

MONTGOMERY COUNTY JUVENILE COURT

Glossary of Legal Terms

ADJUDICATORY HEARING – a hearing to determine whether a child is a juvenile traffic offender, delinquent, unruly, neglected, dependent or abused, or is otherwise within the court’s jurisdiction. JUV. R.2(b)

AGREEMENT FOR TEMPORARY CUSTODY- means a voluntary agreement that is authorized by section 5103.15 of the Revised Code and transfers the temporary custody of a child to a public children services agency or a private child placing agency. (JUV R.2(c)

ASSISTANT PROSECUTING ATTORNEY – an attorney that is employed by the county prosecuting attorney.

ATTORNEY – a person who is at least 21 years of age; earned a bachelor’s degree from an accredited college or university; earned a J.D. or L.L.B. degree from a law school; requisite character, fitness and moral character; and have passed both Ohio Bar examination and Multistate Professional Responsibility examination. Gov. BAR I. 1

COMPLAINT - the legal document that sets forth the allegations which form the basis for juvenile court jurisdiction. JUV. R 2(f)

COURT PROCEEDING - all action taken by a court from the earlier of (1) the time a complaint is filed and (2) the time a person first appears before an officer of a juvenile court until the court relinquishes jurisdiction over such child. JUV. R 2(g)

COURT REVIEW – a review hearing held by judge or magistrate that issued a dispositional order in an abuse, neglect or dependency case, where the court reviews the child’s placement or custody arrangement, the case plan, and the actions of the public or private agency implementing that plan. The time it is held is the earlier of the date on which the complaint in the case was filed or the child was first placed in shelter care. JUV. R 36(a)

CUSTODIAN - a person who has legal custody of a child or a public children services agency or private child-placing agency that has permanent, temporary, or legal custody of a child. JUV. R 2(h)

DETENTION - the temporary care of children in restricted facilities pending court adjudication or disposition.

DETENTION HEARING – a hearing to determine whether a child shall be held in detention or shelter care prior to or pending execution of trial dispositional hearing. JUV. R 2(l)

DISPOSITIONAL HEARING – a hearing to determine what action shall be taken concerning a child who is within the jurisdiction of the court. JUV. R 2(m)

GUARDIAN - a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents. JUV.R 2(n)

DORA TATE – a nonsecure correctional facility located in Jefferson Township that the juvenile may be sentenced to by the judge or magistrate. Sentences may be from (1) weekend to (1) month.

FELONY – an offense defined by law as a felony. CRIM. R 2(a)

GUARDIAN AD LITEM – a person appointed to protect the interests of a party in a juvenile proceeding JUV. R 2(o) - (can be an attorney or lay person)

HEARING – a Juvenile Court proceeding before the court, whether summary in nature or by examination of witnesses JUV. R 2(q)

INDIGENT PERSON - a person who, at the time need is determined, is unable by reason of lack of property or income to provide for full payment of legal counsel and all other necessary expenses of representation. JUV. R 2(r)

JUVENILE COURT - a division of the court of common pleas, or a juvenile court separately and independently created, that has jurisdiction under Chapters 2151 and 2152 of the Revised Code. JUV. R 2(s)

JUVENILE JUDGE – a judge of a court having jurisdiction under chapter 2151 of the Ohio Revised Code. JUV. R 2(t)

LEGAL CUSTODY - a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court. JUV. R 2(v)

MAGISTRATE – an attorney appointed by a court to conduct proceedings and hearings according to the scope of authority by an order of reference. JUV. R 40

MENTAL EXAMINATION - an examination by a psychiatrist or psychologist. JUV. R 2(w)

MENTAL COMPETENCY – term refers to the mental condition at the time of trial of a defendant. A person is presumed to be competent to stand trial unless the defendant is incapable of understanding the nature and objective of the proceeding or of presently assisting in the defense.

MISDEMEANOR – an offense defined by law as a misdemeanor. CRIM. R 2(b) this tends to be less serious offenses.

PARTY - 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. JUV. R 2(y)

PERMANENT CUSTODY - a legal status that vests in a public children's services agency or a private child-placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of any and all parental rights, privileges, and obligations, including all residual rights and obligations. JUV. R 2(z)

PERMANENT SURRENDER - means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children's services agency or a private child-placing agency. JUV. R 2(aa)

PLANNED PERMANENT LIVING ARRANGEMENT - means and order of a juvenile court pursuant to which both of the following apply: JUV. R 2(dd)

(1) The court gives legal custody of a child to a public children's services agency or a private child-placing agency without the termination of parental rights;

(2) The order permits the agency to make an appropriate placement of the child and to enter into a written planned permanent living arrangement agreement with a foster care provider or with another person or agency with whom the child is placed.

PLEA – Juvenile Rule 29 (c) requires the parties to admit or deny the allegations of a complaint.

PRELIMINARY CONFERENCES – at any time after the filing of a complaint, the court upon motion of any party or upon its own motion may order one or more conferences to consider such matters as will promote a fair and expeditious proceeding. JUV. R 21

PREHEARING MOTIONS - Any defense, objection or request which is capable of determination without hearing on the allegations of the complaint may be raised before

the adjudicatory hearing by motion. The following must be heard before the adjudicatory hearing, though not necessarily on a separate date: JUV.R 22(d).

(1) Defenses or objections based on defects in the institution of the proceeding;

(2) Defenses or objections based on defects in the complaint (other than failure to show jurisdiction in the court or to charge an offense which objections shall be noticed by the court at any time during the pendency of the proceedings);

(3) Motions to suppress evidence on the ground that it was illegally obtained;

(4) Motions for discovery.

(5) Motions to determine whether the child is eligible to receive a sentence as a serious youthful offender.

PRIVATE CHILD-PLACING AGENCY - any association, as defined in section 5103.02 of the Revised Code that is certified pursuant to sections 5103.03 to 5103.05 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption. JUV. R 2(ee)

PROBATION – a legal status created by court order following an adjudication that a child is a delinquent child, a juvenile traffic offender, or an unruly child whereby the child is permitted to remain in the parent’s, guardian’s, or custodian’s home subject to supervision, or under the supervision of any agency designated by the court and returned to the court for violation of probation at any time during the period of probation. RC 2151.011 (b) (14)

PROSECUTOR – an attorney who is employed by the Court prosecutor to represent the state’s case, whether civil or criminal.

PUBLIC DEFENDER – an attorney that is employed by the public defender and provides free service to indigent persons.

PUBLIC CHILDRENS' SERVICES AGENCY - a childrens' services board or a county department of human services that has assumed the administration of the children services function prescribed by Chapter 5153 of the Revised Code. JUV. R 2(ff)

REMOVAL ACTION - a statutory action filed by the superintendent of a school district for the removal of a child in an out-of-county foster home placement. JUV. R 2(gg)

RESIDENCE OR LEGAL SETTLEMENT - Under sections 2151.01 to 2151.54, inclusive, of the Revised Code, a child has the same residence or legal settlement as his parents, legal guardian of his person, or his custodian who stands in the relation of loco parentis. JUV.R(hh).

RESIDUAL PARENTAL RIGHTS, PRIVILEGES, AND RESPONSIBILITIES) - those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including but not limited to the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support. JUV. R.2(ii)

RULE OF COURT - a rule promulgated by the Supreme Court or a rule concerning local practice adopted by another court that is not inconsistent with the rules promulgated by the Supreme Court and that is filed with the Supreme Court. JUV. R.2(jj)

SERIOUS YOUTHFUL OFFENDER - a child eligible for sentencing as described in sections 2152.11 and 2152.13 of the Revised Code. JUV. R.2(kk)

- a. DISCRETIONARY SERIOUS YOUTHFUL OFFENDER - a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer. 2152.02(g).
- b. DISCRETIONARY SYO - a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code. 2152.02(h).
- c. DISCRETIONARY TRANSFER - the juvenile court has discretion to transfer a case for criminal prosecution in adult court under division (B) of section 2152.12 of the Revised Code. 2152.02(i).

SERIOUS YOUTHFUL OFFENDER PROCEEDINGS - proceedings after a probable cause determination that a child is eligible for sentencing as described in sections 2152.11 and 2152.13 of the Revised Code. Serious youthful offender proceedings cease to be serious youthful offender proceedings once a child has been determined by the trier of fact not to be a serious youthful offender or the juvenile judge has determined not to impose a serious youthful offender disposition on a child eligible for discretionary serious youthful offender sentencing. JUV. R 2(ll)

SHELTER CARE - the temporary care of children in physically unrestricted facilities, pending court adjudication or disposition. JUV. R 2(mm)

SOCIAL HISTORY - the personal and family history of a child or any other party to a juvenile proceeding and may include the prior record of the person with the juvenile court or any other court. JUV. R 2(nn)

TEMPORARY CUSTODY - legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person or persons who executed the agreement. JUV. R 2(oo)

SOCIAL HISTORY/DISPOSITIONAL INVESTIGATION REPORT – the personal and family history of a child or any other party to a juvenile proceeding which may include the prior record of the person with the juvenile court or any other court. JUV. R 2 (jj)
JUV. R 32

SUMMONS – a document issued by a court requiring a party or person to whom it is directed to appear before the court at the time fixed for hearing. JUV. R 15

SUSPENDED COMMITMENT TO DEPARTMENT OF YOUTH SERVICES - a disposition made by the Juvenile Court in lieu of a sentence to the Department of Youth Services.

TRANSFER – the process by a Juvenile Court relinquishes jurisdiction and transfers a juvenile case to the criminal courts for prosecution. RC 2151.26, JUV. R.30

VIOLATION OF COURT ORDER – the violation of a lawful judicial court order. RC 2151.02(b).

WARD OF COURT - a child over whom the court assumes continuing jurisdiction.
JUV.R.2(qq)