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## OHIO PUBLIC DEFENDER COMMISSION

- Authorizes the State Public Defender, effective July 1, 2013, to provide legal representation and services to a child committed to the Department of Youth Services relative to the fact, duration, and conditions of the child's confinement.
- Requires the Department, effective July 1, 2013, to give the State Public Defender access to any child committed to the Department of Youth Services, to any Department Institution, and to any Department record that the State Public Defender needs to provide authorized representation and services.

### **Representation of a child committed to the Department of Youth Services**

(R.C. 120.06(G) to (J) and 5139.04(H))

The bill permits the State Public Defender to provide legal representation and services to a child committed to the Department of Youth Services relative to either of the following:

(a) The fact or duration of the child's confinement, including, but not limited to, appeals, post-conviction relief, petitions for habeas corpus, and administrative issues that may extend the period of confinement;

(b) Conditions of the child's confinement.

"Conditions of confinement," as defined by the bill, means any issue involving a constitutional right or other civil right related to a child's incarceration, including, but not limited to, civil actions cognizable under 42 U.S.C. 1983 for the deprivation of any rights, privileges, or immunities secured by statute or the U.S. Constitution.

The bill grants the State Public Defender the right of access to any child committed to the Department, to any Department Institution, and to any Department record, as needed by the State Public Defender to implement the bill's provisions.

The bill provides that the authority granted to the State Public Defender to provide legal representation and services to a child committed to the Department does not authorize the State Public Defender to represent a child committed to the Department in general civil matters arising solely out of state law. A child's right to the legal representation and services that are authorized by the bill is not affected by the child, or another person on behalf of the child, previously having paid for similar representation or services or having waived legal representation.



The bill also requires that the Department allow the State Public Defender access as authorized by the bill to any child committed to the Department, to any Department Institution, and to any Department record in order to fulfill the Department's constitutional obligation to provide juveniles who have been committed to the Department's care access to the courts.

These provisions take effect July 1, 2013.

