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**VIA: E-MAIL**

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**TO: OHIO JUDICIAL CONFERENCE  
COUNTY PUBLIC DEFENDERS  
COUNTY COMMISSIONERS  
COUNTY AUDITORS  
COMMON PLEAS, JUVENILE, AND MUNICIPAL CLERK OF COURTS**

**FROM: TIM YOUNG, OHIO PUBLIC DEFENDER**

**RE: PURGE HEARINGS IN CONTEMPT CASES**

On October 24, 2012, the Supreme Court of Ohio ruled that the due process clause does not guarantee an indigent contemnor the right to appointed counsel at the purge/motion-to-impose stage of a child support contempt proceeding, due to the civil nature of the contempt proceeding. *Liming v. Damos*, [Slip Opinion No. 2012-Ohio-4783](#). However, the Court did not address the statutory right to counsel under Chapter 120 of the Ohio Revised Code, as that issue was not before it.

Pursuant to O.R.C. §§120.06, 120.16, 120.26 and 120.33, providers of indigent defense services "shall provide legal representation to indigent adults and juveniles who are charged with the commission of an offense or act that is a violation of a state statute and for which the penalty or any possible adjudication includes the potential loss of liberty." These sections make no distinction between the criminal or civil nature of proceedings, but look only to the potential loss of liberty in determining the statutory right to counsel. Failure to pay is an act that carries a potential loss of liberty.

Ohio law affords the statutory duty to provide counsel to indigent litigants at the purge/motion-to-impose stage of child support contempt proceedings. Therefore, county public defender offices and not-for-profit corporations providing indigent defense services should continue to provide representation to their clients in these hearings, courts should continue to appoint counsel, and this office will continue to reimburse counties in these matters.