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**Office of the Ohio Public Defender Policy on Reimbursing Counties
for Representation of Indigent Persons at Hearings Pursuant to
R.C. 2950.031(E), R.C. 2950.032(E), and R.C. 2950.11(F)(2)**

Because the retroactive application of the sex offender registration and notification provisions in Ohio Senate Bill 10 constitutes an additional penalty and loss of liberty for a previously-adjudicated criminal or delinquent act, and because the hearings to contest reclassification under the bill are criminal proceedings, indigent persons are entitled to representation by appointed counsel to challenge their retroactive reclassification under the bill, as they are in any other criminal proceeding. This applies equally to those challenging their reclassification or community notification requirements in either the general division of common pleas court or juvenile court.¹

Accordingly, the Office of the Ohio Public Defender will reimburse counties² for counsel appointed to represent indigent persons in hearings pursuant to R.C. 2950.031(E), R.C. 2950.032(E), and R.C. 2950.11(F)(2). All administrative rules governing reimbursement apply, and all required documentation must be properly and timely submitted, including a notice of appointment, an affidavit of indigency, a financial disclosure form (OPD-206R), and an attorney fee application (OPD-1026R).

This policy remains in effect until further notice.

¹ R.C. 2151.352 grants a statutory right to counsel to all parties "at all stages of the proceedings" in juvenile court. Counsel must be appointed unless that right is knowingly, intelligently, and voluntarily waived in accordance with the Rules of Juvenile Procedure and *In re C.S.* (2007-Ohio-4919).

² Pursuant to R.C. 120.15, R.C. 120.18, R.C. 120.28, R.C. 120.33, and R.C. 120.34, as appropriate.