

## 9. Bonds

Although juveniles do not have a constitutional right to bond as adults do (with the exception of juveniles subject to Serious Youthful Offender proceedings), many Juvenile Courts have adopted rules similar to those governing the General Division of the Court of Common Pleas. These rules can be found in Chapter 2937 of the Revised Code and Criminal Rule 46. Matters concerning bond for contempt cases can be found in Chapter 2705 or the Revised Code.

### **Appearance Bonds**

An Appearance Bond is posted to secure a person's appearance in court. Appearance bonds may be posted in four (4) ways:

1. Parental Bond (Juveniles only)
2. Own Recognizance [OR],
3. Unsecured Appearance Bond [UAB]
4. Stated Monetary Amount [Cash, Ten Percent, Property, Bondsman Surety]

1. PARENTAL BOND: Even though a Parental Bond may specify a dollar amount (usually \$500), money is not required to post this type of bond. The parent is to sign the bond with the amount of "parental dollars" written in the space provided on the bond. If the child was properly notified of the hearing and fails to appear at the next hearing, the bond may be forfeited. The money is collectible at forfeiture. This type of bond applies to juveniles only.

2. OWN RECOGNIZANCE (OR): The defendant's signature on the bond is the only requirement.

3. UNSECURED APPEARANCE BOND (UAB): Sometimes called a Personal Recognizance, an Unsecured Appearance Bond is similar to the Parental Bond. A specified dollar amount is ordered, but not posted. The surety is to sign the bond with the amount of "Unsecured Appearance Bond dollars" written in the space provided on the bond. The money is collectible at forfeiture.

4. MONETARY BOND: This type of bond requires some type of exchange (cash, property, or power of attorney [bondsman]) from the surety to secure the defendant's appearance in court.

Other instances in which a case may require Bond are:

TRAFFIC CASES: Bond may be posted at 10%, full cash, property or bondsman surety. If the case is a moving traffic violation, the surety must pay the RRF and GRF. RRF and GRF do not apply to non-moving violations.

UNRULY CASES: Bond may be posted at 10%, full cash, property or bondsman surety. RRF and GRF do not apply to bonds posted for unruly cases.

MISDEMEANOR CASES (DELINQUENCY AND ADULT): Bond may be posted at 10%, full cash, property or bondsman surety with RRF and GRF.

**FELONY CASES (DELINQUENCY):** If the charge would be a **NON-CAPITAL FELONY** if charged as an adult, Bond may be posted at full cash, property or bondsman surety with RRF and GRF. 10% may be posted **ONLY** if it is specified in the entry.

If the charge would be a **CAPITAL FELONY** if charged as an adult, Bond is to be posted in the amount and form stated on the entry only.

**CONTEMPT CASES:** Bond may be posted at 10%, full cash, property or bondsman surety.

***Performance Bonds***

A Performance Bond, unlike an Appearance Bond, is not to ensure someone's appearance in court. A Performance Bond is ordered to ensure some type of action on the behalf of the defendant. This type of bond is usually posted for a set period of time and if at the end of that time period, the act has been performed, the defendant may file a motion to have the bond released.

**FAILURE TO SEND PERFORMANCE BOND O.R.C. § 3321.38:** When the parent of a child has been charged with Failure to Send their child to school and has been found guilty of that offense, the Judge or Magistrate may order that parent to post a performance bond on that case. This bond is not to ensure the parent's appearance in court, but rather to ensure that the parent sends the child to school.

**PARENTAL PERFORMANCE BOND O.R.C. § 2151.359(A)(2) & O.R.C. § 2152.61(B):** When a juvenile has been adjudicated for an unruly or delinquent offense and the Judge or Magistrate in the case feels that the parent has not exerted control and authority over the child sufficient to prevent the unruly or delinquent behavior, the Judge or Magistrate may order the parent to post a Parental Performance Bond in an amount not to exceed \$500.00. Any future adjudication may result in full or partial forfeiture of the bond.

***Forfeiture of Bond (O.R.C. § 2151.50)***

When, as a condition of suspension of sentence under section 2151.49 of the Revised Code, bond is required and given, upon the failure of a person giving such bond to comply with the conditions thereof, such bond may be forfeited, the suspension terminated by the juvenile judge, the original sentence executed as though it had not been suspended, and the term of any sentence imposed in such case shall commence from the date of imprisonment of such person after such forfeiture and termination of suspension. Any part of such sentence which may have been served shall be deducted from any such period of imprisonment. When such bond is forfeited, the judge may issue execution thereon without further proceedings.

If a surety bond is posted by bondsman and the case is disposed of through sentencing, the Journal Entry must state that the bond is released. Do not collect 10%. Even if bond is revoked and case is disposed. A copy of the Journal Entry must go to the bondsman along with the originally submitted colored bond paper. Make a copy of the colored bond paper and retain it in the Court's file.

If a private individual posts bond, the money must be put on deposit. If the case is disposed of through sentencing, the JE must state that the bond is released. Collect 10%. In order to do that, you need to complete a "deposit application form". Complete the form to indicate how much is available and what to keep/what to refund/who to refund to. The refund must go back to whoever deposited the money. This may not be the defendant.

Note that if the bond is revoked, it may be applied to any owed fines and costs by the defendant.