



# Legal Consequences, Cell Phones, and Social Media

What you need to know about the risks your tween or teen faces...as well as the risks that boomerang back to you!



# JUVENILE Justice System

- The Juvenile Division of the Court of Common Pleas handles all criminal (delinquencies) and unruly juvenile cases.
- A “delinquent child” is a child who violates any criminal law, who commits a traffic offense, or who violates any order of a Court. The term is often used for kids who have committed crimes serious enough to warrant jail time if committed as an adult. R.C. 2152.02
- An unruly child is one who doesn’t submit to the “reasonable control” of his/her caregivers/parents; is habitually truant from school; who poses a risk or danger to the health or morals of himself/herself or any other child; or who violates a law. R.C. 2151.022
- Can be BOTH delinquent AND unruly



## If a child is found to be delinquent or unruly:

- Can be put on COMMUNITY CONTROL (aka “probation”)
  - Child will be assigned a probation officer.
  - Typical terms are a curfew; some restrictions on cell phones and social media; drug testing.
  - Monthly check-in.
  - Often, a child will have a sentence to juvenile detention suspended, and if a PV (probation violation) can then send them to detention for suspended sentence time.



## Other remedies for more serious crimes that carry jail time if committed by adult:

- Residential Treatment Center (“RTC”) - The Village Network is one example
- Juvenile Detention Center - Usually sent there before being sent on somewhere else; basically “juvenile jail”
- Division of Youth Services (“DYS”)- Correctional Facility; Juvenile version of prison
- Less frequent options: Group Homes/Independent Living: most often used for juvenile offenders with no appropriate home to go to after “rehabilitation” or those with serious enough mental health or behavior problems that home is not an option.
- **Juveniles can also be “bound over” and tried as adults, in which case they can be sent to adult prisons**



# Parental Responsibility:

If your child is sent to ANY one of the options listed in the previous slide, *you will be expected to pay a portion of the PER DIEM (daily) rate of stay. A typical per diem is around \$500/day.*

The Court will set a minimum order, almost like a “child support” order, to help the county bear the cost of paying for the juvenile’s incarceration.

*You can also be held **LIABLE** for any fines or restitution a child is ordered to make as part of his/her sentence.*

*You as a parent can also be held civilly liable for actions your child commits that were reasonably foreseeable and which a court may find you could have prevented or knew about.*



## Laws that pertain to cell phone/computer use for Teens/Tweens:

Pornographic Images: MUCH broader criminal liability for your child than you might imagine!

Ohio law makes it a crime to **create, reproduce, advertise, buy, sell, or possess *any obscene* material or *sexual material*** involving a **minor** (e.g. pandering, obscenity involving a minor, pandering sexually oriented material involving a minor). R.C. 2907.321; 2907.322

Federal law also makes such acts a crime under “The Prosecutorial Remedies and Other Tools to End the Exploitation of Children” (PROTECT) Act of 2003. 18 USCA Sec. 1466(A)(a)(1).



# “Sexting” legal liability

It is a crime in Ohio to create or transfer an image of a nude minor, unless the minor’s parents have consented in writing and it is for a bona fide purpose. R.C. 2907.323 It is also a crime to view such images!

*E.g. Your son sees a nude photo of a girl on Snapchat, saves it and distributes it to other kids. This a violation of said law. Even the viewing of the image can be criminal behavior. The dissemination of the material can also trigger a finding under R.C. 2907.31 even if the photos are “just” of your son. If he encourages a girl or someone else to take the photo and that person is also a juvenile, he can be guilty of child endangerment as well. R.C. 2919.22. These are all offenses with jail time as possible punishments.*

If found guilty under this section, it can trigger registration as a sexual offender as well as require that DNA be kept on file in case a crime is committed by the defendant in the future.



# Bullying and Harassment

The “Jessica Logan” Act requires schools (public only) to adopt a policy prohibiting harassment, intimidation, and bullying and provides for the suspension of students who engage in online harassment and cyberbullying. R.C. 3313.666

*Parents can be liable for the actions of their children while the child is at home.*

Harassment can be a hate crime under federal law (if based on race, religion, nationality, ethnicity, gender, disability and in some cases, sexual orientation/identity), or can fall under various common law criminal definitions including menacing, stalking, assault, etc.



# Hacking!

It is a crime to use another's computer without permission, or to gain unauthorized access to an account/drive/phone, etc.

To do so is a violation of R.C. 2913.04 under Ohio law, which actions can have much more serious repercussions under Federal law.

*Violation of this code section can range anywhere from an M4 (misdemeanor of the 4th degree) to an F2 (felony of the second degree in which prison time is possible).*



# Dangers of Posting on Social Media/Texting

Kids aren't aware they are creating a cyber trail. They aren't aware that someone can take a screenshot of a post (yes, even on Snapchat) and that even if deleted, the post can still exist in cyberspace.

Because there is no context for speech on social media or something sent via text, even if something is said "tongue in cheek" or in "jest", it will be or can be construed literally.

Society has ZERO tolerance for jokes about violence, sexual assault, guns, etc.

**In a few but increasing number of cases, people have been charged with INVOLUNTARY MANSLAUGHTER in cases of cyberbullying where the individual being bullied has committed suicide.**



# To whom is your child talking/messaging?

How do you know that the person your child is talking to or messaging on Facebook or any other app is actually a child? Even if they are a child, who are they? Where are they? What do you know about them?

If you allow your child a smartphone, you can't monitor or control what they do or who they talk to.

What are the privacy settings on your child's apps on their phones? If they are not locked down, any sexual predator out there can be watching them or messaging them and because of location information enabled in photos, these individuals can find out where your child is.

Please be aware: Youtube is NOT a platform for kids to be watching by themselves.



## Some things to think about:

Why does your child need a phone? Could a flip phone serve the same purpose as to safety? What steps are you taking to make sure they don't either purposefully or inadvertently get in trouble?

If your child has a computer, how are you monitoring his/her usage? Is it in his/her bedroom or a public space in the house? Do you have it set to "shut down" during the night? Is it limited in terms of hours he/she can use it?

Does your child, or any child, have the emotional maturity to handle the non-stop environment of social media?

Google and Apple Execs have opted not have to have their kids use cell phones, iPads and computers. What is the urgency for your child?