



Bev Theil
Columnist

About children Defining custody interference

Last week we discussed custody. Having clarified that, what then, is interference with custody?

In Ohio it is explained in section 2919.23 of the Ohio revised Code. First let's look at what the section says, then I'll explain it in plain English. Section 2919.23 reads as follows:

(A) No person, knowing the person is without privilege to do so or being reckless in that regard, shall entice, take, keep, or harbor a person identified in division (A)(1), (2), or (3) of this section from the parent, guardian, or custodian of the person identified in division (A)(1), (2), or (3) of this section: (1) A child under the age of eighteen, or a mentally or physically handicapped child under the age of twenty-one; (2) A person committed by law to an institution for delinquent, unruly, neglected, abused, or dependent children; (3) A person committed by law to an institution for the mentally ill or mentally retarded.

(B) No person shall aid, abet, induce, cause, or encourage a child or a ward of the juvenile court who has been committed to the custody of any person, department, or public or private institution to leave the custody of that person, department, or institution without legal consent.

(C) It is an affirmative defense to a charge of enticing or taking under division (A)(1) of this section, that the actor reasonably believed that the actor's conduct was necessary to preserve the child's health or safety. It is an affirmative defense to a charge of keeping or harboring under division (A) of this section, that the actor in good faith gave notice to law enforcement or judicial authorities within a reasonable time after the child or committed person came under the actor's shelter, protection, or influence.

(D) (1) Whoever violates this section is guilty of interference with custody. (2) Except as otherwise provided in this division, a violation of division (A)(1) of this section is a misdemeanor of the first degree. If the child who is the subject of a violation of division (A)(1) of this section is removed from the state or if the offender previously has been convicted of an offense under this section, a violation of division (A)(1) of this section is a felony of the fifth degree.

If the child who is the subject of a violation of division (A)(1) of this section suffers physical harm as a result of the violation, a violation of division (A)(1) of this section is a felony of the fourth degree. (3) A violation of division (A)(2) or (3) of this section is a misdemeanor of the third degree. (4) A violation of division (B) of this section is a misdemeanor of the first degree. Each day of violation of division (B) of this section is a separate offense.

In regular English section A means if a child is under 18 (under 21 if handicapped) you cannot have that child under your control — in your house, car, boat or any other vehicle or place — without the custodian's consent. You cannot have them with you, even if they want to be with you, without consent. Further,

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Council approves ACDC purchase resolutions

By CHRIS KICK
Staff Writer

APPLE CREEK — Village council took little time Thursday evening in approving resolutions that would lead to the purchase of the 127 acre campus known as Apple Creek Developmental Center. But after legislation was approved, two visitors at the meeting echoed the question many now have: what will be done with this property?

"What's gonna happen to the buildings, and who's gonna pay for them this winter?" asked one visitor. Another asked council what it would do about policing. "I don't know that we got that deep into it," said Councilman Jeff Martin.

Council said there would be several factors to figure out as the deal progresses, including what policing efforts will be necessary, but remained optimistic about the move toward purchasing.

"It could make an industrial park, which we've been trying to do the last 2-3 years," Mayor Al Miller said. The village recently saw one of its major manufacturing companies, Eldorado Stone, relocate to Wooster, taking with it jobs and revenue.

The mayor, like many others, has said even if the purchase becomes a problem, the village and township can still recuperate by reselling the property. But he doesn't foresee that happening.

"I think we bought it cheap enough that if it becomes a problem, we can resell it, but we're not looking at reselling it, we're looking at making it a JEDD (Joint Economic Development District)," Miller said.

Benefits of making the campus a JEDD would include not having to annex the property into the village, and the opportunity to charge an income tax on its workers, said village solicitor Jeff Musselman.

"It would be a joint effort between the village and township, where we would not have to annex this property into the village, that we could own it, we could lease it, we could sell it if we had to," he said.

Selling it is the fear of Phyllis Woodward, a 25-year former employee at ACDC who said she is disgusted the property was sold to Apple Creek to begin with, and wished a state entity had received it, since it is a state property, funded by taxpayers.

"I'm sick. I feel like vomiting," said Woodward. "I don't think they'll use this stuff for the stuff they say they are."

She said she fears the property, with its size and value, will be undermanaged and eventually sold. She expressed discouragement the village will make money off a facility the state developed.

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Knowledge that's empowering



Joel Troyer photos

"The Conductor" teaches students in the gymnasium at Apple Creek Elementary School how to be safe around electricity. The educational program was sponsored by American Electric Power.

'Lights On for Louie' helps Apple Creek students learn electricity safety

By CHRIS KICK
Staff Writer

SOUTHEAST DISTRICT — A dragonfly, lightning bug, train conductor and wonder bug each helped students at Apple Creek Elementary School learn Wednesday how electricity works and how to stay safe while using it.

American Electric Power sponsored the presentation "Lights On for Louie," given to all of the school's nearly 430 students, with two actors from the National Theatre for Children playing the character roles.

Randee Kaplan played Sparkey the Wonder Bug, a character trying to become the sidekick to Louie the Lightning Bug and earn a badge of recognition. But before she could do so, she had to prove herself and her knowledge of electricity.

The Wonder Bug reviewed several safety and operational measures of electricity with the student audience, learning with them as they did. Conductor Glen, played by Dale Bicker, a Wooster native, helped the Wonder Bug review and learn new electrical concepts. He explained where electricity comes from — power plants, substations, transformers "and finally the outlets."

The Wonder Bug's knowledge increased, and students rooted her on, but she later was put to the test by a fourth character, the evil Dragonfly, who through several attempts sought to foil her progress.

The presentation, performed in two half-hour shows to groups kindergarten-third and fourth-sixth grades, also involved members of the audi-

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Apple Creek Elementary School fifth-grader Justin Lester (left) helps Wonder Bug (Randee Kaplan) hold the evil Dragonfly (Dale Bicker) inside an imaginary box. The Dragonfly wanted to thwart the Wonder Bug's goal of learning electricity safety and becoming "sidekick" to the play's hero, Lightning Bug Louie.

Region briefs

Holmes lifts wage freeze for county employees

MILLERSBURG — The Holmes County commissioners on Thursday lifted the freeze on county raises, meaning 166 general fund employees will see a 3 percent raise starting with their Oct. 16 paycheck.

Commissioner Dave Hall said the raises had been put in last year's budget, but were put on hold due to concerns over where the county would come out budget-wise at the end of the year. He said the raises would be funded with \$30,000 in unappropriated Holmes County Trail funds.

Commissioner Joe Miller said the raises are a good use for the funds.

"Our employees are a priority. I have worked many places with many, many people. These three in here are as good as they come. They deserve to be paid," he said.

Dalton Council holding special meeting

DALTON — Dalton Village Council will hold a special meeting on a possible land development at 7:30 p.m. on Tuesday at village hall. The public is welcome to attend mainly for informational purposes.

Commissioners delay action on development

By BOBBY WARREN
Staff Writer

WOOSTER — The Wayne County commissioners delayed action against a developer that would have taken money out of escrow to complete roadwork and other tasks in a Chippewa Township subdivision during their business meeting Wednesday.

The deadline for Glick Real Estate to complete the chipping and sealing in the Lynnbrook Meadows subdivision off Hatfield Road was Wednesday. Because Wayne County Engineer Roger Terrill had not received any revised plan or timeline indicating when the work would be finished, he recommended the commissioners pass a resolution authorizing his office to use money in escrow to finish the work. Terrill made his recommendation after consulting with Wayne County Prosecutor Martin Frantz.

Developer Chris Whitehead said he has had some trouble with the contractor, which eventually led to lawyers becoming involved. He told Commissioners Cheryl Noah, Ann

Obrecht and Scott Wiggam he had reached a settlement with the contractor and was informed the work would be done "sometime within the next month."

While the developer and contractor were negotiating a settlement, Whitehead said he did not want the contractor on site. Because an agreement had been reached, Whitehead asked if the commissioners could delay action.

Noah indicated she would favor postponing a vote, and Wiggam said the county really did not want to take over the project. However, the commissioners indicated they would follow the engineer's recommendation.

At first, Terrill was against delaying the completion any further, particularly with the winter season approaching. Another reason for moving forward was because his office did not have control over the developer's contractor. If the work was not finished by Oct. 19, then the project would have to go out to bid, causing the completion date to be extended even more.

"I understand Mr. Whitehead's

position and the county really doesn't want to take on these projects, but there has been plenty of notice," Terrill said. "To come in at the last minute and say it will be completed within a month" concerned Terrill, he added.

Despite his reservations, Terrill sought a compromise saying he would be willing to delay the project if Whitehead deposited an additional \$15,000 in the escrow account. The money would guarantee the work could be completed if asphalt and paving prices rise substantially over the winter.

Whitehead said he was willing to deposit the additional money, however, only if the work was not completed within 30 days.

Frantz told the commissioners he would draft a new performance agreement for their consideration during their next meeting.

The commissioners unanimously agreed to delay action.

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