



Ohio Judicial Conference

The Voice of Ohio Judges

Chairman Manning, Vice Chairman Rezabek, Ranking Member Celebrezze, and members of the House Criminal Justice Committee, I thank you for this opportunity to submit proponent testimony for House Bill 283 on behalf of the Ohio Judicial Conference.

I am Judge Robert DeLamatre of the Erie County Juvenile Court. I have been a juvenile court judge for over 16 years and currently serve as President of the Ohio Association of Juvenile Court Judges and as a member of the Ohio Judicial Conference's Juvenile Law and Procedure Committee.

H.B. 283 provides a solution to the issue that arises when the juvenile and probate court have conflicting jurisdiction over certain cases. This jurisdictional problem was highlighted when the Supreme Court of Ohio decided *State ex rel. Allen Cty. Children Servs. Bd. v. Mercer Cty. Common Pleas Court, Probate Div.*, 150 Ohio St. 3d 230, 2016-Ohio-7382. The Court held that a probate court's authority to order preadoption placement is within its exclusive, original jurisdiction over adoption proceedings even while the child is subject to juvenile court's continuing jurisdiction.

The *Allen-Mercer* decision was reviewed by both the Juvenile and Probate Law & Procedure Committees of the Ohio Judicial Conference. Both Committees determined that additional legislative clarification of the jurisdictional boundaries between the juvenile and probate court was necessary to avoid overlapping litigation and conflicts between courts.

H.B. 283's language was drafted by a subcommittee of judges with juvenile jurisdiction, juvenile and probate jurisdiction, and probate jurisdiction, with input from the Public Children Services Association of Ohio and bill sponsor, Representative Rezabek. The bill only applies to a limited amount of cases where a child in the temporary custody of a public children services agency or private adoption agency has a pending abuse, neglect or dependency case in juvenile court and subsequently a petition for adoption has been filed in probate court. The goal in drafting H.B. 283 was to provide clear guidance on court jurisdiction for future cases. Any pending or finalized adoption proceedings will not be affected.

H.B. 283 will clarify jurisdiction between juvenile and probate courts, reduce litigation, and discourage forum-shopping between the courts of different counties by providing for a resolution of the initial juvenile court action before initiation of adoption proceedings in probate court. This allows the juvenile court judge who is most familiar with the case to determine what is in the best interest of the child.

We are happy to discuss further clarification and improvement of this bill, if this Committee believes it is necessary. I respectfully ask that you favorably report H.B. 283 for consideration by the full House of Representatives. I thank you for your time and consideration. I am available to answer any questions you may have.

Sincerely,

Judge Robert C. DeLamatre
Erie County Juvenile Court