

OPINION NO. 68-123

Syllabus:

1. The Juvenile Court is now a part of a division of the Common Pleas Court and subject to the requirement that it provide a court reporter for its proceedings if so requested.
2. The Juvenile Court is a court of record.

To: Robert H. Huffer, Pickaway County Pros. Atty., Circleville, Ohio
By: William B. Saxbe, Attorney General, August 14, 1968

I have before me your request for my opinion which reads as follows:

"Is the Juvenile Court required by law to provide a court reporter, or some suitable method of taking a record or is it up to counsel for any of the parties litigant to make arrangements for the taking of a record and hence pay for it, to be repaid out of court costs?

"Also, is the Juvenile Court and for that matter, the Probate Court a court of record?"

The following provisions of Ohio law are the applicable authority to your request. The first of these provisions is Section 2151.07, Revised Code, which provides, in pertinent part:

"The juvenile court, or the court of common pleas, division of domestic relations, of any county, separately and independently created, established, and functioning as such, has and shall exercise the powers and jurisdiction conferred in sections 2151.01 to 2151.55, inclusive, and section 2151.99 of the Revised Code. Except in counties in which there now is or may hereafter be created, a separate and independent juvenile court or court of domestic relations, there is hereby established within the probate court a juvenile court, presided over by the probate judge, which shall be a court of record and exercise the powers and jurisdiction of such a court."

Section 2301.20, Revised Code, reads:

"Upon the trial of a case in the

court of common pleas, if either party to the suit, or his attorney, requests the services of a shorthand reporter the trial judge shall grant the request or such judge may order a full report of the testimony or other proceedings, in which case such shorthand reporter shall take accurate shorthand notes of the oral testimony or other oral proceedings, which notes shall be filed in the office of the official shorthand reporter and carefully preserved."

Your request stated that the juvenile court of Pickaway County is established within the Probate Court. Section (4) (C) of Article IV of the Ohio Constitution as amended provides that on its effective date the Probate Court became a division of the Court of Common Pleas. Considering these provisions together, it is clear that where the Juvenile Court had been established within the Probate Court, it became a division of the Common Pleas Court along with the Probate Court. Inasmuch as the Juvenile Court is a part of a division of the Common Pleas Court it is subject to the procedural requirements of that Court. Section 2301.20, Revised Code, provides a requirement that a Common Pleas Court provide a court reporter if so requested by one of the parties to the litigation. Consequently, a Juvenile Court now is also so required.

As for the second question, Section 2151.07, supra, specifically provides that a Juvenile Court is a court of record.

Therefore, it is my opinion and you are hereby advised that:

1. The Juvenile Court is now a part of a division of the Common Pleas Court and subject to the requirement that it provide a court reporter for its proceedings if so requested.
2. The Juvenile Court is a court of record.