[Cite as *In re J.B.*, 2026-Ohio-4306.]

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CLARK COUNTY

IN THE MATTER OF: J.B.	:	
	:	C.A. No. 2026-CA-54
	:	
	:	Trial Court Case No. 20260331
	:	
	:	(Appeal from Common Pleas Court-Juvenile Division)
	:	
	:	**FINAL JUDGMENT ENTRY & OPINION**

. . . . . .

Pursuant to the opinion of this court rendered on October 30, 2026, the judgment of the trial court is reversed, and the matter is remanded for further proceedings consistent with the opinion.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



ROBERT G. HANSEMAN, JUDGE

TUCKER, J., and HUFFMAN, J., concur.

OPINION
CLARK C.A. No. 2026-CA-54

MORGAN T. GALLE, Attorney for Appellants
JOHN M. LINTZ, Attorney for Appellee

HANSEMAN, J.

{¶ 1} Victims-appellants, T.R. and K.R., appeal from the judgment of the Clark County Common Pleas Court, Juvenile Division, that disposed of J.B.'s delinquency case without first ensuring that T.R. and K.R had notice of the proceeding. They claim that the court deprived them of their constitutional rights to be present and to be heard at the dispositional hearing and to request restitution pursuant to Article I, Section 10a of the Ohio Constitution ("Marsy's Law"). The State of Ohio concedes error. For the following reasons, the judgment is reversed, and the matter is remanded to the juvenile court to hold a new dispositional hearing that complies with Marsy's Law and Revised Code Chapter 2930.

I. Facts and Course of Proceedings

{¶ 2} On March 21, 2026, T.R., a minor, was wearing Nike Air Jordan tennis shoes when J.B. approached him and asked about the shoes. T.R. took off the right shoe and allowed J.B. to see it; however, J.B. forcibly removed T.R.'s left shoe and ran away. The Clark County Sheriff's Department received a complaint. Around 6 p.m. on the day of the incident, a deputy personally contacted T.R. and K.R., T.R.'s mother. The record does not reflect whether a deputy provided T.R. and K.R. a copy of the victim's rights request form.

{¶ 3} A complaint was filed with the juvenile court on April 2, 2026, alleging that J.B. was a delinquent child who committed the offense of robbery, a third-degree felony if committed by an adult. J.B. was arraigned the same day. The court's arraignment entry noted that the court had not yet received a victim's rights request form from law enforcement

or the prosecutor. The court held a pretrial on April 9, 2026. The juvenile court again filed an entry indicating that it had not yet received a victim's rights request form from law enforcement or the prosecutor. The entry also noted the prosecutor had sent K.R. and T.R. a victim's rights request form by regular mail. The entry ordered the prosecutor to contact the victims, and the juvenile court scheduled a second pretrial hearing for April 14, 2026.

{¶ 4} On April 14, 2026, the pretrial was converted to an adjudicatory hearing, during which J.B. admitted to an amended charge of attempted robbery, a fourth-degree felony if committed by an adult. K.R. and T.R. were not present. A dispositional hearing was set for May 14, 2026. The court's judgment entry setting disposition omitted K.R. and T.R. on its certificate of service.

{¶ 5} On April 23, 2026, a victim's rights request form was filed with the court. The form indicated that K.R. had completed the form and requested a victim's representative and notice of all proceedings. The form also contained K.R.'s phone number and residential address and indicated that calls or text messages at any time were the best method of contact.

{¶ 6} On May 14, 2026, the court held the dispositional hearing. K.R. and T.R. were not present. The court did not ask the prosecutor any questions regarding the prosecutor's efforts at contacting K.R. and T.R. Instead, the court proceeded with the hearing and placed J.B. on intensive probation supervision. The court did not include an order of restitution.

{¶ 7} At the end of the dispositional hearing, the prosecutor stated that a victim's rights request form was sent out around April 8, 2026, and that the prosecutor's office had received the completed form back. The prosecutor then informed the court that K.R. and T.R. never "reached out to us about seeking restitution." Tr. 10.

{¶ 8} The juvenile court journalized J.B.'s disposition in an entry filed on May 15, 2026. The court's entry indicates a copy of it was sent to the "victim." K.R. and T.R. filed a notice of appeal on June 15, 2026. In their sole assignment of error, K.R. and T.R. claim that the trial court erred when it denied them the opportunity, as victims, to be present and to be heard during the dispositional hearing and to request restitution, violating Ohio Const., art. I, § 10a(A)(2), (3), and (7) ("Marsy's Law"), R.C. 2930.09, and R.C. 2152.20. The State of Ohio concedes error.

II. Marsy's Law

{¶ 9} A determination of whether a trial court violated a victim's constitutional rights under Marsy's Law or statutory rights under Revised Code Chapter 2930 are questions of law that appellate courts review de novo. *State v. Trent*, 2025-Ohio-1278, ¶ 11 (2d Dist.).

{¶ 10} In 2018, Marsy's Law was incorporated into Ohio's Bill of Rights, Article I of the Ohio Constitution. *See* Ohio Const., art. I, § 10a. Of relevance to this appeal, Marsy's Law provides that "a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused," including, "(2) upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings; (3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated; . . . (7) to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim." Ohio Const., art. I, § 10a(A)(2), (3), and (7).

{¶ 11} "The victim, the attorney for the government upon request of the victim, or the victim's other lawful representative, in any proceeding involving the . . . delinquent act against the victim or in which the victim's rights are implicated, may assert the rights

enumerated in this section and any other right afforded to the victim by law." Ohio Const., art. I, § 10a(B). "If the relief sought is denied, the victim or the victim's lawful representative may petition the court of appeals for the applicable district, which shall promptly consider and decide the petition." *Id*. The victim's right to a direct appeal requires the filing of a notice of appeal within 30 days after a final judgment. *State v. Barnes*, 2026-Ohio-2750, ¶ 21, citing *State v. Brasher*, 2022-Ohio-4703, ¶ 22 (lead opinion). While not disputed, we note that K.R. and T.R. have timely filed a direct appeal and the matter is properly before this Court. *Trent* at ¶ 26-27.

{¶ 12} To implement the enumerated rights in Marsy's Law, "the legislature enacted new laws and amended existing ones under Revised Code Chapter 2930." *State v. Mallory*, 2025-Ohio-5064, ¶ 15 (2d Dist.). Of importance to this case, R.C. 2930.09(A)(2)(a) provides:

> (2)(a) If the victim or victim's representative is not present at a court proceeding in which a right of the victim is at issue, the court *shall* ask the prosecutor all of the following:
>
> (i) Whether the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding;
>
> (ii) To disclose to the court any and all attempts made to give each victim and victim's representative, if applicable, notice;
>
> (iii) Whether the victim or victim representative were advised that the victim and victim's representative had a right to be heard at the court proceeding;
>
> (iv) Whether the victim and victim representative were conferred with pursuant to section 2930.06 of the Revised Code.

(Emphasis added.)

{¶ 13} If the court determines that timely notice was not given to the victim or that the victim was not adequately informed of the nature of the court proceeding, "the court *shall not rule* on any substantive issue that implicates a victim's right . . . or impose a sentence and *shall continue the court proceeding* for the time necessary to notify the victim and victim's representative, if applicable, of the time, place, and nature of the court proceeding." (Emphasis added.) R.C. 2930.09(A)(2)(b).

{¶ 14} In addition to a trial court's duty to ensure notice was provided to the victim and a prosecutor's duty to inform the victim of the court proceeding, Revised Code Chapter 2930 codifies a victim's rights to be present and to be heard during proceedings. *Trent*, 2025-Ohio-1278, at ¶ 16 (2d Dist.). For example, R.C. 2930.09(A)(1) establishes a victim's right to be present during any public proceeding and, if present, the victim's right to be heard orally, in writing, or both. Additionally, before entering an order of disposition for a delinquent act, the court shall permit the victim to be heard orally, in writing, or both during the dispositional proceeding. R.C. 2930.14.

{¶ 15} The Rules of Juvenile Procedure also protect a victim's rights to be present and to be heard during proceedings. For example, Juv.R. 34(B) provides, "To the extent required by law, before disposition, the trial court shall allow a victim to be heard, in writing, orally, or both during the proceeding." Juv.R. 26(A) provides that "[w]henever a victim has a right to be heard at a public proceeding, the court shall allow the victim to address the court orally, in writing, or both." The purpose of Juv.R. 26 is to ensure juvenile courts comply with Revised Code Chapter 2930. 2025 Staff Note, Juv.R. 26.

{¶ 16} R.C. 2152.203 codifies the constitutional right to full and timely restitution provided under Marsy's Law. The statute states that, "[i]n determining the amount of

restitution under this section, the court shall order full restitution for any expenses related to a victim's economic loss due to the delinquent act," and it enumerates a non-exhaustive list of types of economic loss. R.C. 2152.203(B). Any order of restitution survives the expiration of a juvenile court's jurisdiction over a juvenile offender after the offender's twenty-first birthday because the order must be reduced to a civil judgment. R.C. 2152.203(F). Restitution orders may also not be suspended by a juvenile court if the victim objects to the suspension. R.C. 2152.203(E).

III. Analysis

{¶ 17} K.R. and T.R. argue that they asserted their rights under Marsy's Law; however, they were not notified of J.B.'s dispositional hearing and therefore were deprived of their rights to be present and to be heard at the proceeding and to request restitution. The State concedes error, and we agree.

{¶ 18} We have found error in similar cases. In *Trent*, a trial court held a community control review hearing and terminated the defendant's supervision without first ensuring that the victim, who had previously filed a victim's rights notification form, had notice of the proceeding. *Trent*, 2025-Ohio-1278 (2d Dist.). This court held that the trial court violated the victim's statutory rights under Marsy's Law by not providing the victim notice, which in turn deprived her of the rights to be present and to be heard at the proceeding. *Id*. We remanded the case for a new community control review hearing. *Id*. at ¶ 33.

{¶ 19} In *Mallory*, 2025-Ohio-5064 (2d Dist.), a trial court accepted a guilty plea without first allowing a victim, who was in the courtroom, the opportunity to make a statement. *Id*. at ¶ 17. By not following R.C. 2930.09(A)(1) and (B)(1), the trial court violated the victim's constitutional and statutory right to be heard. *Id*. We remanded the case for a new plea hearing. *Id*. at ¶ 18.

{¶ 20} Other courts have specifically addressed a trial court's holding a sentencing hearing in the victim's absence after the victim asserted his or her rights by filing a victim's rights form. In *State v. Zeitler*, 2026-Ohio-1843 (9th Dist.), a trial court was informed by a prosecutor that the victim favored a community control sentence but wanted to make a victim impact statement through a presentence investigation ("PSI"). *Id*. at ¶ 8. The prosecutor indicated that the victim was not present in court that morning; however, the victim was in contact with the prosecutor. *Id*. The trial court sua sponte waived the PSI and proceeded to sentence the defendant without the victim present. *Id*. at ¶ 9. The Ninth District Court of Appeals held that the trial court violated the victim's constitutional rights to be present and to be heard at sentencing. *Id*. at ¶ 13. The trial court also violated R.C. 2930.06(A)(3) by not continuing the hearing for the victim to be present to make her statement if she wished. *Id*. at ¶ 12-13. The case was remanded for a new sentencing hearing. *Id*. at ¶ 13.

{¶ 21} In *Cleveland v. Rudolph*, 2022-Ohio-2363 (8th Dist.), a trial court sentenced a defendant in the victim's absence when the victim had informed the prosecutor that the victim wanted to pursue restitution from the offender. The Eighth District Court of Appeals held that the victim did not receive notice of the sentencing hearing and was therefore deprived of the opportunity to be present and to be heard at the sentencing hearing to request restitution. *Id*. The case was remanded for the trial court to hold a new sentencing hearing. *Id*.

{¶ 22} The record in this case indicates that K.R. and T.R. asserted their rights under Marsy's Law. The victim's rights form was filed with the juvenile court on April 23, 2026. Despite that, the juvenile court held J.B.'s dispositional hearing in K.R. and T.R.'s absence on May 14, 2026.

{¶ 23} K.R. and T.R. were entitled to notice of J.B.'s disposition. Marsy's Law guarantees reasonable and timely notice of all public proceedings. Ohio Const., art. I, § 10a(A)(2). Nothing in the record suggests that notice was provided. The juvenile court's entry setting disposition does not indicate that it was served on the victims. Additionally, the prosecutor did not state on the record at the disposition that he or she mailed the entry to K.R. and T.R. or made a phone call to inform them of the scheduled hearing on May 14, 2026. The record is silent as to any efforts made by the prosecutor at contacting K.R. and T.R. when the victim's rights form contained K.R.'s phone number and indicated that calls or text messages at any time were the best method of contact.

{¶ 24} Prior to proceeding to disposition, the juvenile court also failed to make the required inquiries of the prosecutor as required by R.C. 2930.09(A)(2)(a). Because the court did not make the inquiries, the juvenile court failed to determine that notice was not given to K.R. and T.R. before it placed J.B. on supervision. As a result, the juvenile court did not continue the disposition, as required by R.C. 2930.09(A)(2)(B), for K.R. and T.R. to receive notice of the time, place, and nature of the dispositional hearing. K.R. and T.R. did not appear at J.B.'s disposition.

{¶ 25} The record thus establishes that K.R. and T.R.'s constitutional and statutory rights to be present and to be heard at J.B.'s dispositional hearing were violated. Ohio Const., art. I, § 10a(A)(2) and (3); R.C. 2930.09(A)(1); R.C. 2930.14; Juv.R. 34(B). Because they were not present or heard, K.R. and T.R. were also deprived of their constitutional and statutory right to full and timely restitution. Ohio Const., art. I, § 10a(A)(7); R.C. 2152.203. Therefore, we sustain K.R. and T.R.'s assignment of error.

IV. Conclusion

{¶ 26} Having sustained K.R. and T.R.'s assignment of error, the judgment of the juvenile court is reversed, and the matter is remanded for a new dispositional hearing that complies with Marsy's Law and Revised Code Chapter 2930.

. . . . . .

TUCKER, J., and HUFFMAN, J., concur.