

IN THE COURT OF CLAIMS OF OHIO

IN RE: J. S.

Case No. 2025-00179VI

DIAMOND SMITH

Judge Lisa L. Sadler

Applicant

ORDER

{¶1} On May 22, 2025, a hearing was held in this matter before a Magistrate of this court. On July 15, 2025, the Magistrate issued a Decision wherein she found that Applicant’s claim for attorney fees for a civil protection order to separate her minor son from the offender was timely filed pursuant to R.C. 2743.60(A)(2)(b) because the statute of limitations on her minor son’s claim does not expire until he reaches the age of 24 years. The Magistrate therefore found that the Final Decision of the Attorney General was not supported by a preponderance of the evidence and recommended that the Final Decision be reversed and the claim be remanded to the Attorney General for economic loss calculations.

{¶2} Civ.R. 53(D)(3)(b)(i) states, in part: “A party may file written objections to a magistrate’s decision within fourteen days of the filing of the decision, whether or not the court has adopted the decision during that fourteen-day period as permitted by Civ.R. 53(D)(4)(e)(i).” No objections were filed.

{¶3} Upon review of the claim file, and the Magistrate’s Decision, it is the Court’s finding that the Magistrate was correct in her analysis of the issues and application of the law. Moreover, the Court finds that the plain language of R.C. 2743.60(A)(2)(b) allows a claim to be filed for a claimant who was younger than 21 years at the time of the criminally injurious conduct until that individual reaches the age of 24 years. The Court finds that the statutory language does not prohibit a minor victim from pursuing a claim until they reach the age of 21 years, as argued by the Attorney General. Accordingly, this Court adopts the Magistrate’s Decision and recommendation as its own.

IT IS HEREBY ORDERED THAT

{¶4} The July 15, 2025 Decision of the Magistrate is ADOPTED;

{¶5} The February 20, 2025 Final Decision of the Attorney General is REVERSED;

{¶6} This claim is REMANDED to the Attorney General for economic loss calculations consistent with the Decision of the Magistrate;

{¶7} Costs assumed by the reparations fund.

LISA L. SADLER
Judge

A copy of the foregoing was personally served upon the Attorney General and sent by regular mail to Muskingum County Prosecuting Attorney and to:

Filed 7/31/25
Sent to S.C. Reporter 9/9/25