

Youth Engagement in Court Proceedings

Current Ohio law and court rules

Ohio Rules of Juvenile Procedure

Ohio Juv. R. 2(Y) "Party" means a child who is the subject of a juvenile court proceeding, the child's spouse, if any, the child's parent or parents, or if the parent of a child is a child, the parent of that parent, in appropriate cases, the child's custodian, guardian, or guardian ad litem, the state, and any other person specifically designated by the court."

Ohio Juv. R. 4 (A) "Assistance of counsel. Every party shall have the right to be represented by counsel and every child, parent, custodian, or other person in loco parentis the right to appointed counsel if indigent. These rights shall arise when a person becomes a party to a juvenile court proceeding. When the complaint alleges that a child is an abused child, the court must appoint an attorney to represent the interests of the child. This rule shall not be construed to provide for a right to appointed counsel in cases in which that right is not otherwise provided for by constitution or statute."

Ohio Juv. R. 15(A) "Summons: issuance. After the complaint has been filed, the court shall cause the issuance of a summons directed to the child, the parents, guardian, custodian, and any other persons who appear to the court to be proper or necessary parties. The summons shall require the parties to appear before the court at the time fixed to answer the allegations of the complaint. A child alleged to be abused, neglected, or dependent shall not be summoned unless the court so directs."

Ohio Code

Ohio Rev. Code Ann § 2151.35(C) "The court shall give all parties to the action and the child's guardian ad litem notice of the adjudicatory and dispositional hearings in accordance with the Juvenile Rules.

Ohio Rev. Code Ann. § 2151.417(F) "The court shall give notice of the review hearings held pursuant to this section to every interested party, including, but not limited to, ... the child."

Ohio Rev. Code Ann. § 2151.417(F) "In any review hearing that pertains to a permanency plan for a child, the court or a citizens board appointed by the court pursuant to division (H) of this section shall consult with the child, in an age-appropriate manner, regarding the proposed permanency plan for the child."

Ohio Rev. Code Ann. § 2151.35 (A) (1) "Except as otherwise provided by division (A)(3) of this section or in section 2152.13 of the Revised Code, the juvenile court may conduct its hearings in an informal manner and may adjourn its hearings from time to time. The court may exclude the general public from its hearings in a particular case if the court holds a separate hearing to determine whether that exclusion is appropriate. If the court decides that exclusion of the general public is appropriate, the court still may admit to a particular hearing or all of the hearings relating to a particular case those

persons who have a direct interest in the case and those who demonstrate that their need for access outweighs the interest in keeping the hearing closed. Except cases involving children who are alleged to be unruly or delinquent children for being habitual or chronic truants and except as otherwise provided in section 2152.13 of the Revised Code, all cases involving children shall be heard separately and apart from the trial of cases against adults. The court may excuse the attendance of the child at the hearing in cases involving abused, neglected, or dependent children. The court shall hear and determine all cases of children without a jury, except cases involving serious youthful offenders under section 2152.13 of the Revised Code.”

Federal Law

42 U.S.C. § 675(5)(C)(iii) provides that states shall institute case review procedures that assure that:

[P]rocedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;...

Model Rules of Professional Conduct

Model Rules of Prof'l Conduct R. 1.14 cmt. 1 (2004) “Children as young as five or six years of age, and certainly those of ten or twelve, are regarded as having opinions that are entitled to weight in legal proceedings concerning their custody.”

Relevant Attorney General recommendations

- **Ohio should create a mechanism to ensure that older youth are given the opportunity to attend staffings/team decision-making/group decision-making sessions that pertain to their case plans.**
- **Public children services agencies should ensure that older youth are given the opportunity to attend court hearings in their cases. Further, the agencies should facilitate their attendance at these court hearings.**
- **The Supreme Court of Ohio should consider amending Ohio Rules of Juvenile Procedure to clarify the expectation that older youth should be in attendance at court hearings impacting decisions in their lives.**