

As Passed by the Senate

130th General Assembly

Regular Session

2013-2014

Am. Sub. H. B. No. 213

Representatives Pelanda, Celebrezze

**Cosponsors: Representatives Blair, Thompson, Mallory, Strahorn,
Grossman, Reece, Milkovich, Stebelton, Stinziano, Fedor, Butler, Pillich,
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Jones, LaRose, Manning, Oelslager, Patton, Schaffer, Seitz, Skindell, Smith,
Tavares, Turner, Uecker, Widener**

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A B I L L

To amend sections 2151.281, 2151.353, 2151.414, 1
2151.415, 2151.417, 2151.421, 5101.802, 5103.035, 2
and 5103.162 and to enact section 2151.315 of the 3
Revised Code to permit a court to grant a motion 4
for permanent custody of a child to a movant if 5
the child or another child in the custody of the 6
parent has been adjudicated an abused, neglected, 7
or dependent child on three separate occasions, to 8
require the guardian ad litem for an alleged or 9
adjudicated abused, neglected, or dependent child 10
to file any motions and other court papers in 11
accordance with rules adopted by the Supreme 12

Court, to require court appointed special 13
advocates and guardian ad litem to report 14
suspected child abuse or neglect, to require 15
foster caregivers to use a reasonable and prudent 16
parent standard when authorizing a foster child to 17
participate in activities, to exempt a public 18
children services agency, private child placing 19
agency, or private noncustodial agency from civil 20
liability that results from a foster caregiver's 21
or agency's decisions using a reasonable and 22
prudent parent standard, to limit the 23
circumstances under which a child is placed into a 24
planned permanent living arrangement, to extend 25
the period for incentive payments under the 26
kinship permanency incentive program, and to 27
provide factors for a person or facility to 28
consider when determining if an alleged or 29
adjudicated abused, neglected, or dependent child 30
subject to out-of-home care is able to participate 31
in certain activities. 32

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.281, 2151.353, 2151.414, 33
2151.415, 2151.417, 2151.421, 5101.802, 5103.035, and 5103.162 be 34
amended and section 2151.315 of the Revised Code be enacted to 35
read as follows: 36

Sec. 2151.281. (A) The court shall appoint a guardian ad 37
litem, subject to rules adopted by the supreme court, to protect 38
the interest of a child in any proceeding concerning an alleged or 39
adjudicated delinquent child or unruly child when either of the 40
following applies: 41

(1) The child has no parent, guardian, or legal custodian. 42

(2) The court finds that there is a conflict of interest 43
between the child and the child's parent, guardian, or legal 44
custodian. 45

(B)(1) The Except as provided in division (K) of this 46
section, the court shall appoint a guardian ad litem, subject to 47
rules adopted by the supreme court, to protect the interest of a 48
child in any proceeding concerning an alleged abused or neglected 49
child and in any proceeding held pursuant to section 2151.414 of 50
the Revised Code. The guardian ad litem so appointed shall not be 51
the attorney responsible for presenting the evidence alleging that 52
the child is an abused or neglected child and shall not be an 53
employee of any party in the proceeding. 54

(2) Except in any proceeding concerning a dependent child 55
involving the permanent custody of an infant under the age of six 56
months for the sole purpose of placement for adoption by a private 57
child placing agency, the court shall appoint a guardian ad litem, 58
subject to rules adopted by the supreme court, to protect the 59
interest of a child in any proceeding concerning an alleged 60
dependent child if any of the following applies: 61

(a) The parent of the child appears to be mentally 62
incompetent or is under eighteen years of age. 63

(b) There is a conflict of interest between the child and the 64
child's parents, guardian, or custodian. 65

(c) The court believes that the parent of the child is not 66
capable of representing the best interest of the child. 67

(3) Except in any proceeding concerning a dependent child 68
involving the permanent custody of an infant under the age of six 69
months for the sole purpose of placement for adoption by a private 70
child placing agency, the court may appoint a guardian ad litem, 71
subject to rules adopted by the supreme court, to protect the 72

interest of the child in any other proceeding concerning an 73
alleged dependent child. 74

(4) The guardian ad litem appointed for an alleged or 75
adjudicated abused or neglected child may bring a civil action 76
against any person who is required by division (A)(1) or (4) of 77
section 2151.421 of the Revised Code to file a report of child 78
abuse or child neglect that is known or reasonably suspected or 79
believed to have occurred if that person knows, or has reasonable 80
cause to suspect or believe based on facts that would cause a 81
reasonable person in a similar position to suspect or believe, as 82
applicable, that the child for whom the guardian ad litem is 83
appointed is the subject of child abuse or child neglect and does 84
not file the required report and if the child suffers any injury 85
or harm as a result of the child abuse or child neglect that is 86
known or reasonably suspected or believed to have occurred or 87
suffers additional injury or harm after the failure to file the 88
report. 89

(C) In any proceeding concerning an alleged or adjudicated 90
delinquent, unruly, abused, neglected, or dependent child in which 91
the parent appears to be mentally incompetent or is under eighteen 92
years of age, the court shall appoint a guardian ad litem to 93
protect the interest of that parent. 94

(D) The court shall require the guardian ad litem to 95
faithfully discharge the guardian ad litem's duties and, upon the 96
guardian ad litem's failure to faithfully discharge the guardian 97
ad litem's duties, shall discharge the guardian ad litem and 98
appoint another guardian ad litem. The court may fix the 99
compensation for the service of the guardian ad litem, which 100
compensation shall be paid from the treasury of the county, 101
subject to rules adopted by the supreme court. 102

(E) A parent who is eighteen years of age or older and not 103
mentally incompetent shall be deemed sui juris for the purpose of 104

any proceeding relative to a child of the parent who is alleged or 105
adjudicated to be an abused, neglected, or dependent child. 106

(F) In any case in which a parent of a child alleged or 107
adjudicated to be an abused, neglected, or dependent child is 108
under eighteen years of age, the parents of that parent shall be 109
summoned to appear at any hearing respecting the child, who is 110
alleged or adjudicated to be an abused, neglected, or dependent 111
child. 112

(G) ~~In~~ Except as provided in division (K) of this section, in 113
any case involving in which a guardian ad litem is to be appointed 114
for an alleged or adjudicated abused or, neglected, or dependent 115
child or in any case involving an agreement for the voluntary 116
surrender of temporary or permanent custody of a child that is 117
made in accordance with section 5103.15 of the Revised Code, the 118
court shall appoint the guardian ad litem in each case as soon as 119
possible after the complaint is filed, the request for an 120
extension of the temporary custody agreement is filed with the 121
court, or the request for court approval of the permanent custody 122
agreement is filed. ~~In any case involving an alleged dependent~~ 123
~~child in which the parent of the child appears to be mentally~~ 124
~~incompetent or is under eighteen years of age, there is a conflict~~ 125
~~of interest between the child and the child's parents, guardian,~~ 126
~~or custodian, or the court believes that the parent of the child~~ 127
~~is not capable of representing the best interest of the child, the~~ 128
~~court shall appoint a guardian ad litem for the child. The~~ 129
guardian ad litem or the guardian ad litem's replacement shall 130
continue to serve until any of the following occur: 131

(1) The complaint is dismissed or the request for an 132
extension of a temporary custody agreement or for court approval 133
of the permanent custody agreement is withdrawn or denied; 134

(2) All dispositional orders relative to the child have 135
terminated; 136

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| (3) The legal custody of the child is granted to a relative | 137 |
| of the child, or to another person; | 138 |
| (4) The child is placed in an adoptive home or, at the | 139 |
| court's discretion, a final decree of adoption is issued with | 140 |
| respect to the child; | 141 |
| (5) The child reaches the age of eighteen if the child is not | 142 |
| mentally retarded, developmentally disabled, or physically | 143 |
| impaired or the child reaches the age of twenty-one if the child | 144 |
| is mentally retarded, developmentally disabled, or physically | 145 |
| impaired; | 146 |
| (6) The guardian ad litem resigns or is removed by the court | 147 |
| and a replacement is appointed by the court. | 148 |
| If a guardian ad litem ceases to serve a child pursuant to | 149 |
| division (G)(4) of this section and the petition for adoption with | 150 |
| respect to the child is denied or withdrawn prior to the issuance | 151 |
| of a final decree of adoption or prior to the date an | 152 |
| interlocutory order of adoption becomes final, the juvenile court | 153 |
| shall reappoint a guardian ad litem for that child. The public | 154 |
| children services agency or private child placing agency with | 155 |
| permanent custody of the child shall notify the juvenile court if | 156 |
| the petition for adoption is denied or withdrawn. | 157 |
| (H) If the guardian ad litem for an alleged or adjudicated | 158 |
| abused, neglected, or dependent child is an attorney admitted to | 159 |
| the practice of law in this state, the guardian ad litem also may | 160 |
| serve as counsel to the ward. Until the supreme court adopts rules | 161 |
| regarding service as a guardian ad litem that regulate conflicts | 162 |
| between a person's role as guardian ad litem and as counsel, if a | 163 |
| person is serving as guardian ad litem and counsel for a child and | 164 |
| either that person or the court finds that a conflict may exist | 165 |
| between the person's roles as guardian ad litem and as counsel, | 166 |
| the court shall relieve the person of duties as guardian ad litem | 167 |

and appoint someone else as guardian ad litem for the child. If 168
the court appoints a person who is not an attorney admitted to the 169
practice of law in this state to be a guardian ad litem, the court 170
also may appoint an attorney admitted to the practice of law in 171
this state to serve as counsel for the guardian ad litem. 172

(I) The guardian ad litem for an alleged or adjudicated 173
abused, neglected, or dependent child shall perform whatever 174
functions are necessary to protect the best interest of the child, 175
including, but not limited to, investigation, mediation, 176
monitoring court proceedings, and monitoring the services provided 177
the child by the public children services agency or private child 178
placing agency that has temporary or permanent custody of the 179
child, and shall file any motions and other court papers that are 180
in the best interest of the child in accordance with rules adopted 181
by the supreme court. 182

The guardian ad litem shall be given notice of all hearings, 183
administrative reviews, and other proceedings in the same manner 184
as notice is given to parties to the action. 185

(J)(1) When the court appoints a guardian ad litem pursuant 186
to this section, it shall appoint a qualified volunteer or court 187
appointed special advocate whenever one is available and the 188
appointment is appropriate. 189

(2) Upon request, the department of job and family services 190
shall provide for the training of volunteer guardians ad litem. 191

(K) A guardian ad litem shall not be appointed for a child 192
who is under six months of age in any proceeding in which a 193
private child placing agency is seeking permanent custody of the 194
child or seeking approval of a voluntary permanent custody 195
surrender agreement for the sole purpose of the adoption of the 196
child. 197

Sec. 2151.315. (A) As used in this section, "age-appropriate" 198
means activities or items that are generally accepted as suitable 199
for children of the same chronological age or level of maturity. 200
Age appropriateness is based on the development of cognitive, 201
emotional, physical, and behavioral capacity that is typical for 202
an age or age group. 203

(B) A child who is subject to out-of-home care for alleged or 204
adjudicated abused, neglected, or dependent children is entitled 205
to participate in age-appropriate extracurricular, enrichment, and 206
social activities. 207

(C) A person or facility that is providing out-of-home care 208
for an alleged or adjudicated abused, neglected, or dependent 209
child shall consider all of the following when determining whether 210
to give permission for that child to participate in 211
extracurricular, enrichment, or social activities: 212

(1) The child's age, maturity, and developmental level to 213
maintain the overall health and safety of the child; 214

(2) The potential risk factors and the appropriateness of the 215
extracurricular, enrichment, or social activity; 216

(3) The best interest of the child based on information known 217
by the person or facility providing out-of-home care for an 218
alleged or adjudicated abused, neglected, or dependent child; 219

(4) The importance of encouraging the child's emotional and 220
developmental growth; 221

(5) The importance of providing the child with the most 222
family-like living experience possible; 223

(6) The behavioral history of the child and the child's 224
ability to safely participate in the extracurricular, enrichment, 225
or social activity. 226

(D) A person or facility that provides out-of-home care to an 227

alleged or adjudicated abused, neglected, or dependent child shall 228
be immune from liability in a civil action to recover damages for 229
injury, death, or loss to person or property caused to the child 230
who participates in an extracurricular, enrichment, or social 231
activity approved by the person or facility provided that the 232
person or facility considered the factors described in division 233
(C) of this section. 234

Sec. 2151.353. (A) If a child is adjudicated an abused, 235
neglected, or dependent child, the court may make any of the 236
following orders of disposition: 237

(1) Place the child in protective supervision; 238

(2) Commit the child to the temporary custody of a public 239
children services agency, a private child placing agency, either 240
parent, a relative residing within or outside the state, or a 241
probation officer for placement in a certified foster home, or in 242
any other home approved by the court; 243

(3) Award legal custody of the child to either parent or to 244
any other person who, prior to the dispositional hearing, files a 245
motion requesting legal custody of the child or is identified as a 246
proposed legal custodian in a complaint or motion filed prior to 247
the dispositional hearing by any party to the proceedings. A 248
person identified in a complaint or motion filed by a party to the 249
proceedings as a proposed legal custodian shall be awarded legal 250
custody of the child only if the person identified signs a 251
statement of understanding for legal custody that contains at 252
least the following provisions: 253

(a) That it is the intent of the person to become the legal 254
custodian of the child and the person is able to assume legal 255
responsibility for the care and supervision of the child; 256

(b) That the person understands that legal custody of the 257

child in question is intended to be permanent in nature and that 258
the person will be responsible as the custodian for the child 259
until the child reaches the age of majority. Responsibility as 260
custodian for the child shall continue beyond the age of majority 261
if, at the time the child reaches the age of majority, the child 262
is pursuing a diploma granted by the board of education or other 263
governing authority, successful completion of the curriculum of 264
any high school, successful completion of an individualized 265
education program developed for the student by any high school, or 266
an age and schooling certificate. Responsibility beyond the age of 267
majority shall terminate when the child ceases to continuously 268
pursue such an education, completes such an education, or is 269
excused from such an education under standards adopted by the 270
state board of education, whichever occurs first. 271

(c) That the parents of the child have residual parental 272
rights, privileges, and responsibilities, including, but not 273
limited to, the privilege of reasonable visitation, consent to 274
adoption, the privilege to determine the child's religious 275
affiliation, and the responsibility for support; 276

(d) That the person understands that the person must be 277
present in court for the dispositional hearing in order to affirm 278
the person's intention to become legal custodian, to affirm that 279
the person understands the effect of the custodianship before the 280
court, and to answer any questions that the court or any parties 281
to the case may have. 282

(4) Commit the child to the permanent custody of a public 283
children services agency or private child placing agency, if the 284
court determines in accordance with division (E) of section 285
2151.414 of the Revised Code that the child cannot be placed with 286
one of the child's parents within a reasonable time or should not 287
be placed with either parent and determines in accordance with 288
division (D)(1) of section 2151.414 of the Revised Code that the 289

permanent commitment is in the best interest of the child. If the 290
court grants permanent custody under this division, the court, 291
upon the request of any party, shall file a written opinion 292
setting forth its findings of fact and conclusions of law in 293
relation to the proceeding. 294

(5) Place the child in a planned permanent living arrangement 295
with a public children services agency or private child placing 296
agency, if a public children services agency or private child 297
placing agency requests the court to place the child in a planned 298
permanent living arrangement and if the court finds, by clear and 299
convincing evidence, that a planned permanent living arrangement 300
is in the best interest of the child and that one of the following 301
exists: 302

(a) The child, because of physical, mental, or psychological 303
problems or needs, is unable to function in a family-like setting 304
and must remain in residential or institutional care now and for 305
the foreseeable future beyond the date of the dispositional 306
hearing held pursuant to section 2151.35 of the Revised Code. 307

(b) The child is sixteen years of age or older, the parents 308
of the child have significant physical, mental, or psychological 309
problems and are unable to care for the child because of those 310
problems, adoption is not in the best interest of the child, as 311
determined in accordance with division (D)(1) of section 2151.414 312
of the Revised Code, and the child retains a significant and 313
positive relationship with a parent or relative. 314

(c) The child is sixteen years of age or older, has been 315
counseled on the permanent placement options available to the 316
child, and is unwilling to accept or unable to adapt to a 317
permanent placement, ~~and is in an agency program preparing the~~ 318
~~child for independent living.~~ 319

(6) Order the removal from the child's home until further 320

order of the court of the person who committed abuse as described 321
in section 2151.031 of the Revised Code against the child, who 322
caused or allowed the child to suffer neglect as described in 323
section 2151.03 of the Revised Code, or who is the parent, 324
guardian, or custodian of a child who is adjudicated a dependent 325
child and order any person not to have contact with the child or 326
the child's siblings. 327

(B)(1) When making a determination on whether to place a 328
child in a planned permanent living arrangement pursuant to 329
division (A)(5)(b) or (c) of this section, the court shall 330
consider all relevant information that has been presented to the 331
court, including information gathered from the child, the child's 332
guardian ad litem, and the public children services agency or 333
private child placing agency. 334

(2) A child who is placed in a planned permanent living 335
arrangement pursuant to division (A)(5)(b) or (c) of this section 336
shall be placed in an independent living setting or in a family 337
setting in which the caregiver has been provided by the agency 338
that has custody of the child with a notice that addresses the 339
following: 340

(a) The caregiver understands that the planned permanent 341
living arrangement is intended to be permanent in nature and that 342
the caregiver will provide a stable placement for the child 343
through the child's emancipation or until the court releases the 344
child from the custody of the agency, whichever occurs first. 345

(b) The caregiver is expected to actively participate in the 346
youth's independent living case plan, attend agency team meetings 347
and court hearings as appropriate, complete training, as provided 348
in division (B) of section 5103.035 of the Revised Code, related 349
to providing the child independent living services, and assist in 350
the child's transition into adulthood. 351

(3) The department of job and family services shall develop a 352
model notice to be provided by an agency that has custody of a 353
child to a caregiver under division (B)(2) of this section. The 354
agency may modify the model notice to apply to the needs of the 355
agency. 356

(C) No order for permanent custody or temporary custody of a 357
child or the placement of a child in a planned permanent living 358
arrangement shall be made pursuant to this section unless the 359
complaint alleging the abuse, neglect, or dependency contains a 360
prayer requesting permanent custody, temporary custody, or the 361
placement of the child in a planned permanent living arrangement 362
as desired, the summons served on the parents of the child 363
contains as is appropriate a full explanation that the granting of 364
an order for permanent custody permanently divests them of their 365
parental rights, a full explanation that an adjudication that the 366
child is an abused, neglected, or dependent child may result in an 367
order of temporary custody that will cause the removal of the 368
child from their legal custody until the court terminates the 369
order of temporary custody or permanently divests the parents of 370
their parental rights, or a full explanation that the granting of 371
an order for a planned permanent living arrangement will result in 372
the removal of the child from their legal custody if any of the 373
conditions listed in divisions (A)(5)(a) to (c) of this section 374
are found to exist, and the summons served on the parents contains 375
a full explanation of their right to be represented by counsel and 376
to have counsel appointed pursuant to Chapter 120. of the Revised 377
Code if they are indigent. 378

If after making disposition as authorized by division (A)(2) 379
of this section, a motion is filed that requests permanent custody 380
of the child, the court may grant permanent custody of the child 381
to the movant in accordance with section 2151.414 of the Revised 382
Code. 383

~~(C)~~(D) If the court issues an order for protective supervision pursuant to division (A)(1) of this section, the court may place any reasonable restrictions upon the child, the child's parents, guardian, or custodian, or any other person, including, but not limited to, any of the following:

(1) Order a party, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time;

(2) Order a party, a parent of the child, or a physical custodian of the child to prevent any particular person from having contact with the child;

(3) Issue an order restraining or otherwise controlling the conduct of any person which conduct would not be in the best interest of the child.

~~(D)~~(E) As part of its dispositional order, the court shall journalize a case plan for the child. The journalized case plan shall not be changed except as provided in section 2151.412 of the Revised Code.

~~(E)~~(F)(1) The court shall retain jurisdiction over any child for whom the court issues an order of disposition pursuant to division (A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one years if the child is mentally retarded, developmentally disabled, or physically impaired, or the child is adopted and a final decree of adoption is issued, except that the court may retain jurisdiction over the child and continue any order of disposition under division (A) of this section or under section 2151.414 or 2151.415 of the Revised Code for a specified period of time to enable the child to graduate from high

school or vocational school. The court shall make an entry 415
continuing its jurisdiction under this division in the journal. 416

(2) Any public children services agency, any private child 417
placing agency, the department of job and family services, or any 418
party, other than any parent whose parental rights with respect to 419
the child have been terminated pursuant to an order issued under 420
division (A)(4) of this section, by filing a motion with the 421
court, may at any time request the court to modify or terminate 422
any order of disposition issued pursuant to division (A) of this 423
section or section 2151.414 or 2151.415 of the Revised Code. The 424
court shall hold a hearing upon the motion as if the hearing were 425
the original dispositional hearing and shall give all parties to 426
the action and the guardian ad litem notice of the hearing 427
pursuant to the Juvenile Rules. If applicable, the court shall 428
comply with section 2151.42 of the Revised Code. 429

~~(F)~~(G) Any temporary custody order issued pursuant to 430
division (A) of this section shall terminate one year after the 431
earlier of the date on which the complaint in the case was filed 432
or the child was first placed into shelter care, except that, upon 433
the filing of a motion pursuant to section 2151.415 of the Revised 434
Code, the temporary custody order shall continue and not terminate 435
until the court issues a dispositional order under that section. 436
In resolving the motion, the court shall not order an existing 437
temporary custody order to continue beyond two years after the 438
date on which the complaint was filed or the child was first 439
placed into shelter care, whichever date is earlier, regardless of 440
whether any extensions have been previously ordered pursuant to 441
division (D) of section 2151.415 of the Revised Code. 442

~~(G)~~(H)(1) No later than one year after the earlier of the 443
date the complaint in the case was filed or the child was first 444
placed in shelter care, a party may ask the court to extend an 445
order for protective supervision for six months or to terminate 446

the order. A party requesting extension or termination of the 447
order shall file a written request for the extension or 448
termination with the court and give notice of the proposed 449
extension or termination in writing before the end of the day 450
after the day of filing it to all parties and the child's guardian 451
ad litem. If a public children services agency or private child 452
placing agency requests termination of the order, the agency shall 453
file a written status report setting out the facts supporting 454
termination of the order at the time it files the request with the 455
court. If no party requests extension or termination of the order, 456
the court shall notify the parties that the court will extend the 457
order for six months or terminate it and that it may do so without 458
a hearing unless one of the parties requests a hearing. All 459
parties and the guardian ad litem shall have seven days from the 460
date a notice is sent pursuant to this division to object to and 461
request a hearing on the proposed extension or termination. 462

(a) If it receives a timely request for a hearing, the court 463
shall schedule a hearing to be held no later than thirty days 464
after the request is received by the court. The court shall give 465
notice of the date, time, and location of the hearing to all 466
parties and the guardian ad litem. At the hearing, the court shall 467
determine whether extension or termination of the order is in the 468
child's best interest. If termination is in the child's best 469
interest, the court shall terminate the order. If extension is in 470
the child's best interest, the court shall extend the order for 471
six months. 472

(b) If it does not receive a timely request for a hearing, 473
the court may extend the order for six months or terminate it 474
without a hearing and shall journalize the order of extension or 475
termination not later than fourteen days after receiving the 476
request for extension or termination or after the date the court 477
notifies the parties that it will extend or terminate the order. 478

If the court does not extend or terminate the order, it shall
schedule a hearing to be held no later than thirty days after the
expiration of the applicable fourteen-day time period and give
notice of the date, time, and location of the hearing to all
parties and the child's guardian ad litem. At the hearing, the
court shall determine whether extension or termination of the
order is in the child's best interest. If termination is in the
child's best interest, the court shall terminate the order. If
extension is in the child's best interest, the court shall issue
an order extending the order for protective supervision six
months.

(2) If the court grants an extension of the order for
protective supervision pursuant to division ~~(G)~~(H)(1) of this
section, a party may, prior to termination of the extension, file
with the court a request for an additional extension of six months
or for termination of the order. The court and the parties shall
comply with division ~~(G)~~(H)(1) of this section with respect to
extending or terminating the order.

(3) If a court grants an extension pursuant to division
~~(G)~~(H)(2) of this section, the court shall terminate the order for
protective supervision at the end of the extension.

~~(H)~~(I) The court shall not issue a dispositional order
pursuant to division (A) of this section that removes a child from
the child's home unless the court complies with section 2151.419
of the Revised Code and includes in the dispositional order the
findings of fact required by that section.

~~(I)~~(J) If a motion or application for an order described in
division (A)(6) of this section is made, the court shall not issue
the order unless, prior to the issuance of the order, it provides
to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application; 510

(3) An opportunity to present evidence and witnesses at a 511
hearing regarding the motion or application; 512

(4) An opportunity to be represented by counsel at the 513
hearing. 514

~~(J)~~(K) The jurisdiction of the court shall terminate one year 515
after the date of the award or, if the court takes any further 516
action in the matter subsequent to the award, the date of the 517
latest further action subsequent to the award, if the court awards 518
legal custody of a child to either of the following: 519

(1) A legal custodian who, at the time of the award of legal 520
custody, resides in a county of this state other than the county 521
in which the court is located; 522

(2) A legal custodian who resides in the county in which the 523
court is located at the time of the award of legal custody, but 524
moves to a different county of this state prior to one year after 525
the date of the award or, if the court takes any further action in 526
the matter subsequent to the award, one year after the date of the 527
latest further action subsequent to the award. 528

The court in the county in which the legal custodian resides 529
then shall have jurisdiction in the matter. 530

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to 531
section 2151.413 of the Revised Code for permanent custody of a 532
child, the court shall schedule a hearing and give notice of the 533
filing of the motion and of the hearing, in accordance with 534
section 2151.29 of the Revised Code, to all parties to the action 535
and to the child's guardian ad litem. The notice also shall 536
contain a full explanation that the granting of permanent custody 537
permanently divests the parents of their parental rights, a full 538
explanation of their right to be represented by counsel and to 539

have counsel appointed pursuant to Chapter 120. of the Revised 540
Code if they are indigent, and the name and telephone number of 541
the court employee designated by the court pursuant to section 542
2151.314 of the Revised Code to arrange for the prompt appointment 543
of counsel for indigent persons. 544

The court shall conduct a hearing in accordance with section 545
2151.35 of the Revised Code to determine if it is in the best 546
interest of the child to permanently terminate parental rights and 547
grant permanent custody to the agency that filed the motion. The 548
adjudication that the child is an abused, neglected, or dependent 549
child and any dispositional order that has been issued in the case 550
under section 2151.353 of the Revised Code pursuant to the 551
adjudication shall not be readjudicated at the hearing and shall 552
not be affected by a denial of the motion for permanent custody. 553

(2) The court shall hold the hearing scheduled pursuant to 554
division (A)(1) of this section not later than one hundred twenty 555
days after the agency files the motion for permanent custody, 556
except that, for good cause shown, the court may continue the 557
hearing for a reasonable period of time beyond the 558
one-hundred-twenty-day deadline. The court shall issue an order 559
that grants, denies, or otherwise disposes of the motion for 560
permanent custody, and journalize the order, not later than two 561
hundred days after the agency files the motion. 562

If a motion is made under division (D)(2) of section 2151.413 563
of the Revised Code and no dispositional hearing has been held in 564
the case, the court may hear the motion in the dispositional 565
hearing required by division (B) of section 2151.35 of the Revised 566
Code. If the court issues an order pursuant to section 2151.353 of 567
the Revised Code granting permanent custody of the child to the 568
agency, the court shall immediately dismiss the motion made under 569
division (D)(2) of section 2151.413 of the Revised Code. 570

The failure of the court to comply with the time periods set 571

forth in division (A)(2) of this section does not affect the 572
authority of the court to issue any order under this chapter and 573
does not provide any basis for attacking the jurisdiction of the 574
court or the validity of any order of the court. 575

(B)(1) Except as provided in division (B)(2) of this section, 576
the court may grant permanent custody of a child to a movant if 577
the court determines at the hearing held pursuant to division (A) 578
of this section, by clear and convincing evidence, that it is in 579
the best interest of the child to grant permanent custody of the 580
child to the agency that filed the motion for permanent custody 581
and that any of the following apply: 582

(a) The child is not abandoned or orphaned, has not been in 583
the temporary custody of one or more public children services 584
agencies or private child placing agencies for twelve or more 585
months of a consecutive twenty-two-month period, or has not been 586
in the temporary custody of one or more public children services 587
agencies or private child placing agencies for twelve or more 588
months of a consecutive twenty-two-month period if, as described 589
in division (D)(1) of section 2151.413 of the Revised Code, the 590
child was previously in the temporary custody of an equivalent 591
agency in another state, and the child cannot be placed with 592
either of the child's parents within a reasonable time or should 593
not be placed with the child's parents. 594

(b) The child is abandoned. 595

(c) The child is orphaned, and there are no relatives of the 596
child who are able to take permanent custody. 597

(d) The child has been in the temporary custody of one or 598
more public children services agencies or private child placing 599
agencies for twelve or more months of a consecutive 600
twenty-two-month period, or the child has been in the temporary 601
custody of one or more public children services agencies or 602

private child placing agencies for twelve or more months of a 603
consecutive twenty-two-month period and, as described in division 604
(D)(1) of section 2151.413 of the Revised Code, the child was 605
previously in the temporary custody of an equivalent agency in 606
another state. 607

(e) The child or another child in the custody of the parent 608
or parents from whose custody the child has been removed has been 609
adjudicated an abused, neglected, or dependent child on three 610
separate occasions by any court in this state or another state. 611

For the purposes of division (B)(1) of this section, a child 612
shall be considered to have entered the temporary custody of an 613
agency on the earlier of the date the child is adjudicated 614
pursuant to section 2151.28 of the Revised Code or the date that 615
is sixty days after the removal of the child from home. 616

(2) With respect to a motion made pursuant to division (D)(2) 617
of section 2151.413 of the Revised Code, the court shall grant 618
permanent custody of the child to the movant if the court 619
determines in accordance with division (E) of this section that 620
the child cannot be placed with one of the child's parents within 621
a reasonable time or should not be placed with either parent and 622
determines in accordance with division (D) of this section that 623
permanent custody is in the child's best interest. 624

(C) In making the determinations required by this section or 625
division (A)(4) of section 2151.353 of the Revised Code, a court 626
shall not consider the effect the granting of permanent custody to 627
the agency would have upon any parent of the child. A written 628
report of the guardian ad litem of the child shall be submitted to 629
the court prior to or at the time of the hearing held pursuant to 630
division (A) of this section or section 2151.35 of the Revised 631
Code but shall not be submitted under oath. 632

If the court grants permanent custody of a child to a movant 633

under this division, the court, upon the request of any party, 634
shall file a written opinion setting forth its findings of fact 635
and conclusions of law in relation to the proceeding. The court 636
shall not deny an agency's motion for permanent custody solely 637
because the agency failed to implement any particular aspect of 638
the child's case plan. 639

(D)(1) In determining the best interest of a child at a 640
hearing held pursuant to division (A) of this section or for the 641
purposes of division (A)(4) or (5) of section 2151.353 or division 642
(C) of section 2151.415 of the Revised Code, the court shall 643
consider all relevant factors, including, but not limited to, the 644
following: 645

(a) The interaction and interrelationship of the child with 646
the child's parents, siblings, relatives, foster caregivers and 647
out-of-home providers, and any other person who may significantly 648
affect the child; 649

(b) The wishes of the child, as expressed directly by the 650
child or through the child's guardian ad litem, with due regard 651
for the maturity of the child; 652

(c) The custodial history of the child, including whether the 653
child has been in the temporary custody of one or more public 654
children services agencies or private child placing agencies for 655
twelve or more months of a consecutive twenty-two-month period, or 656
the child has been in the temporary custody of one or more public 657
children services agencies or private child placing agencies for 658
twelve or more months of a consecutive twenty-two-month period 659
and, as described in division (D)(1) of section 2151.413 of the 660
Revised Code, the child was previously in the temporary custody of 661
an equivalent agency in another state; 662

(d) The child's need for a legally secure permanent placement 663
and whether that type of placement can be achieved without a grant 664

of permanent custody to the agency; 665

(e) Whether any of the factors in divisions (E)(7) to (11) of 666
this section apply in relation to the parents and child. 667

For the purposes of division (D)(1) of this section, a child 668
shall be considered to have entered the temporary custody of an 669
agency on the earlier of the date the child is adjudicated 670
pursuant to section 2151.28 of the Revised Code or the date that 671
is sixty days after the removal of the child from home. 672

(2) If all of the following apply, permanent custody is in 673
the best interest of the child and the court shall commit the 674
child to the permanent custody of a public children services 675
agency or private child placing agency: 676

(a) The court determines by clear and convincing evidence 677
that one or more of the factors in division (E) of this section 678
exist and the child cannot be placed with one of the child's 679
parents within a reasonable time or should not be placed with 680
either parent. 681

(b) The child has been in an agency's custody for two years 682
or longer, and no longer qualifies for temporary custody pursuant 683
to division (D) of section 2151.415 of the Revised Code. 684

(c) The child does not meet the requirements for a planned 685
permanent living arrangement pursuant to division (A)(5) of 686
section 2151.353 of the Revised Code. 687

(d) Prior to the dispositional hearing, no relative or other 688
interested person has filed, or has been identified in, a motion 689
for legal custody of the child. 690

(E) In determining at a hearing held pursuant to division (A) 691
of this section or for the purposes of division (A)(4) of section 692
2151.353 of the Revised Code whether a child cannot be placed with 693
either parent within a reasonable period of time or should not be 694

placed with the parents, the court shall consider all relevant 695
evidence. If the court determines, by clear and convincing 696
evidence, at a hearing held pursuant to division (A) of this 697
section or for the purposes of division (A)(4) of section 2151.353 698
of the Revised Code that one or more of the following exist as to 699
each of the child's parents, the court shall enter a finding that 700
the child cannot be placed with either parent within a reasonable 701
time or should not be placed with either parent: 702

(1) Following the placement of the child outside the child's 703
home and notwithstanding reasonable case planning and diligent 704
efforts by the agency to assist the parents to remedy the problems 705
that initially caused the child to be placed outside the home, the 706
parent has failed continuously and repeatedly to substantially 707
remedy the conditions causing the child to be placed outside the 708
child's home. In determining whether the parents have 709
substantially remedied those conditions, the court shall consider 710
parental utilization of medical, psychiatric, psychological, and 711
other social and rehabilitative services and material resources 712
that were made available to the parents for the purpose of 713
changing parental conduct to allow them to resume and maintain 714
parental duties. 715

(2) Chronic mental illness, chronic emotional illness, mental 716
retardation, physical disability, or chemical dependency of the 717
parent that is so severe that it makes the parent unable to 718
provide an adequate permanent home for the child at the present 719
time and, as anticipated, within one year after the court holds 720
the hearing pursuant to division (A) of this section or for the 721
purposes of division (A)(4) of section 2151.353 of the Revised 722
Code; 723

(3) The parent committed any abuse as described in section 724
2151.031 of the Revised Code against the child, caused the child 725
to suffer any neglect as described in section 2151.03 of the 726

Revised Code, or allowed the child to suffer any neglect as 727
described in section 2151.03 of the Revised Code between the date 728
that the original complaint alleging abuse or neglect was filed 729
and the date of the filing of the motion for permanent custody; 730

(4) The parent has demonstrated a lack of commitment toward 731
the child by failing to regularly support, visit, or communicate 732
with the child when able to do so, or by other actions showing an 733
unwillingness to provide an adequate permanent home for the child; 734

(5) The parent is incarcerated for an offense committed 735
against the child or a sibling of the child; 736

(6) The parent has been convicted of or pleaded guilty to an 737
offense under division (A) or (C) of section 2919.22 or under 738
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 739
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 740
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 741
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 742
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 743
Revised Code and the child or a sibling of the child was a victim 744
of the offense or the parent has been convicted of or pleaded 745
guilty to an offense under section 2903.04 of the Revised Code, a 746
sibling of the child was the victim of the offense, and the parent 747
who committed the offense poses an ongoing danger to the child or 748
a sibling of the child. 749

(7) The parent has been convicted of or pleaded guilty to one 750
of the following: 751

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 752
the Revised Code or under an existing or former law of this state, 753
any other state, or the United States that is substantially 754
equivalent to an offense described in those sections and the 755
victim of the offense was a sibling of the child or the victim was 756
another child who lived in the parent's household at the time of 757

the offense; 758

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 759
the Revised Code or under an existing or former law of this state, 760
any other state, or the United States that is substantially 761
equivalent to an offense described in those sections and the 762
victim of the offense is the child, a sibling of the child, or 763
another child who lived in the parent's household at the time of 764
the offense; 765

(c) An offense under division (B)(2) of section 2919.22 of 766
the Revised Code or under an existing or former law of this state, 767
any other state, or the United States that is substantially 768
equivalent to the offense described in that section and the child, 769
a sibling of the child, or another child who lived in the parent's 770
household at the time of the offense is the victim of the offense; 771

(d) An offense under section 2907.02, 2907.03, 2907.04, 772
2907.05, or 2907.06 of the Revised Code or under an existing or 773
former law of this state, any other state, or the United States 774
that is substantially equivalent to an offense described in those 775
sections and the victim of the offense is the child, a sibling of 776
the child, or another child who lived in the parent's household at 777
the time of the offense; 778

(e) A conspiracy or attempt to commit, or complicity in 779
committing, an offense described in division (E)(7)(a) or (d) of 780
this section. 781

(8) The parent has repeatedly withheld medical treatment or 782
food from the child when the parent has the means to provide the 783
treatment or food, and, in the case of withheld medical treatment, 784
the parent withheld it for a purpose other than to treat the 785
physical or mental illness or defect of the child by spiritual 786
means through prayer alone in accordance with the tenets of a 787
recognized religious body. 788

(9) The parent has placed the child at substantial risk of 789
harm two or more times due to alcohol or drug abuse and has 790
rejected treatment two or more times or refused to participate in 791
further treatment two or more times after a case plan issued 792
pursuant to section 2151.412 of the Revised Code requiring 793
treatment of the parent was journalized as part of a dispositional 794
order issued with respect to the child or an order was issued by 795
any other court requiring treatment of the parent. 796

(10) The parent has abandoned the child. 797

(11) The parent has had parental rights involuntarily 798
terminated with respect to a sibling of the child pursuant to this 799
section or section 2151.353 or 2151.415 of the Revised Code, or 800
under an existing or former law of this state, any other state, or 801
the United States that is substantially equivalent to those 802
sections, and the parent has failed to provide clear and 803
convincing evidence to prove that, notwithstanding the prior 804
termination, the parent can provide a legally secure permanent 805
placement and adequate care for the health, welfare, and safety of 806
the child. 807

(12) The parent is incarcerated at the time of the filing of 808
the motion for permanent custody or the dispositional hearing of 809
the child and will not be available to care for the child for at 810
least eighteen months after the filing of the motion for permanent 811
custody or the dispositional hearing. 812

(13) The parent is repeatedly incarcerated, and the repeated 813
incarceration prevents the parent from providing care for the 814
child. 815

(14) The parent for any reason is unwilling to provide food, 816
clothing, shelter, and other basic necessities for the child or to 817
prevent the child from suffering physical, emotional, or sexual 818
abuse or physical, emotional, or mental neglect. 819

(15) The parent has committed abuse as described in section 820
2151.031 of the Revised Code against the child or caused or 821
allowed the child to suffer neglect as described in section 822
2151.03 of the Revised Code, and the court determines that the 823
seriousness, nature, or likelihood of recurrence of the abuse or 824
neglect makes the child's placement with the child's parent a 825
threat to the child's safety. 826

(16) Any other factor the court considers relevant. 827

(F) The parents of a child for whom the court has issued an 828
order granting permanent custody pursuant to this section, upon 829
the issuance of the order, cease to be parties to the action. This 830
division is not intended to eliminate or restrict any right of the 831
parents to appeal the granting of permanent custody of their child 832
to a movant pursuant to this section. 833

Sec. 2151.415. (A) Except for cases in which a motion for 834
permanent custody described in division (D)(1) of section 2151.413 835
of the Revised Code is required to be made, a public children 836
services agency or private child placing agency that has been 837
given temporary custody of a child pursuant to section 2151.353 of 838
the Revised Code, not later than thirty days prior to the earlier 839
of the date for the termination of the custody order pursuant to 840
division ~~(G)~~(H) of section 2151.353 of the Revised Code or the 841
date set at the dispositional hearing for the hearing to be held 842
pursuant to this section, shall file a motion with the court that 843
issued the order of disposition requesting that any of the 844
following orders of disposition of the child be issued by the 845
court: 846

(1) An order that the child be returned home and the custody 847
of the child's parents, guardian, or custodian without any 848
restrictions; 849

(2) An order for protective supervision; 850

(3) An order that the child be placed in the legal custody of a relative or other interested individual; 851
852

(4) An order permanently terminating the parental rights of the child's parents; 853
854

(5) An order that the child be placed in a planned permanent living arrangement; 855
856

(6) In accordance with division (D) of this section, an order for the extension of temporary custody. 857
858

(B) Upon the filing of a motion pursuant to division (A) of this section, the court shall hold a dispositional hearing on the date set at the dispositional hearing held pursuant to section 2151.35 of the Revised Code, with notice to all parties to the action in accordance with the Juvenile Rules. After the dispositional hearing or at a date after the dispositional hearing that is not later than one year after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care, the court, in accordance with the best interest of the child as supported by the evidence presented at the dispositional hearing, shall issue an order of disposition as set forth in division (A) of this section, except that all orders for permanent custody shall be made in accordance with sections 2151.413 and 2151.414 of the Revised Code. In issuing an order of disposition under this section, the court shall comply with section 2151.42 of the Revised Code. 859
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(C)(1) If an agency pursuant to division (A) of this section requests the court to place a child into a planned permanent living arrangement, the agency shall present evidence to indicate why a planned permanent living arrangement is appropriate for the child, including, but not limited to, evidence that the agency has tried or considered all other possible dispositions for the child. A court shall not place a child in a planned permanent living 875
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arrangement, unless it finds, by clear and convincing evidence, 882
that a planned permanent living arrangement is in the best 883
interest of the child and that one of the following exists: 884

(a) The child, because of physical, mental, or psychological 885
problems or needs, is unable to function in a family-like setting 886
and must remain in residential or institutional care. 887

(b) The parents of the child have significant physical, 888
mental, or psychological problems and are unable to care for the 889
child because of those problems, adoption is not in the best 890
interest of the child, as determined in accordance with division 891
(D)(1) of section 2151.414 of the Revised Code, and the child 892
retains a significant and positive relationship with a parent or 893
relative; 894

(c) The child is sixteen years of age or older, has been 895
counseled on the permanent placement options available, is 896
unwilling to accept or unable to adapt to a permanent placement, 897
and is in an agency program preparing for independent living. 898

(2) If the court issues an order placing a child in a planned 899
permanent living arrangement, both of the following apply: 900

(a) The court shall issue a finding of fact setting forth the 901
reasons for its finding; 902

(b) The agency may make any appropriate placement for the 903
child and shall develop a case plan for the child that is designed 904
to assist the child in finding a permanent home outside of the 905
home of the parents. 906

(D)(1) If an agency pursuant to division (A) of this section 907
requests the court to grant an extension of temporary custody for 908
a period of up to six months, the agency shall include in the 909
motion an explanation of the progress on the case plan of the 910
child and of its expectations of reunifying the child with the 911
child's family, or placing the child in a permanent placement, 912

within the extension period. The court shall schedule a hearing on 913
the motion, give notice of its date, time, and location to all 914
parties and the guardian ad litem of the child, and at the hearing 915
consider the evidence presented by the parties and the guardian ad 916
litem. The court may extend the temporary custody order of the 917
child for a period of up to six months, if it determines at the 918
hearing, by clear and convincing evidence, that the extension is 919
in the best interest of the child, there has been significant 920
progress on the case plan of the child, and there is reasonable 921
cause to believe that the child will be reunified with one of the 922
parents or otherwise permanently placed within the period of 923
extension. In determining whether to extend the temporary custody 924
of the child pursuant to this division, the court shall comply 925
with section 2151.42 of the Revised Code. If the court extends the 926
temporary custody of the child pursuant to this division, upon 927
request it shall issue findings of fact. 928

(2) Prior to the end of the extension granted pursuant to 929
division (D)(1) of this section, the agency that received the 930
extension shall file a motion with the court requesting the 931
issuance of one of the orders of disposition set forth in 932
divisions (A)(1) to (5) of this section or requesting the court to 933
extend the temporary custody order of the child for an additional 934
period of up to six months. If the agency requests the issuance of 935
an order of disposition under divisions (A)(1) to (5) of this 936
section or does not file any motion prior to the expiration of the 937
extension period, the court shall conduct a hearing in accordance 938
with division (B) of this section and issue an appropriate order 939
of disposition. In issuing an order of disposition, the court 940
shall comply with section 2151.42 of the Revised Code. 941

If the agency requests an additional extension of up to six 942
months of the temporary custody order of the child, the court 943
shall schedule and conduct a hearing in the manner set forth in 944

division (D)(1) of this section. The court may extend the 945
temporary custody order of the child for an additional period of 946
up to six months if it determines at the hearing, by clear and 947
convincing evidence, that the additional extension is in the best 948
interest of the child, there has been substantial additional 949
progress since the original extension of temporary custody in the 950
case plan of the child, there has been substantial additional 951
progress since the original extension of temporary custody toward 952
reunifying the child with one of the parents or otherwise 953
permanently placing the child, and there is reasonable cause to 954
believe that the child will be reunified with one of the parents 955
or otherwise placed in a permanent setting before the expiration 956
of the additional extension period. In determining whether to 957
grant an additional extension, the court shall comply with section 958
2151.42 of the Revised Code. If the court extends the temporary 959
custody of the child for an additional period pursuant to this 960
division, upon request it shall issue findings of fact. 961

(3) Prior to the end of the extension of a temporary custody 962
order granted pursuant to division (D)(2) of this section, the 963
agency that received the extension shall file a motion with the 964
court requesting the issuance of one of the orders of disposition 965
set forth in divisions (A)(1) to (5) of this section. Upon the 966
filing of the motion by the agency or, if the agency does not file 967
the motion prior to the expiration of the extension period, upon 968
its own motion, the court, prior to the expiration of the 969
extension period, shall conduct a hearing in accordance with 970
division (B) of this section and issue an appropriate order of 971
disposition. In issuing an order of disposition, the court shall 972
comply with section 2151.42 of the Revised Code. 973

(4) No court shall grant an agency more than two extensions 974
of temporary custody pursuant to division (D) of this section and 975
the court shall not order an existing temporary custody order to 976

continue beyond two years after the date on which the complaint 977
was filed or the child was first placed into shelter care, 978
whichever date is earlier, regardless of whether any extensions 979
have been previously ordered pursuant to division (D) of this 980
section. 981

(E) After the issuance of an order pursuant to division (B) 982
of this section, the court shall retain jurisdiction over the 983
child until the child attains the age of eighteen if the child is 984
not mentally retarded, developmentally disabled, or physically 985
impaired, the child attains the age of twenty-one if the child is 986
mentally retarded, developmentally disabled, or physically 987
impaired, or the child is adopted and a final decree of adoption 988
is issued, unless the court's jurisdiction over the child is 989
extended pursuant to division ~~(E)~~(F) of section 2151.353 of the 990
Revised Code. 991

(F) The court, on its own motion or the motion of the agency 992
or person with legal custody of the child, the child's guardian ad 993
litem, or any other party to the action, may conduct a hearing 994
with notice to all parties to determine whether any order issued 995
pursuant to this section should be modified or terminated or 996
whether any other dispositional order set forth in divisions 997
(A)(1) to (5) of this section should be issued. After the hearing 998
and consideration of all the evidence presented, the court, in 999
accordance with the best interest of the child, may modify or 1000
terminate any order issued pursuant to this section or issue any 1001
dispositional order set forth in divisions (A)(1) to (5) of this 1002
section. In rendering a decision under this division, the court 1003
shall comply with section 2151.42 of the Revised Code. 1004

(G) If the court places a child in a planned permanent living 1005
arrangement with a public children services agency or a private 1006
child placing agency pursuant to this section, the agency with 1007
which the child is placed in a planned permanent living 1008

arrangement shall not remove the child from the residential 1009
placement in which the child is originally placed pursuant to the 1010
case plan for the child or in which the child is placed with court 1011
approval pursuant to this division, unless the court and the 1012
guardian ad litem are given notice of the intended removal and the 1013
court issues an order approving the removal or unless the removal 1014
is necessary to protect the child from physical or emotional harm 1015
and the agency gives the court notice of the removal and of the 1016
reasons why the removal is necessary to protect the child from 1017
physical or emotional harm immediately after the removal of the 1018
child from the prior setting. 1019

(H) If the hearing held under this section takes the place of 1020
an administrative review that otherwise would have been held under 1021
section 2151.416 of the Revised Code, the court at the hearing 1022
held under this section shall do all of the following in addition 1023
to any other requirements of this section: 1024

(1) Determine the continued necessity for and the 1025
appropriateness of the child's placement; 1026

(2) Determine the extent of compliance with the child's case 1027
plan; 1028

(3) Determine the extent of progress that has been made 1029
toward alleviating or mitigating the causes necessitating the 1030
child's placement in foster care; 1031

(4) Project a likely date by which the child may be returned 1032
to the child's home or placed for adoption or legal guardianship; 1033

(5) Approve the permanency plan for the child consistent with 1034
section 2151.417 of the Revised Code. 1035

Sec. 2151.417. (A) Any court that issues a dispositional 1036
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 1037
Revised Code may review at any time the child's placement or 1038

custody arrangement, the case plan prepared for the child pursuant 1039
to section 2151.412 of the Revised Code, the actions of the public 1040
children services agency or private child placing agency in 1041
implementing that case plan, the child's permanency plan if the 1042
child's permanency plan has been approved, and any other aspects 1043
of the child's placement or custody arrangement. In conducting the 1044
review, the court shall determine the appropriateness of any 1045
agency actions, the safety and appropriateness of continuing the 1046
child's placement or custody arrangement, and whether any changes 1047
should be made with respect to the child's permanency plan or 1048
placement or custody arrangement or with respect to the actions of 1049
the agency under the child's placement or custody arrangement. 1050
Based upon the evidence presented at a hearing held after notice 1051
to all parties and the guardian ad litem of the child, the court 1052
may require the agency, the parents, guardian, or custodian of the 1053
child, and the physical custodians of the child to take any 1054
reasonable action that the court determines is necessary and in 1055
the best interest of the child or to discontinue any action that 1056
it determines is not in the best interest of the child. 1057

(B) If a court issues a dispositional order pursuant to 1058
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 1059
court has continuing jurisdiction over the child as set forth in 1060
division ~~(E)~~(F)(1) of section 2151.353 of the Revised Code. The 1061
court may amend a dispositional order in accordance with division 1062
~~(E)~~(F)(2) of section 2151.353 of the Revised Code at any time upon 1063
its own motion or upon the motion of any interested party. The 1064
court shall comply with section 2151.42 of the Revised Code in 1065
amending any dispositional order pursuant to this division. 1066

(C) Any court that issues a dispositional order pursuant to 1067
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 1068
hold a review hearing one year after the earlier of the date on 1069
which the complaint in the case was filed or the child was first 1070

placed into shelter care to review the case plan prepared pursuant 1071
to section 2151.412 of the Revised Code and the child's placement 1072
or custody arrangement, to approve or review the permanency plan 1073
for the child, and to make changes to the case plan and placement 1074
or custody arrangement consistent with the permanency plan. The 1075
court shall schedule the review hearing at the time that it holds 1076
the dispositional hearing pursuant to section 2151.35 of the 1077
Revised Code. 1078

The court shall hold a similar review hearing no later than 1079
every twelve months after the initial review hearing until the 1080
child is adopted, returned to the parents, or the court otherwise 1081
terminates the child's placement or custody arrangement, except 1082
that the dispositional hearing held pursuant to section 2151.415 1083
of the Revised Code shall take the place of the first review 1084
hearing to be held under this section. The court shall schedule 1085
each subsequent review hearing at the conclusion of the review 1086
hearing immediately preceding the review hearing to be scheduled. 1087

(D) If, within fourteen days after a written summary of an 1088
administrative review is filed with the court pursuant to section 1089
2151.416 of the Revised Code, the court does not approve the 1090
proposed change to the case plan filed pursuant to division (E) of 1091
section 2151.416 of the Revised Code or a party or the guardian ad 1092
litem requests a review hearing pursuant to division (E) of that 1093
section, the court shall hold a review hearing in the same manner 1094
that it holds review hearings pursuant to division (C) of this 1095
section, except that if a review hearing is required by this 1096
division and if a hearing is to be held pursuant to division (C) 1097
of this section or section 2151.415 of the Revised Code, the 1098
hearing held pursuant to division (C) of this section or section 1099
2151.415 of the Revised Code shall take the place of the review 1100
hearing required by this division. 1101

(E) If a court determines pursuant to section 2151.419 of the 1102

Revised Code that a public children services agency or private 1103
child placing agency is not required to make reasonable efforts to 1104
prevent the removal of a child from the child's home, eliminate 1105
the continued removal of a child from the child's home, and return 1106
the child to the child's home, and the court does not return the 1107
child to the child's home pursuant to division (A)(3) of section 1108
2151.419 of the Revised Code, the court shall hold a review 1109
hearing to approve the permanency plan for the child and, if 1110
appropriate, to make changes to the child's case plan and the 1111
child's placement or custody arrangement consistent with the 1112
permanency plan. The court may hold the hearing immediately 1113
following the determination under section 2151.419 of the Revised 1114
Code and shall hold it no later than thirty days after making that 1115
determination. 1116

(F) The court shall give notice of the review hearings held 1117
pursuant to this section to every interested party, including, but 1118
not limited to, the appropriate agency employees who are 1119
responsible for the child's care and planning, the child's 1120
parents, any person who had guardianship or legal custody of the 1121
child prior to the custody order, the child's guardian ad litem, 1122
and the child. The court shall summon every interested party to 1123
appear at the review hearing and give them an opportunity to 1124
testify and to present other evidence with respect to the child's 1125
custody arrangement, including, but not limited to, the following: 1126
the case plan for the child; the permanency plan, if one exists; 1127
the actions taken by the child's custodian; the need for a change 1128
in the child's custodian or caseworker; and the need for any 1129
specific action to be taken with respect to the child. The court 1130
shall require any interested party to testify or present other 1131
evidence when necessary to a proper determination of the issues 1132
presented at the review hearing. In any review hearing that 1133
pertains to a permanency plan for a child who will not be returned 1134
to the parent, the court shall consider in-state and out-of-state 1135

placement options and the court shall determine whether the 1136
in-state or the out-of-state placement continues to be appropriate 1137
and in the best interests of the child. In any review hearing that 1138
pertains to a permanency plan for a child, the court or a citizens 1139
board appointed by the court pursuant to division (H) of this 1140
section shall consult with the child, in an age-appropriate 1141
manner, regarding the proposed permanency plan for the child. 1142

(G) After the review hearing, the court shall take the 1143
following actions based upon the evidence presented: 1144

(1) If an administrative review has been conducted, determine 1145
whether the conclusions of the review are supported by a 1146
preponderance of the evidence and approve or modify the case plan 1147
based upon that evidence; 1148

(2) If the hearing was held under division (C) or (E) of this 1149
section, approve a permanency plan for the child that specifies 1150
whether and, if applicable, when the child will be safely returned 1151
home or placed for adoption, for legal custody, or in a planned 1152
permanent living arrangement. A permanency plan approved after a 1153
hearing under division (E) of this section shall not include any 1154
provision requiring the child to be returned to the child's home. 1155

(3) If the child is in temporary custody, do all of the 1156
following: 1157

(a) Determine whether the child can and should be returned 1158
home with or without an order for protective supervision; 1159

(b) If the child can and should be returned home with or 1160
without an order for protective supervision, terminate the order 1161
for temporary custody; 1162

(c) If the child cannot or should not be returned home with 1163
an order for protective supervision, determine whether the agency 1164
currently with custody of the child should retain custody or 1165
whether another public children services agency, private child 1166

placing agency, or an individual should be given custody of the 1167
child. 1168

The court shall comply with section 2151.42 of the Revised 1169
Code in taking any action under this division. 1170

(4) If the child is in permanent custody, determine what 1171
actions are required by the custodial agency and of any other 1172
organizations or persons in order to facilitate an adoption of the 1173
child and make any appropriate orders with respect to the custody 1174
arrangement or conditions of the child, including, but not limited 1175
to, a transfer of permanent custody to another public children 1176
services agency or private child placing agency; 1177

(5) Journalize the terms of the updated case plan for the 1178
child. 1179

(H) The court may appoint a referee or a citizens review 1180
board to conduct the review hearings that the court is required by 1181
this section to conduct, subject to the review and approval by the 1182
court of any determinations made by the referee or citizens review 1183
board. If the court appoints a citizens review board to conduct 1184
the review hearings, the board shall consist of one member 1185
representing the general public and four members who are trained 1186
or experienced in the care or placement of children and have 1187
training or experience in the fields of medicine, psychology, 1188
social work, education, or any related field. Of the initial 1189
appointments to the board, two shall be for a term of one year, 1190
two shall be for a term of two years, and one shall be for a term 1191
of three years, with all the terms ending one year after the date 1192
on which the appointment was made. Thereafter, all terms of the 1193
board members shall be for three years and shall end on the same 1194
day of the same month of the year as did the term that they 1195
succeed. Any member appointed to fill a vacancy occurring prior to 1196
the expiration of the term for which the member's predecessor was 1197
appointed shall hold office for the remainder of the term. 1198

(I) A copy of the court's determination following any review 1199
hearing held pursuant to this section shall be sent to the 1200
custodial agency, the guardian ad litem of the child who is the 1201
subject of the review hearing, and, if that child is not the 1202
subject of a permanent commitment hearing, the parents of the 1203
child. 1204

(J) If the hearing held under this section takes the place of 1205
an administrative review that otherwise would have been held under 1206
section 2151.416 of the Revised Code, the court at the hearing 1207
held under this section shall do all of the following in addition 1208
to any other requirements of this section: 1209

(1) Determine the continued necessity for and the safety and 1210
appropriateness of the child's placement; 1211

(2) Determine the extent of compliance with the child's case 1212
plan; 1213

(3) Determine the extent of progress that has been made 1214
toward alleviating or mitigating the causes necessitating the 1215
child's placement in foster care; 1216

(4) Project a likely date by which the child may be safely 1217
returned home or placed for adoption or legal custody. 1218

(K)(1) Whenever the court is required to approve a permanency 1219
plan under this section or section 2151.415 of the Revised Code, 1220
the public children services agency or private child placing 1221
agency that filed the complaint in the case, has custody of the 1222
child, or will be given custody of the child shall develop a 1223
permanency plan for the child. The agency must file the plan with 1224
the court prior to the hearing under this section or section 1225
2151.415 of the Revised Code. 1226

(2) The permanency plan developed by the agency must specify 1227
whether and, if applicable, when the child will be safely returned 1228
home or placed for adoption or legal custody. If the agency 1229

determines that there is a compelling reason why returning the 1230
child home or placing the child for adoption or legal custody is 1231
not in the best interest of the child, the plan shall provide that 1232
the child will be placed in a planned permanent living 1233
arrangement. A permanency plan developed as a result of a 1234
determination made under division (A)(2) of section 2151.419 of 1235
the Revised Code may not include any provision requiring the child 1236
to be returned home. 1237

Sec. 2151.421. (A)(1)(a) No person described in division 1238
(A)(1)(b) of this section who is acting in an official or 1239
professional capacity and knows, or has reasonable cause to 1240
suspect based on facts that would cause a reasonable person in a 1241
similar position to suspect, that a child under eighteen years of 1242
age or a mentally retarded, developmentally disabled, or 1243
physically impaired child under twenty-one years of age has 1244
suffered or faces a threat of suffering any physical or mental 1245
wound, injury, disability, or condition of a nature that 1246
reasonably indicates abuse or neglect of the child shall fail to 1247
immediately report that knowledge or reasonable cause to suspect 1248
to the entity or persons specified in this division. Except as 1249
provided in section 5120.173 of the Revised Code, the person 1250
making the report shall make it to the public children services 1251
agency or a municipal or county peace officer in the county in 1252
which the child resides or in which the abuse or neglect is 1253
occurring or has occurred. In the circumstances described in 1254
section 5120.173 of the Revised Code, the person making the report 1255
shall make it to the entity specified in that section. 1256

(b) Division (A)(1)(a) of this section applies to any person 1257
who is an attorney; physician, including a hospital intern or 1258
resident; dentist; podiatrist; practitioner of a limited branch of 1259
medicine as specified in section 4731.15 of the Revised Code; 1260
registered nurse; licensed practical nurse; visiting nurse; other 1261

health care professional; licensed psychologist; licensed school 1262
psychologist; independent marriage and family therapist or 1263
marriage and family therapist; speech pathologist or audiologist; 1264
coroner; administrator or employee of a child day-care center; 1265
administrator or employee of a residential camp or child day camp; 1266
administrator or employee of a certified child care agency or 1267
other public or private children services agency; school teacher; 1268
school employee; school authority; person engaged in social work 1269
or the practice of professional counseling; agent of a county 1270
humane society; person, other than a cleric, rendering spiritual 1271
treatment through prayer in accordance with the tenets of a 1272
well-recognized religion; employee of a county department of job 1273
and family services who is a professional and who works with 1274
children and families; superintendent, board member, or employee 1275
of a county board of developmental disabilities; investigative 1276
agent contracted with by a county board of developmental 1277
disabilities; employee of the department of developmental 1278
disabilities; employee of a facility or home that provides respite 1279
care in accordance with section 5123.171 of the Revised Code; 1280
employee of a home health agency; employee of an entity that 1281
provides homemaker services; a person performing the duties of an 1282
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1283
~~or~~ third party employed by a public children services agency to 1284
assist in providing child or family related services; court 1285
appointed special advocate; or guardian ad litem. 1286

(2) Except as provided in division (A)(3) of this section, an 1287
attorney or a physician is not required to make a report pursuant 1288
to division (A)(1) of this section concerning any communication 1289
the attorney or physician receives from a client or patient in an 1290
attorney-client or physician-patient relationship, if, in 1291
accordance with division (A) or (B) of section 2317.02 of the 1292
Revised Code, the attorney or physician could not testify with 1293
respect to that communication in a civil or criminal proceeding. 1294

(3) The client or patient in an attorney-client or 1295
physician-patient relationship described in division (A)(2) of 1296
this section is deemed to have waived any testimonial privilege 1297
under division (A) or (B) of section 2317.02 of the Revised Code 1298
with respect to any communication the attorney or physician 1299
receives from the client or patient in that attorney-client or 1300
physician-patient relationship, and the attorney or physician 1301
shall make a report pursuant to division (A)(1) of this section 1302
with respect to that communication, if all of the following apply: 1303

(a) The client or patient, at the time of the communication, 1304
is either a child under eighteen years of age or a mentally 1305
retarded, developmentally disabled, or physically impaired person 1306
under twenty-one years of age. 1307

(b) The attorney or physician knows, or has reasonable cause 1308
to suspect based on facts that would cause a reasonable person in 1309
similar position to suspect, as a result of the communication or 1310
any observations made during that communication, that the client 1311
or patient has suffered or faces a threat of suffering any 1312
physical or mental wound, injury, disability, or condition of a 1313
nature that reasonably indicates abuse or neglect of the client or 1314
patient. 1315

(c) The abuse or neglect does not arise out of the client's 1316
or patient's attempt to have an abortion without the notification 1317
of her parents, guardian, or custodian in accordance with section 1318
2151.85 of the Revised Code. 1319

(4)(a) No cleric and no person, other than a volunteer, 1320
designated by any church, religious society, or faith acting as a 1321
leader, official, or delegate on behalf of the church, religious 1322
society, or faith who is acting in an official or professional 1323
capacity, who knows, or has reasonable cause to believe based on 1324
facts that would cause a reasonable person in a similar position 1325
to believe, that a child under eighteen years of age or a mentally 1326

retarded, developmentally disabled, or physically impaired child 1327
under twenty-one years of age has suffered or faces a threat of 1328
suffering any physical or mental wound, injury, disability, or 1329
condition of a nature that reasonably indicates abuse or neglect 1330
of the child, and who knows, or has reasonable cause to believe 1331
based on facts that would cause a reasonable person in a similar 1332
position to believe, that another cleric or another person, other 1333
than a volunteer, designated by a church, religious society, or 1334
faith acting as a leader, official, or delegate on behalf of the 1335
church, religious society, or faith caused, or poses the threat of 1336
causing, the wound, injury, disability, or condition that 1337
reasonably indicates abuse or neglect shall fail to immediately 1338
report that knowledge or reasonable cause to believe to the entity 1339
or persons specified in this division. Except as provided in 1340
section 5120.173 of the Revised Code, the person making the report 1341
shall make it to the public children services agency or a 1342
municipal or county peace officer in the county in which the child 1343
resides or in which the abuse or neglect is occurring or has 1344
occurred. In the circumstances described in section 5120.173 of 1345
the Revised Code, the person making the report shall make it to 1346
the entity specified in that section. 1347

(b) Except as provided in division (A)(4)(c) of this section, 1348
a cleric is not required to make a report pursuant to division 1349
(A)(4)(a) of this section concerning any communication the cleric 1350
receives from a penitent in a cleric-penitent relationship, if, in 1351
accordance with division (C) of section 2317.02 of the Revised 1352
Code, the cleric could not testify with respect to that 1353
communication in a civil or criminal proceeding. 1354

(c) The penitent in a cleric-penitent relationship described 1355
in division (A)(4)(b) of this section is deemed to have waived any 1356
testimonial privilege under division (C) of section 2317.02 of the 1357
Revised Code with respect to any communication the cleric receives 1358

from the penitent in that cleric-penitent relationship, and the 1359
cleric shall make a report pursuant to division (A)(4)(a) of this 1360
section with respect to that communication, if all of the 1361
following apply: 1362

(i) The penitent, at the time of the communication, is either 1363
a child under eighteen years of age or a mentally retarded, 1364
developmentally disabled, or physically impaired person under 1365
twenty-one years of age. 1366

(ii) The cleric knows, or has reasonable cause to believe 1367
based on facts that would cause a reasonable person in a similar 1368
position to believe, as a result of the communication or any 1369
observations made during that communication, the penitent has 1370
suffered or faces a threat of suffering any physical or mental 1371
wound, injury, disability, or condition of a nature that 1372
reasonably indicates abuse or neglect of the penitent. 1373

(iii) The abuse or neglect does not arise out of the 1374
penitent's attempt to have an abortion performed upon a child 1375
under eighteen years of age or upon a mentally retarded, 1376
developmentally disabled, or physically impaired person under 1377
twenty-one years of age without the notification of her parents, 1378
guardian, or custodian in accordance with section 2151.85 of the 1379
Revised Code. 1380

(d) Divisions (A)(4)(a) and (c) of this section do not apply 1381
in a cleric-penitent relationship when the disclosure of any 1382
communication the cleric receives from the penitent is in 1383
violation of the sacred trust. 1384

(e) As used in divisions (A)(1) and (4) of this section, 1385
"cleric" and "sacred trust" have the same meanings as in section 1386
2317.02 of the Revised Code. 1387

(B) Anyone who knows, or has reasonable cause to suspect 1388
based on facts that would cause a reasonable person in similar 1389

circumstances to suspect, that a child under eighteen years of age 1390
or a mentally retarded, developmentally disabled, or physically 1391
impaired person under twenty-one years of age has suffered or 1392
faces a threat of suffering any physical or mental wound, injury, 1393
disability, or other condition of a nature that reasonably 1394
indicates abuse or neglect of the child may report or cause 1395
reports to be made of that knowledge or reasonable cause to 1396
suspect to the entity or persons specified in this division. 1397
Except as provided in section 5120.173 of the Revised Code, a 1398
person making a report or causing a report to be made under this 1399
division shall make it or cause it to be made to the public 1400
children services agency or to a municipal or county peace 1401
officer. In the circumstances described in section 5120.173 of the 1402
Revised Code, a person making a report or causing a report to be 1403
made under this division shall make it or cause it to be made to 1404
the entity specified in that section. 1405

(C) Any report made pursuant to division (A) or (B) of this 1406
section shall be made forthwith either by telephone or in person 1407
and shall be followed by a written report, if requested by the 1408
receiving agency or officer. The written report shall contain: 1409

(1) The names and addresses of the child and the child's 1410
parents or the person or persons having custody of the child, if 1411
known; 1412

(2) The child's age and the nature and extent of the child's 1413
injuries, abuse, or neglect that is known or reasonably suspected 1414
or believed, as applicable, to have occurred or of the threat of 1415
injury, abuse, or neglect that is known or reasonably suspected or 1416
believed, as applicable, to exist, including any evidence of 1417
previous injuries, abuse, or neglect; 1418

(3) Any other information that might be helpful in 1419
establishing the cause of the injury, abuse, or neglect that is 1420
known or reasonably suspected or believed, as applicable, to have 1421

occurred or of the threat of injury, abuse, or neglect that is 1422
known or reasonably suspected or believed, as applicable, to 1423
exist. 1424

Any person, who is required by division (A) of this section 1425
to report child abuse or child neglect that is known or reasonably 1426
suspected or believed to have occurred, may take or cause to be 1427
taken color photographs of areas of trauma visible on a child and, 1428
if medically indicated, cause to be performed radiological 1429
examinations of the child. 1430

(D) As used in this division, "children's advocacy center" 1431
and "sexual abuse of a child" have the same meanings as in section 1432
2151.425 of the Revised Code. 1433

(1) When a municipal or county peace officer receives a 1434
report concerning the possible abuse or neglect of a child or the 1435
possible threat of abuse or neglect of a child, upon receipt of 1436
the report, the municipal or county peace officer who receives the 1437
report shall refer the report to the appropriate public children 1438
services agency. 1439

(2) When a public children services agency receives a report 1440
pursuant to this division or division (A) or (B) of this section, 1441
upon receipt of the report, the public children services agency 1442
shall do both of the following: 1443

(a) Comply with section 2151.422 of the Revised Code; 1444

(b) If the county served by the agency is also served by a 1445
children's advocacy center and the report alleges sexual abuse of 1446
a child or another type of abuse of a child that is specified in 1447
the memorandum of understanding that creates the center as being 1448
within the center's jurisdiction, comply regarding the report with 1449
the protocol and procedures for referrals and investigations, with 1450
the coordinating activities, and with the authority or 1451
responsibility for performing or providing functions, activities, 1452

and services stipulated in the interagency agreement entered into 1453
under section 2151.428 of the Revised Code relative to that 1454
center. 1455

(E) No township, municipal, or county peace officer shall 1456
remove a child about whom a report is made pursuant to this 1457
section from the child's parents, stepparents, or guardian or any 1458
other persons having custody of the child without consultation 1459
with the public children services agency, unless, in the judgment 1460
of the officer, and, if the report was made by physician, the 1461
physician, immediate removal is considered essential to protect 1462
the child from further abuse or neglect. The agency that must be 1463
consulted shall be the agency conducting the investigation of the 1464
report as determined pursuant to section 2151.422 of the Revised 1465
Code. 1466

(F)(1) Except as provided in section 2151.422 of the Revised 1467
Code or in an interagency agreement entered into under section 1468
2151.428 of the Revised Code that applies to the particular 1469
report, the public children services agency shall investigate, 1470
within twenty-four hours, each report of child abuse or child 1471
neglect that is known or reasonably suspected or believed to have 1472
occurred and of a threat of child abuse or child neglect that is 1473
known or reasonably suspected or believed to exist that is 1474
referred to it under this section to determine the circumstances 1475
surrounding the injuries, abuse, or neglect or the threat of 1476
injury, abuse, or neglect, the cause of the injuries, abuse, 1477
neglect, or threat, and the person or persons responsible. The 1478
investigation shall be made in cooperation with the law 1479
enforcement agency and in accordance with the memorandum of 1480
understanding prepared under division (J) of this section. A 1481
representative of the public children services agency shall, at 1482
the time of initial contact with the person subject to the 1483
investigation, inform the person of the specific complaints or 1484

allegations made against the person. The information shall be 1485
given in a manner that is consistent with division (H)(1) of this 1486
section and protects the rights of the person making the report 1487
under this section. 1488

A failure to make the investigation in accordance with the 1489
memorandum is not grounds for, and shall not result in, the 1490
dismissal of any charges or complaint arising from the report or 1491
the suppression of any evidence obtained as a result of the report 1492
and does not give, and shall not be construed as giving, any 1493
rights or any grounds for appeal or post-conviction relief to any 1494
person. The public children services agency shall report each case 1495
to the uniform statewide automated child welfare information 1496
system that the department of job and family services shall 1497
maintain in accordance with section 5101.13 of the Revised Code. 1498
The public children services agency shall submit a report of its 1499
investigation, in writing, to the law enforcement agency. 1500

(2) The public children services agency shall make any 1501
recommendations to the county prosecuting attorney or city 1502
director of law that it considers necessary to protect any 1503
children that are brought to its attention. 1504

(G)(1)(a) Except as provided in division (H)(3) of this 1505
section, anyone or any hospital, institution, school, health 1506
department, or agency participating in the making of reports under 1507
division (A) of this section, anyone or any hospital, institution, 1508
school, health department, or agency participating in good faith 1509
in the making of reports under division (B) of this section, and 1510
anyone participating in good faith in a judicial proceeding 1511
resulting from the reports, shall be immune from any civil or 1512
criminal liability for injury, death, or loss to person or 1513
property that otherwise might be incurred or imposed as a result 1514
of the making of the reports or the participation in the judicial 1515
proceeding. 1516

(b) Notwithstanding section 4731.22 of the Revised Code, the
physician-patient privilege shall not be a ground for excluding
evidence regarding a child's injuries, abuse, or neglect, or the
cause of the injuries, abuse, or neglect in any judicial
proceeding resulting from a report submitted pursuant to this
section.

(2) In any civil or criminal action or proceeding in which it
is alleged and proved that participation in the making of a report
under this section was not in good faith or participation in a
judicial proceeding resulting from a report made under this
section was not in good faith, the court shall award the
prevailing party reasonable attorney's fees and costs and, if a
civil action or proceeding is voluntarily dismissed, may award
reasonable attorney's fees and costs to the party against whom the
civil action or proceeding is brought.

(H)(1) Except as provided in divisions (H)(4) and (N) of this
section, a report made under this section is confidential. The
information provided in a report made pursuant to this section and
the name of the person who made the report shall not be released
for use, and shall not be used, as evidence in any civil action or
proceeding brought against the person who made the report. Nothing
in this division shall preclude the use of reports of other
incidents of known or suspected abuse or neglect in a civil action
or proceeding brought pursuant to division (M) of this section
against a person who is alleged to have violated division (A)(1)
of this section, provided that any information in a report that
would identify the child who is the subject of the report or the
maker of the report, if the maker of the report is not the
defendant or an agent or employee of the defendant, has been
redacted. In a criminal proceeding, the report is admissible in
evidence in accordance with the Rules of Evidence and is subject
to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section. 1549
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(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code. 1552
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(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center. 1557
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(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse 1577
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of a child referred to a children's advocacy center pursuant to an 1581
interagency agreement entered into under section 2151.428 of the 1582
Revised Code, in writing of the disposition of the investigation. 1583
The agency shall not provide to the person any information that 1584
identifies the person who made the report, statements of 1585
witnesses, or police or other investigative reports. 1586

(I) Any report that is required by this section, other than a 1587
report that is made to the state highway patrol as described in 1588
section 5120.173 of the Revised Code, shall result in protective 1589
services and emergency supportive services being made available by 1590
the public children services agency on behalf of the children 1591
about whom the report is made, in an effort to prevent further 1592
neglect or abuse, to enhance their welfare, and, whenever 1593
possible, to preserve the family unit intact. The agency required 1594
to provide the services shall be the agency conducting the 1595
investigation of the report pursuant to section 2151.422 of the 1596
Revised Code. 1597

(J)(1) Each public children services agency shall prepare a 1598
memorandum of understanding that is signed by all of the 1599
following: 1600

(a) If there is only one juvenile judge in the county, the 1601
juvenile judge of the county or the juvenile judge's 1602
representative; 1603

(b) If there is more than one juvenile judge in the county, a 1604
juvenile judge or the juvenile judges' representative selected by 1605
the juvenile judges or, if they are unable to do so for any 1606
reason, the juvenile judge who is senior in point of service or 1607
the senior juvenile judge's representative; 1608

(c) The county peace officer; 1609

(d) All chief municipal peace officers within the county; 1610

(e) Other law enforcement officers handling child abuse and 1611

neglect cases in the county; 1612

(f) The prosecuting attorney of the county; 1613

(g) If the public children services agency is not the county 1614
department of job and family services, the county department of 1615
job and family services; 1616

(h) The county humane society; 1617

(i) If the public children services agency participated in 1618
the execution of a memorandum of understanding under section 1619
2151.426 of the Revised Code establishing a children's advocacy 1620
center, each participating member of the children's advocacy 1621
center established by the memorandum. 1622

(2) A memorandum of understanding shall set forth the normal 1623
operating procedure to be employed by all concerned officials in 1624
the execution of their respective responsibilities under this 1625
section and division (C) of section 2919.21, division (B)(1) of 1626
section 2919.22, division (B) of section 2919.23, and section 1627
2919.24 of the Revised Code and shall have as two of its primary 1628
goals the elimination of all unnecessary interviews of children 1629
who are the subject of reports made pursuant to division (A) or 1630
(B) of this section and, when feasible, providing for only one 1631
interview of a child who is the subject of any report made 1632
pursuant to division (A) or (B) of this section. A failure to 1633
follow the procedure set forth in the memorandum by the concerned 1634
officials is not grounds for, and shall not result in, the 1635
dismissal of any charges or complaint arising from any reported 1636
case of abuse or neglect or the suppression of any evidence 1637
obtained as a result of any reported child abuse or child neglect 1638
and does not give, and shall not be construed as giving, any 1639
rights or any grounds for appeal or post-conviction relief to any 1640
person. 1641

(3) A memorandum of understanding shall include all of the 1642

following: 1643

(a) The roles and responsibilities for handling emergency and 1644
nonemergency cases of abuse and neglect; 1645

(b) Standards and procedures to be used in handling and 1646
coordinating investigations of reported cases of child abuse and 1647
reported cases of child neglect, methods to be used in 1648
interviewing the child who is the subject of the report and who 1649
allegedly was abused or neglected, and standards and procedures 1650
addressing the categories of persons who may interview the child 1651
who is the subject of the report and who allegedly was abused or 1652
neglected. 1653

(4) If a public children services agency participated in the 1654
execution of a memorandum of understanding under section 2151.426 1655
of the Revised Code establishing a children's advocacy center, the 1656
agency shall incorporate the contents of that memorandum in the 1657
memorandum prepared pursuant to this section. 1658

(5) The clerk of the court of common pleas in the county may 1659
sign the memorandum of understanding prepared under division 1660
(J)(1) of this section. If the clerk signs the memorandum of 1661
understanding, the clerk shall execute all relevant 1662
responsibilities as required of officials specified in the 1663
memorandum. 1664

(K)(1) Except as provided in division (K)(4) of this section, 1665
a person who is required to make a report pursuant to division (A) 1666
of this section may make a reasonable number of requests of the 1667
public children services agency that receives or is referred the 1668
report, or of the children's advocacy center that is referred the 1669
report if the report is referred to a children's advocacy center 1670
pursuant to an interagency agreement entered into under section 1671
2151.428 of the Revised Code, to be provided with the following 1672
information: 1673

(a) Whether the agency or center has initiated an investigation of the report; 1674
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(b) Whether the agency or center is continuing to investigate the report; 1676
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(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 1678
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(d) The general status of the health and safety of the child who is the subject of the report; 1680
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(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 1682
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(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 1685
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When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. 1689
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Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those 1698
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divisions. 1705

(3) A request made pursuant to division (K)(1) of this 1706
section is not a substitute for any report required to be made 1707
pursuant to division (A) of this section. 1708

(4) If an agency other than the agency that received or was 1709
referred the report is conducting the investigation of the report 1710
pursuant to section 2151.422 of the Revised Code, the agency 1711
conducting the investigation shall comply with the requirements of 1712
division (K) of this section. 1713

(L) The director of job and family services shall adopt rules 1714
in accordance with Chapter 119. of the Revised Code to implement 1715
this section. The department of job and family services may enter 1716
into a plan of cooperation with any other governmental entity to 1717
aid in ensuring that children are protected from abuse and 1718
neglect. The department shall make recommendations to the attorney 1719
general that the department determines are necessary to protect 1720
children from child abuse and child neglect. 1721

(M) Whoever violates division (A) of this section is liable 1722
for compensatory and exemplary damages to the child who would have 1723
been the subject of the report that was not made. A person who 1724
brings a civil action or proceeding pursuant to this division 1725
against a person who is alleged to have violated division (A)(1) 1726
of this section may use in the action or proceeding reports of 1727
other incidents of known or suspected abuse or neglect, provided 1728
that any information in a report that would identify the child who 1729
is the subject of the report or the maker of the report, if the 1730
maker is not the defendant or an agent or employee of the 1731
defendant, has been redacted. 1732

(N)(1) As used in this division: 1733

(a) "Out-of-home care" includes a nonchartered nonpublic 1734
school if the alleged child abuse or child neglect, or alleged 1735

threat of child abuse or child neglect, described in a report 1736
received by a public children services agency allegedly occurred 1737
in or involved the nonchartered nonpublic school and the alleged 1738
perpetrator named in the report holds a certificate, permit, or 1739
license issued by the state board of education under section 1740
3301.071 or Chapter 3319. of the Revised Code. 1741

(b) "Administrator, director, or other chief administrative 1742
officer" means the superintendent of the school district if the 1743
out-of-home care entity subject to a report made pursuant to this 1744
section is a school operated by the district. 1745

(2) No later than the end of the day following the day on 1746
which a public children services agency receives a report of 1747
alleged child abuse or child neglect, or a report of an alleged 1748
threat of child abuse or child neglect, that allegedly occurred in 1749
or involved an out-of-home care entity, the agency shall provide 1750
written notice of the allegations contained in and the person 1751
named as the alleged perpetrator in the report to the 1752
administrator, director, or other chief administrative officer of 1753
the out-of-home care entity that is the subject of the report 1754
unless the administrator, director, or other chief administrative 1755
officer is named as an alleged perpetrator in the report. If the 1756
administrator, director, or other chief administrative officer of 1757
an out-of-home care entity is named as an alleged perpetrator in a 1758
report of alleged child abuse or child neglect, or a report of an 1759
alleged threat of child abuse or child neglect, that allegedly 1760
occurred in or involved the out-of-home care entity, the agency 1761
shall provide the written notice to the owner or governing board 1762
of the out-of-home care entity that is the subject of the report. 1763
The agency shall not provide witness statements or police or other 1764
investigative reports. 1765

(3) No later than three days after the day on which a public 1766
children services agency that conducted the investigation as 1767

determined pursuant to section 2151.422 of the Revised Code makes 1768
a disposition of an investigation involving a report of alleged 1769
child abuse or child neglect, or a report of an alleged threat of 1770
child abuse or child neglect, that allegedly occurred in or 1771
involved an out-of-home care entity, the agency shall send written 1772
notice of the disposition of the investigation to the 1773
administrator, director, or other chief administrative officer and 1774
the owner or governing board of the out-of-home care entity. The 1775
agency shall not provide witness statements or police or other 1776
investigative reports. 1777

(O) As used in this section, "investigation" means the public 1778
children services agency's response to an accepted report of child 1779
abuse or neglect through either an alternative response or a 1780
traditional response. 1781

Sec. 5101.802. (A) As used in this section: 1782

(1) "Custodian," "guardian," and "minor child" have the same 1783
meanings as in section 5107.02 of the Revised Code. 1784

(2) "Federal poverty guidelines" has the same meaning as in 1785
section 5101.46 of the Revised Code. 1786

(3) "Kinship caregiver" has the same meaning as in section 1787
5101.85 of the Revised Code. 1788

(B) Subject to division (E) of section 5101.801 of the 1789
Revised Code, there is hereby created the kinship permanency 1790
incentive program to promote permanency for a minor child in the 1791
legal and physical custody of a kinship caregiver. The program 1792
shall provide an initial one-time incentive payment to the kinship 1793
caregiver to defray the costs of initial placement of the minor 1794
child in the kinship caregiver's home. The program may provide 1795
additional permanency incentive payments for the minor child at 1796
six month intervals for a total period not to exceed ~~thirty-six~~ 1797

forty-eight months, based on the availability of funds. 1798

(C) A kinship caregiver may participate in the program if all 1799
of the following requirements are met: 1800

(1) The kinship caregiver applies to a public children 1801
services agency in accordance with the application process 1802
established in rules authorized by division (E) of this section; 1803

(2) Not earlier than July 1, 2005, a juvenile court issues an 1804
order granting legal custody to the kinship caregiver, or a 1805
probate court grants guardianship to the kinship caregiver, except 1806
that a temporary court order is not sufficient to meet this 1807
requirement; 1808

(3) The kinship caregiver is either the minor child's 1809
custodian or guardian; 1810

(4) The minor child resides with the kinship caregiver 1811
pursuant to a placement approval process established in rules 1812
authorized by division (E) of this section; 1813

(5) Excluding any income excluded under rules adopted under 1814
division (E) of this section, the gross income of the kinship 1815
caregiver's family, including the minor child, does not exceed 1816
three hundred per cent of the federal poverty guidelines. 1817

(D) Public children services agencies shall make initial and 1818
ongoing eligibility determinations for the kinship permanency 1819
incentive program in accordance with rules authorized by division 1820
(E) of this section. The director of job and family services shall 1821
supervise public children services agencies' duties under this 1822
section. 1823

(E) The director of job and family services shall adopt rules 1824
under division (C) of section 5101.801 of the Revised Code as 1825
necessary to implement the kinship permanency incentive program. 1826
The rules shall establish all of the following: 1827

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| (1) The application process for the program; | 1828 |
| (2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program; | 1829 1830 1831 |
| (3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility; | 1832 1833 |
| (4) The amount of the incentive payments provided under the program; | 1834 1835 |
| (5) The method by which the incentive payments are provided to a kinship caregiver. | 1836 1837 |
| (F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before the effective date of the amendments <u>June 30, 2007</u> . | 1838 1839 1840 1841 |
| Sec. 5103.035. A public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for a foster caregiver shall develop and implement a written needs assessment and continuing training plan for the foster caregiver. Each needs assessment and continuing training plan shall satisfy all of the following requirements: | 1842 1843 1844 1845 1846 1847 |
| (A) Be effective for the two-year period the foster caregiver's certificate is in effect; | 1848 1849 |
| (B) Be appropriate for the type of foster home the foster caregiver operates, <u>and include training for the caregiver that relates to providing independent living services, as defined in section 2151.81 of the Revised Code, to a child placed as provided in division (B)(2) of section 2151.353 of the Revised Code;</u> | 1850 1851 1852 1853 1854 |
| (C) Require the foster caregiver to successfully complete the training required by the department in rules adopted pursuant to section 5103.0316 of the Revised Code and any other courses the | 1855 1856 1857 |

agency considers appropriate; 1858

(D) Include criteria the agency is to use to determine 1859
whether the foster caregiver has successfully completed the 1860
courses; 1861

(E) Guarantee that the courses the foster caregiver is 1862
required to complete are available to the foster caregiver at 1863
reasonable times and places; 1864

(F) Specify the number of hours of continuing training, if 1865
any, the foster caregiver may complete by teaching one or more 1866
training classes to other foster caregivers or by providing 1867
mentoring services to other foster caregivers pursuant to division 1868
(B) of section 5103.032 of the Revised Code; 1869

(G) Specify the number of hours of continuing training, if 1870
any, the agency will waive pursuant to division (C) of section 1871
5103.032 of the Revised Code. 1872

Sec. 5103.162. (A) Except as provided in division (B) of this 1873
section, a foster caregiver shall be immune from liability in a 1874
civil action to recover damages for injury, death, or loss to 1875
person or property allegedly caused by an act or omission in 1876
connection with a power, duty, responsibility, or authorization 1877
under this chapter or under rules adopted under authority of this 1878
chapter. 1879

(B) The immunity described in division (A) of this section 1880
does not apply to a foster caregiver if, in relation to the act or 1881
omission in question, any of the following applies: 1882

(1) The act or omission was manifestly outside the scope of 1883
the foster caregiver's power, duty, responsibility, or 1884
authorization. 1885

(2) The act or omission was with malicious purpose, in bad 1886
faith, or in a wanton or reckless manner. 1887

(3) Liability for the act or omission is expressly imposed by 1888
a section of the Revised Code. 1889

(C)(1) A foster caregiver shall use a reasonable and prudent 1890
parent standard when considering whether to authorize a foster 1891
child who resides in the foster home to participate in 1892
extracurricular, enrichment, and social activities. 1893

(2) A public children services agency, private child placing 1894
agency, or private noncustodial agency that serves as the child's 1895
custodian or as the supervising agency for the foster caregiver 1896
shall be immune from liability in a civil action to recover 1897
damages for injury, death, or loss to person or property that 1898
result from a foster caregiver's or agency's decisions using a 1899
reasonable and prudent parent standard in accordance with division 1900
(C)(1) of this section. 1901

(3) Nothing in this section shall affect, limit, abridge, or 1902
otherwise modify the immunities and defenses available to a public 1903
children services agency as a political subdivision under Chapter 1904
2744. of the Revised Code. 1905

(4) As used in this section, "reasonable and prudent parent 1906
standard" means the standard characterized by careful and sensible 1907
parental decisions that maintain the child's health, safety, and 1908
best interests while at the same time encouraging the child's 1909
emotional and developmental growth, that a caregiver or agency 1910
shall use when determining whether to allow a child in the care of 1911
a foster caregiver to participate in extracurricular, enrichment, 1912
and social activities. 1913

Section 2. That existing sections 2151.281, 2151.353, 1914
2151.414, 2151.415, 2151.417, 2151.421, 5101.802, 5103.035, and 1915
5103.162 of the Revised Code are hereby repealed. 1916

Section 3. Section 2151.281 of the Revised Code is presented 1917

in this act as a composite of the section as amended by both Am. 1918
Sub. S.B. 17 and Am. Sub. S.B. 238 of the 126th General Assembly. 1919
The General Assembly, applying the principle stated in division 1920
(B) of section 1.52 of the Revised Code that amendments are to be 1921
harmonized if reasonably capable of simultaneous operation, finds 1922
that the composite is the resulting version of the section in 1923
effect prior to the effective date of the section as presented in 1924
this act. 1925