
OHIO PUBLIC DEFENDER COMMISSION

- Requires the State Public Defender, effective July 1, 2013, to provide legal representation to a child confined in a Department of Youth Services facility on administrative issues that may extend the period of the child's confinement when designated by the court or requested by a county public defender, joint county public defender, the Director of Rehabilitation and Correction, or the Director of Youth Services, unless the child is financially able to retain the child's own counsel.
- Authorizes the State Public Defender, effective July 1, 2013, to conduct a legal assistance referral service for children committed to the Department of Youth Services relative to conditions of confinement claims.
- Requires the Department, effective July 1, 2013, to provide the State Public Defender reasonable 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 the child access to the courts.

Representation of a child committed to the Department of Youth Services

(R.C. 120.06(A)(6) and (G) to (J) and 5139.04(H))

The bill requires the State Public Defender, when designated by the court or requested by a county public defender, joint county public defender, the Director of Rehabilitation and Correction, or the Director of Youth Services, to provide legal representation to a child confined in a facility operated, or contracted for, by the Department of Youth Services, on administrative issues that may extend the period of the child's confinement in a facility operated, or contracted for, by the Department, unless the State Public Defender finds that the child has the financial capacity to retain the child's own counsel.

The bill permits the State Public Defender to conduct a legal assistance referral service for children committed to the Department relative to conditions of confinement claims. If the legal assistance referral service receives a request for assistance from a child confined in a facility operated, or contract for, by the Department and the State Public Defender determines that the child has a conditions of confinement claim that has merit, the State Public Defender may refer the child to a private attorney. If no private attorney who the child has been referred to accepts the case within a reasonable time, the State Public Defender is authorized to prepare, as appropriate, pro se pleadings in the form of a complaint regarding the conditions of confinement at the



facility where the child is confined with a motion for appointment of counsel and other applicable pleadings necessary for the child to act on the child's own behalf.

"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.

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 grants the State Public Defender the right of reasonable 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 also requires that the Department provide the State Public Defender the reasonable access 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.

The bill prohibits the State Public Defender from undertaking the representation of a child in court based on a conditions of confinement claim arising from the legal assistance referral service. The bill provides that the authority granted to the State Public Defender with regard to the operation of the legal assistance referral service 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.

These provisions take effect July 1, 2013.

