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## JUDICIARY/SUPREME COURT

### Temporary custody of child

- Permits an abused, neglected, dependent, unruly, or delinquent child to be placed in the temporary custody of any person approved by the juvenile court rather than any *home* approved by the juvenile court.

### Annual review hearing

- Removes the requirement for the juvenile court to continue holding case review hearings for a child subject to a legal-custody order if:
  - The child is not subject to an order of protective supervision;
  - No public children services agency or private child placing agency is providing services to the child; and
  - The court finds that further reviews are not necessary to serve the child's best interests.

### Disposition of balance after sale on execution

- Modifies the notice and disposition requirements for balances remaining after sales on execution.

### Expungement of ex parte protection orders

- Requires a court to order the expungement of an ex parte protection order if the court does not issue, after a full hearing, a protection order against a minor, a civil stalking protection order involving any person, or a civil domestic violence protection order involving a family or household member.
- Requires a court to order the expungement of an ex parte order if the court, after a hearing, determines that a temporary criminal stalking protection order involving a person other than a family or household member or criminal domestic violence protection order involving a family or household member should be revoked.

## Temporary custody of child

(R.C. 2151.353)

The act permits a juvenile court to place a child adjudicated to be an abused, neglected, or dependent child in the temporary custody of any *person* approved by the court, rather than in any *home* approved by the court as provided in former law. This change also applies for children adjudicated to be delinquent or unruly.<sup>109</sup> Under continuing law, the court may also place the child for temporary custody with a public children services agency, private child placing agency, either parent, a relative residing within or outside the state, or a probation officer for placement in a certified foster home.

## Annual review hearing

(R.C. 2151.417)

The act permits a juvenile court to stop holding annual review hearings for a child that is subject to a legal custody order if:

- The child is not subject to an order of protective supervision;
- No public children services agency or private child placing agency is providing services to the child; and
- The court finds that further reviews are not necessary to serve the child's best interests.

Under prior law, a court had to hold annual review hearings regarding a child described above to (1) review the child's case plan and placement or custody arrangement, (2) approve or review the child's permanency plan, and (3) make any changes to the case plan and placement or custody arrangement consistent with the permanency plan.

## Disposition of balance after sale on execution

(R.C. 2329.44)

The act modifies the notice and disposition requirements for the balance remaining after an execution sale made pursuant to the Execution Against Property Law if the sale generates more money than is necessary to satisfy the writ of execution. Under continuing law, unchanged by the act, if the sale generates a balance in excess of

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<sup>109</sup> R.C. 2151.354(A)(1) and 2152.19(A)(1), not in the act.



the amount necessary to satisfy the writ and the balance exceeds the statutory threshold, the court clerk must notify the judgment debtor of the balance by certified mail and must publish an advertisement of the balance if notification by certified and ordinary mail fails. The act increases the statutory threshold from \$25 to \$100. The act also requires that an advertisement run at least once rather than three times, and requires the advertisement to contain the case number, the name of the judgment debtor, and information on how to contact the clerk. The act also allows the clerk to charge the judgment debtor the actual costs incurred in providing notice, rather than charging a set fee of \$25 for providing notice if the balance is \$25 or more or \$5 if the balance is less than \$25.

If a balance from a sale is unclaimed for 90 days after the first date of publication, the act allows the clerk to dispose of the unclaimed funds in the same manner as the clerk handles other unclaimed funds in the clerk's possession.

### **Expungement of ex parte protection orders**

(R.C. 2151.34, 2903.213, 2903.214, 2919.26, and 3113.31)

Under continuing law, unchanged by the act, on the following types of protection orders, the court may issue an ex parte protection order for the safety and protection of the person to be protected by the order, and must schedule a full hearing on whether or not to grant a protection order: (a) juvenile court protection order against a minor, (b) civil stalking protection order involving any person, and (c) civil domestic violence protection order (or consent agreement) involving a family or household member. If the court, after the full hearing, refuses to grant a protection order, the act requires the court, on its own motion, to order that the ex parte order issued and all records pertaining to it be expunged after either of the following occurs: the period of the notice of appeal from the order refusing to grant a protection order has expired, or the order refusing to grant a protection order is appealed and an appellate court to which the last appeal is taken affirms that order.

Under continuing law, unchanged by the act, on the following types of temporary protection orders, the court may issue an ex parte protection order for the safety and protection of the person to be protected by the order, and, as soon as possible after its issuance, must conduct a hearing to determine whether the order should remain in effect or be modified or revoked: (a) criminal stalking protection order involving a person other than a family or household member issued as a pretrial condition of release of the offender and (b) criminal domestic violence temporary protection order involving a family or household member. The act provides that if, at the hearing, the court determines that the ex parte order should be revoked, the court,



on its own motion, must order that the ex parte order and all records pertaining to it be expunged.

The act defines "expunge" as to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.

