

**OPINION NO. 88-050**

**Syllabus:**

For purposes of R.C. 2151.56, a person over the age of twenty-one may qualify as a "delinquent juvenile," provided that the person has been adjudged delinquent by the sending state and, at the time the provisions of R.C. 2151.56 are invoked, is subject to the jurisdiction of the court in the sending state that made the adjudication or subject to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.

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**To: Geno Natalucci-Persichetti, Director, Department of Youth Services, Columbus, Ohio**

**By: Anthony J. Celebrezze, Jr., Attorney General, July 6, 1988**

I have before me your request for my opinion concerning Ohio's acceptance of juvenile delinquent parolees and probationers from other states. Specifically, you ask whether R.C. 2151.56 defines "juvenile delinquent" as a status determined by the sending state rather than a status determined by the receiving state, and thus whether R.C. 2151.56 requires Ohio authorities to accept juvenile parolees and probationers over the age of twenty-one for supervision.

R.C. 2151.56 authorizes the Governor to enter into an interstate compact dealing with juveniles and also sets forth the provisions of such a compact. R.C. 2151.56, art. I lists among the purposes of the compact that of "provid[ing] for the welfare and protection of juveniles and of the public with respect to...cooperative supervision of delinquent juveniles on probation or parole." R.C. 2151.56, art. VII provides in pertinent part:

the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state.

I first note that the Ohio Department of Youth Services may be one of the administrative authorities affected by this provision of the compact, since the Department may be called upon to perform supervisory duties with regard to out-of-state probationers and parolees. See R.C. 5139.04(B) (the duties of the Department of Youth Services include receiving custody of all children committed to it under R.C. Chapter 2151); R.C. 5139.08 (the Department of Youth Services may provide probation services for courts not having a regular probation officer); R.C. 2151.151(A) (a juvenile judge may contract with any agency for supervisory services for children on probation who are under the custody and supervision of the juvenile court). You indicate that your concern arises from the fact that under California law, for example, juveniles may be committed to the Youth Authority until their twenty-fifth birthday. See Cal. Welfare and Institutions Code §1731.5 (West Supp. 1988). This differs from Ohio law, which authorizes a juvenile to be committed to the custody of the Department of Youth Services only until the juvenile's twenty-first birthday. R.C. 2151.38. You ask whether R.C. 2151.56 requires Ohio, as a receiving state, to accept out-of-state parolees and probationers for supervision, even though they are over the age of twenty-one.

I note that R.C. 2151.56, art. III provides in pertinent part:

for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, *is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.....* (Emphasis added.)

Plain and unambiguous language leaves no occasion to resort to rules of statutory construction. *Swetland v. Miles*, 101 Ohio St. 501, 130 N.E. 22 (1920) (syllabus, paragraph one). Therefore, I need only apply the statute to the question at hand. R.C. 2151.56, art. III provides that the term "delinquent juvenile" includes any juvenile who has been adjudged delinquent by the sending state and who, at the time the provisions of the compact are invoked, is still subject to the jurisdiction of the court in the sending state that made the adjudication or to the supervision of an agency pursuant to an order of such court. If, pursuant to California law, a court orders a delinquent juvenile to be committed to the supervision of the California Youth Authority until the age of twenty-five, the person so committed may qualify as a "delinquent juvenile" until his twenty-fifth birthday under R.C. 2151.56, art. III.

The person qualifies as a "delinquent juvenile" if the adjudicating court, or the Youth Authority pursuant to an order of such court, still has jurisdiction over the person at the time the compact is invoked. Therefore, under R.C. 2151.56, art. VII, Ohio authorities are required to accept for supervision such person who is on probation or parole if the parent, guardian, or person entitled to legal custody of the delinquent juvenile is residing or undertakes to reside in Ohio.

Therefore, it is my opinion and you are advised that for purposes of R.C. 2151.56, a person over the age of twenty-one may qualify as a "delinquent juvenile," provided that the person has been adjudged delinquent by the sending state and, at the time the provisions of R.C. 2151.56 are invoked, is subject to the jurisdiction of the court in the sending state that made the adjudication or subject to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.