

Purpose of LSC Amendment Draft

To amend sections **2151.022, 2151.31, and 2151.311** of the Revised Code to specify that a child who is a runaway is not an unruly child solely by reason of being a runaway and to specify measures to be taken when a child is taken into custody solely by reason of being a runaway.

Goals

- For youth not to be charged for running away
- For youth not to be put on probation for running away
- For youth not to be brought into juvenile detention for running away

How The Amendment Is Mapped Out (3 Sections)

1.) Unruly Child Definition: (2151.022)

- The amendment specifies that a child or teen is not considered “unruly” solely because they ran away, and that running away doesn’t in and of itself mean that they are “wayward” or “not submitting to parents/teachers.”

*We might still need to add that abuse/running away can lead to absences from school, so that runaway youth are not taken into custody for truancy

2.) Taking a Child into Custody: (2151.31)

- The amendment specifies that children who run away should be brought to the public children services agency serving the county for protective services

*Shelter care might be an acceptable placement as well, but it is worrisome that the ORC currently uses shelter care and detention interchangeably.

3.) Procedures After Taking Child into Custody (2151.311)

- The amendment specifies that if there is reasonable suspicion that the release of a runaway child or teen to the child's parents, guardian, or other custodian would subject the child to abuse, to bring the child to the public children services agency serving the county, for protective services.

a.) Section 2151.022: Unruly Child Defined

Original wording of section 2151.022	LSC amendment draft
<p>Effective: April 6, 2017</p> <p>As used in this chapter, "unruly child" includes any of the following:</p> <p>(A) Any child who does not submit to the reasonable control of the child's parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;</p> <p>(B) Any child who is an habitual truant from school;</p> <p>(C) Any child who behaves in a manner as to injure or endanger the child's own health or morals or the health or morals of others;</p> <p>(D) Any child who violates a law, other than division (C) of section 2907.39, division (A) of section 2923.211, division (C)(1) or (D) of section 2925.55, or section 2151.87 of the Revised Code, that is applicable only to a child.</p>	<p>Adds this clause:</p> <p>A child is not an "unruly child" for purposes of divisions (A)(1) to (4) of this section solely by reason of the child being a runaway.</p> <p>For a child who is a runaway to be an "unruly child" for purposes of divisions (A)(1) to (4) of this section, one or more criterion listed in division (A)(1), (2), (3), or (4) of this section that is not based on, related to, or resulting from the child being a runaway must apply to the child.</p> <p>A child's running away does not, in and of itself, mean for purposes of division (A)(1) of this section that the child is wayward, or that the child is not submitting to the reasonable control of the child's parents, teachers, guardian, or custodian by reason of being wayward.</p>

b.) Section 2151.31: Taking Child Into Custody

Original wording of section 2151.31	LSC amendment draft
<p>Effective: May 16, 2002</p> <p><i>This section of the ORC covers reasons why any young person would be taken into custody, including court order, arrest, concern that the child or teen is at risk of harm, truancy or running away.</i></p>	<p>Adds this clause:</p> <p>(3) A child taken into custody under division (A)(5) or (6) of this section solely by reason of the child being a runaway shall be brought to the public children services agency serving the county for protective services, in accordance with division (A)(3)(b) of section 2151.311 of the Revised Code, when required under that division.</p>

Section 2151.31: Taking Child Into Custody - Additional Concern That Is Not Yet Included in the LSC Amendment

Original wording of section 2151.31	Youth Concerns
<p>((C)(1) Except as provided in division (C)(2) of this section, a child taken into custody shall not be confined in a place of juvenile detention or placed in shelter care prior to the implementation of the court's final order of disposition, unless detention or shelter care is required to protect the child from immediate or threatened physical or emotional harm, because the child is a danger or threat to one or more other persons and is charged with violating a section of the Revised Code that may be violated by an adult, because the child may abscond or be removed from the jurisdiction of the court, because the child has no parents, guardian, or custodian or other person able to provide supervision and care for the child and return the child to the court when required, or because an order for placement of the child in detention or shelter care has been made by the court pursuant to this chapter.</p>	<p>It is troubling that the ORC currently uses the words “detention” and “shelter care” interchangeably. Need to separate out victims of abuse from perpetrators of abuse.</p> <p>If the child or teen is in danger of immediate or threatened physical and emotional harm, they should be brought to a public children’s services agency rather than juvenile detention.</p> <p>If a child or teen has no parents, guardian or other person able to provide supervision or care for the child and return the child to court when required, they should be brought to a public children’s services agency rather than juvenile detention.</p>

c.) Section 2151.311: Procedure Upon Taking Child Into Custody

Original wording of section 2151.311	LSC amendment draft
<p>Effective: April 6, 2017</p> <p>(A) A person taking a child into custody shall, with all reasonable speed and in accordance with division (C) of this section, either:</p> <p>(1) Release the child to the child's parents, guardian, or other custodian, unless the child's detention or shelter care appears to be warranted or required as provided in section 2151.31 of the Revised Code;</p> <p>(2) Bring the child to the court or deliver the child to a place of detention or shelter care designated by the court and promptly give notice thereof, together with a statement of the reason for taking the</p>	<p>Revises (2) and adds (3):</p> <p>(2) Unless division (A)(3) of this section applies, bring the child to the court or deliver the child to a place of detention or shelter care designated by the court and promptly give notice thereof, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court;</p> <p>(3) If the child is a runaway taken into custody under authority of division (A)(5) or (6) of section 2151.31 of the Revised Code solely by reason of the child being a runaway, whichever of the following applies with respect to the child:</p>

child into custody, to a parent, guardian, or other custodian and to the court.

(a) Except as provided in division (A)(3)(b) of this section, release the child to the child's parents, guardian, or other custodian;

(b) If the person taking the child into custody has a reasonable suspicion that the release of the child to the child's parents, guardian, or other custodian would subject the child to abuse, bring the child to the public children services agency serving the county, for protective services. When a child is brought to the agency under this division, the agency shall comply with divisions (A)(5), (6), (7), (8), and (23) of section 5153.16 of the Revised Code with respect to the child, to the extent applicable with respect to the child, shall assess the risk of abuse or neglect of the child in accordance with the system of safety and risk assessment implemented under division (A)(16) of that section, and shall immediately commence an investigation as to whether the child is an abused, neglected, or dependent child.