



# Judicial Impact Statement

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January 30, 2015

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**DRAFT**

## Court Costs in Transferred Cases

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### TITLE INFORMATION

To make changes to the Ohio Revised Code to provide that levying a fee in conjunction with the transfer of a case from one juvenile court to another does not constitute a final disposition of the matter.

### BACKGROUND

When a juvenile commits a crime, any proceeding against the juvenile occurs in the county where the act occurred. On occasion, the juvenile is not a resident of that county. In these situations, it is often more efficient for the case to be transferred to the juvenile's home county after the juvenile court makes its initial findings. This way, all post-decree actions can take place closer to the juvenile's home and it becomes easier for the juvenile and family to commute to the courtroom.

In these situations, the court in the county where the offense occurred will determine an outcome for the case before transferring it to the county of residence. As part of this process, the court incurs various costs. However, if the ordering court levies a fee to off-set these costs, case law demands that the order becomes a final *appealable* order. This means that the juvenile may start the appellate process in the county that issued the order, not in the county of residence where the case was transferred.<sup>1</sup>

The practical effect of this rule is that the transferring court does not levy a cost against the juvenile, and is therefore unable to recover part of the cost associated with handling the case in that county. If a court fee is levied against the juvenile, an appeal may be filed in the ordering county and the entire purpose of transferring the case is obviated.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

<sup>1</sup> See *In re Sekulich*, 65 Ohio St.2d 13 (1981)

## **IMPACT SUMMARY**

The juvenile court that handles the initial hearing needs to be able to recover the costs associated with that hearing. Practically speaking, because levying a fee creates a final appealable order, some courts in these situations have been forced to send invoices to transferring courts so that they will be compensated for the burden of holding the first hearing. However, these funds are often uncollectable for various reasons. This proposed change would make this funding transfer unnecessary.

Judicial efficiency is improved if juvenile cases can be transferred from one county to another when necessary. The purpose of transferring a case to the juvenile's residential county court is to further adjudicate the matter in a location that is closer to the child's home. This makes the involvement of the juvenile, his or her parents, relatives and other interested parties easier. This also lessens the juvenile's ability to "shop" for an appellate court by limiting an appeal to the district of the receiving court. Without this change, if an originating court levies a fee, the juvenile can ignore the transfer and appeal the decision directly. The juvenile could also accept the transfer and appeal in the district of the receiving court. This judge shopping erodes public confidence in the judicial system.

### **Recommendation:**

Section 2151.271 of the Revised Code should be amended to make clear that merely levying a fee at the conclusion of a juvenile matter that is being transferred to another county does not create a final, appealable order. Such added language should be written in a manner that maintains current practice that such a cost is permissive, and that a judge is not required to levy such a fee.