RULE 615. Separation and Exclusion of Witnesses.

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

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

(1) A party who is a natural person;

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

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

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

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

373 OHIO RULES OF JUVENILE PROCEDURE  
374

375 **RULE 2. Definitions.**  
376

377 As used in these rules:  
378

379 **[Existing language unaffected by the amendments is omitted to conserve space]**  
380

381 (WW) “Victim,” has the same meaning as provided in Chapter 2930 of the Revised  
382 Code. For purposes of these rules, the term “victim” includes the “victim’s representative”  
383 and “victim’s attorney” as those terms are defined in Chapter 2930 of the Revised Code.  
384

385  
386 **Proposed Staff Note (July 1, 2025 Amendment)**  
387

388 **Subsection (WW), definition of “victim”**  
389

390 In that the Rules provide procedural implementation of substantive law, the meaning of “victim” in  
391 the Rules needs to be consistent with the definitions found in Article I, Section 10a of the Ohio Constitution  
392 and R.C. 2930.01, respectively. R.C. 2930.01(H) defines “victim” as having “the same meaning as in  
393 Section 10 of Article I of the Ohio Constitution,” which, with few exceptions, is “a person against whom the  
394 criminal offense or delinquent act is committed or who is directly and proximately harmed by the  
395 commission of the offense or act.” (Art. I, Sec. 10a (D), emphasis added). “Criminal offense” is not defined  
396 in Article I, Sec. 10a of the Ohio Constitution.  
397

398 R.C. 2930.01(A) defines “criminal offense,” to include “alleged” acts or omissions thus avoiding any  
399 confusion between an alleged criminal offense and a criminal offense for which the defendant has already  
400 been found guilty or adjudicated delinquent. By adopting the statutory definition of “victim,” the Rules also  
401 avoid confusion as to whether there can be a “victim” prior to the return of a guilty verdict or an adjudication  
402 of delinquency – “victim” encompasses all stages of the process.

403 **RULE 3. Waiver of Rights.**

404

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

406

407 (F) The victim may submit a request to receive notices authorized by Chapter 2930 of the  
408 Revised Code at any time. A victim who fails to submit this request will be considered to have  
409 waived their right to such notices. A victim who does not want to receive initial information and  
410 notice requirements under Sections 2930.04, 2930.05, 2930.06, and 2930.16 of the Revised Code,  
411 shall notify the prosecutor or custodial agency not to provide notice. A victim who fails to request  
412 initial notice or who later opts-out of receiving notices, may resubmit their request to receive  
413 notices at any time.

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

415

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

417

418 **(H) Victim's attorney**

419

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

421 will not be appointed for victims, except pursuant to division (F) of section 2907.02 of the

422 Revised Code.

423 **RULE 7. Detention and Shelter Care.**

424

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

426

427 **(F) Detention hearing**

428

429 (1) Hearing: time; notice

430

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

438

439 (2) Hearing: advisement of rights

440

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

444

445 (3) Hearing procedure

446

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

458

459 (4) Release of child; serious youthful offender

460

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

463

464 (5) Notification to victims

465

466 Victims who have submitted the victim's rights form shall be notified of the court's  
467 ruling and any changes in release conditions.

468

469 (G) Rehearing

470

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

477

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

479 **RULE 11. Transfer to Another County.**

480

481 **(A) Residence in another county; transfer optional**

482

483 If the child resides in a county of this state and the proceeding is commenced in a court of  
484 another county, that court, on its own motion or a motion of a party, may transfer the  
485 proceeding to the county of the child's residence upon the filing of the complaint or after  
486 the adjudicatory or dispositional hearing for such further proceeding as required. The  
487 victim, if present, shall be permitted to address the court with respect to the transfer. The  
488 court of the child's residence shall then proceed as if the original complaint had been filed  
489 in that court. Transfer may also be made if the residence of the child changes.

490

491 **(B) Proceedings in another county; transfer required**

492

493 The proceedings, other than a removal action, shall be so transferred if other proceedings  
494 involving the child are pending in the juvenile court of the county of the child's residence.

495

496 **(C) Adjudicatory hearing in county where complaint filed**

497

498 Where either the transferring or receiving court finds that the interests of justice and the  
499 convenience of the parties so require, the adjudicatory hearing shall be held in the county  
500 wherein the complaint was filed. Thereafter the proceeding may be transferred to the  
501 county of the child's residence for disposition.

502

503 **(D) Transfer of records**

504

505 Certified copies of all legal and social records pertaining to the proceeding shall accompany  
506 the transfer.

507

508 **(E) Notification to victims**

509

510 Victims who have submitted the victim's rights form shall be notified of a transfer or other  
511 rulings and orders made thereto.

512 **RULE 17. Subpoena.**

513

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

515

516 **(D) Protection of persons subject to subpoenas**

517

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

521

522 (2)

523

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

528

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

541

542 (3) On timely motion, the court from which the subpoena was issued shall quash or  
543 modify the subpoena, or order appearance or production only under specified conditions,  
544 if the subpoena does any of the following:

545

546 (a) Fails to allow reasonable time to comply;

547

548 (b) Requires disclosure of privileged or otherwise protected matter and no  
549 exception or waiver applies;

550

551 (c) Requires disclosure of a fact known or opinion held by an expert not  
552 retained or specially employed by any party in anticipation of litigation or  
553 preparation for trial if the fact or opinion does not describe specific events or  
554 occurrences in dispute and results from study by that expert that was not made at  
555 the request of any party;

556

557 (d) Subjects a person to undue burden.



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(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.

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

**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.

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

581  
582 **(A) Service: when required**

583  
584 Written notices, requests for discovery, designation of record on appeal and written  
585 motions, other than those which are heard ex parte, and similar papers shall be served  
586 upon each of the parties, as well as a victim who made a request for notice of appearance.

587 **RULE 22. Pleadings and Motions; Defenses and Objections.**

588

589 **(A) Pleadings and motions**

590

591 Pleadings in juvenile proceedings shall be the complaint and the answer, if any, filed by a  
592 party. A party may move to dismiss the complaint or for other appropriate relief, except  
593 that a court may not dismiss a complaint solely at the request of the victim over the  
594 objection of the prosecutor subject to the exceptions in an offense of domestic violence or  
595 violations of a protection order pursuant to the Revised Code. If the court dismisses the  
596 complaint prior to involvement of the prosecutor, and notice has been requested by the  
597 victim, the court must notify the victim of the dismissal.

598

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

600

601 **(G) Motions by ~~alleged~~ victim**

602

603 To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised  
604 Code, the trial court shall allow ~~an alleged~~ the victim of a crime to file pretrial motions in  
605 accordance with the time parameters in subsection (E) and to respond to any motion filed  
606 by either the prosecutor or the alleged delinquent within a time prescribed by the court.

607

608 **(H) Appeal by victim**

609

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

614 **RULE 23. Continuance.**

615

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

617

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

625 **RULE 24. Discovery.**

626

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

628

629 **(B) Order granting discovery: limitations; sanctions**

630

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

643

644 **(C) Failure to comply**

645

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

650

651 **(D) Rights of ~~alleged~~ victims**

652

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

656 **RULE 26. Rights of Alleged Victims of crime in Delinquency, Traffic, and Unruly Child**  
657 **Proceedings.**

658  
659 ~~To the extent required~~ **(A) Presence of and notice to victim**

660  
661 ~~(1) Except as provided by Article I, Section 10a of the Ohio Constitution or by the~~  
662 ~~Revised Code, the trial a court shall ensure that not conduct hearings in the absence of the~~  
663 ~~alleged victim of a crime, upon request, be given notice of all public proceedings involving~~  
664 ~~the alleged criminal offense against the victim and the opportunity to be present at all such~~  
665 ~~proceedings. In this regard, the trial court may direct the prosecuting attorney to provide~~  
666 ~~such notice to the alleged victim.~~

667  
668 ~~To the extent required~~ **(2) Except as provided by Article I, Section 10a of the Ohio**  
669 ~~Constitution or by the Revised Code, the trial a court shall, upon request, provide not rule~~  
670 ~~on any substantive issue affecting a victim's rights without first providing the alleged~~  
671 ~~victim of a crime the opportunity to be heard in any public proceeding in which a right of~~  
672 ~~the alleged victim is implicated, including but not limited to public proceedings involving~~  
673 ~~release, plea, sentencing, or disposition with notice and an opportunity to be heard.~~

674  
675 **(B) Addressing the court**

676  
677 Whenever a victim has a right provided by law to be heard at a public proceeding, the court  
678 shall allow the victim to address the court orally, in writing, or both. When necessary, the  
679 court shall provide the victim with the aid of an interpreter at no expense to the victim.

680 **RULE 27. Hearings: General.**

681

682 **(A) General provisions**

683

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

686

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

689

690 (1) Public access to hearings

691

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

695

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

698

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

701

702

703 (2) Separation of juvenile and adult cases

704

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

707

708 (3) Jury trials

709

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

713

714 **(C) Testimony by victim**

715

716 The court must conduct an in camera hearing if a victim refuses to testify about personal  
717 information including their residential address. If the court finds the information  
718 necessary, the court must close the proceeding during the disclosure of the personal  
719 information.

720 **RULE 29. Adjudicatory Hearing.**

721

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

723

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

725

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

727

728 (1) Ascertain whether notice requirements have been complied with and, if  
729 not, whether the affected parties, and victim waive compliance;

730

731 (2) Inform the parties of the substance of the complaint, the purpose of the  
732 hearing, and possible consequences of the hearing, including the possibility that  
733 the cause may be transferred to the appropriate adult court under Juv.R. 30 where  
734 the complaint alleges that a child fourteen years of age or over is delinquent by  
735 conduct that would constitute a felony if committed by an adult;

736

737 (3) Inform unrepresented parties of their right to counsel and determine if  
738 those parties are waiving their right to counsel;

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

741

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

746

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

755

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

757

758 **(F) Procedure upon determination of the issues**

759

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

761

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

764

765 (2) If the allegations of the complaint, indictment, or information are admitted



766 or proven, do any one of the following, ~~unless precluded by statute after~~  
767 compliance with all provisions in the Revised Code setting forth victim  
768 rights:

- 769
- 770 (a) Enter an adjudication and proceed forthwith to  
771 disposition;
- 772
- 773 (b) Enter an adjudication and continue the matter for  
774 disposition for not more than six months and may make  
775 appropriate temporary orders;
- 776
- 777 (c) Postpone entry of adjudication for not more than six  
778 months;
- 779
- 780 (d) Dismiss the complaint if dismissal is in the best interest of  
781 the child and the community.

782

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

785

786 (4) Ascertain whether the child should remain or be placed in shelter care until  
787 the dispositional hearing in an abuse, neglect, or dependency proceeding. In making  
788 a shelter care determination, the court shall make written finding of facts with  
789 respect to reasonable efforts in accordance with the provisions in Juv.R. 27(B)(1)  
790 and to relative placement in accordance with Juv.R. 7(F)(3).

791

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

795

796 (6) At the conclusion of the hearing, the court shall advise the victim or victim's  
797 representative of the right to full restitution for economic losses suffered because  
798 of the delinquent act.

799

800 **(G) Restitution**

801

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

806

807 (2) The court may order the juvenile to perform community service to generate funds  
808 for restitution pursuant to the Revised Code.

809

810 (3) The court may modify the restitution payment terms upon motion made by the  
811 juvenile or the prosecutor as requested by the victim or victim's representative.

812  
813 (4) Any outstanding amount owed on the restitution order at the time the juvenile  
814 reaches twenty-one years of age transfers to a certificate of judgment that may be filed  
815 in the county or municipal court where the juvenile or victim resides. A victim has the  
816 right to receive a copy of a certificate of judgment and judgment entry related to the  
817 restitution order at no cost.

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

820

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

822

823 **(E) Predisposition investigation and report**

824

825 (1) During a predisposition investigation, the person conducting the investigation must  
826 attempt to contact the victim regarding the victim's economic, physical, psychological,  
827 emotional harm, or safety concerns because of the delinquent act.

828

829 (2) If the predisposition report is made available to the child prior to the disposition  
830 hearing, the court must simultaneously provide a copy to the prosecutor and the victim.

831

832 (3) A victim may make an oral or written statement to the person preparing the  
833 predisposition report or investigation regarding the impact of the delinquent act. Said  
834 statement is to be included in the victim impact statement, if one is ordered by the court,  
835 and is to be used when preparing the predisposition report. The victim may request the  
836 statement be included in the report subject to the limitations and requirements of the  
837 Revised Code.

838 **RULE 34. Dispositional Hearing.**

839

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

841

842 **(B) Hearing procedure**

843

844 The hearing shall be conducted in the following manner:

845

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

848

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

852

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

858

859 (4) To the extent required by Article I, Section 10a of the Ohio Constitution or  
860 by the Revised Code, before disposition, the trial court shall allow ~~an alleged~~  
861 victim of a crime to be heard, in writing, orally, or both during the proceeding.  
862 The court shall receive all copies of any written statement of the victim previously  
863 distributed to any person immediately following disposition.

864

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

866

867 **(K) Advisement of victims**

868

869 At the conclusion of the hearing, the court shall advise the victim of the right to be heard  
870 at any proceedings to terminate or modify the terms of probation or community control of  
871 an adjudicated delinquent if the change would affect the delinquent's contact with or the  
872 safety of the victim, restitution, or confinement status.

873

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

875 **RULE 35. Proceedings After Judgment.**

876

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

878

879 **(D) Sealing and expungement of records**

880

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

887

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

891

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