

**NOTICE**

- Determine whether the summons for the complaint seeking planned permanent living arrangement contains the required definition and a full explanation of the effects of an order and parents' right to counsel. [R.C. 2151.353(B)]
- Determine whether the service of the summons and Complaint was properly made. [R.C. 2151.353(B)]
- Determine whether notice to caregiver that order is permanent in nature and will provide stable environment until emancipation or court releases from custody. HB 213. [R.C. 2151.353(B)]
- Caregiver is to actively participate in individual living case plan, attend agency team meetings and court hearings, complete training in the child's transition into adulthood, and assist in child's transition into adulthood. HB 213. [R.C. 2151.353(B)]

**HEARING PROCEDURE**

Standard of Proof: Clear and convincing evidence. [R.C. 2151.353(A)(5)] and [R.C. 2151.415(C)(1)]

The agency must prove that:

- the child is 16 years old (HB 213) the child, because of physical, mental, or psychological needs, is **unable to function in a family-like setting and must remain in residential care**

**OR**

- the parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with R.C. 2151.414(D), and the child retains a positive relationship with a parent or relative

**OR**

- the child is 16 years old, has been counseled on the permanent options available, is unwilling to accept or unable to adapt to a permanent placement. [R.C. 2151.353(A)(5)] and [R.C. 2151.415(C)(1)(a) through (c)]
- Set out these findings, and the facts upon which they are based, in the entry. [R.C. 2151.415(C)(2)]
- Court must consider information from child, guardian ad litem, and agency. [R.C. 2151.353(B)]



At all permanency hearings, including hearings regarding transitioning the youth from foster care to independent living, the court must consult with the youth in an age-appropriate manner regarding any proposed permanency plan or transition plan. [42 U.S.C. 675 (5) (C)]; [R.C. 2151.417(F)] Engage the youth in the hearing by asking the youth pertinent questions on topics such as services the youth still needs, the youth's case plan, and the youth's educational or vocational plans. (See Helping Youth Transition from Foster Care to Adulthood: A Judicial Bench Booklet with Topical Checklists for Hearings Involving Youth Ages 13-18.)

**RESULTING RESTRICTIONS** [R.C. 2151.415(G)]

If planned permanent living arrangement is granted, the child's placement cannot be changed unless:

- the court and the guardian ad litem have received notice of the intended removal

**AND**

- the court has issued an order approving the order

**OR**

- it is necessary for the protection of the child from physical or emotional harm AND the agency immediately gives the court notice of the removal and the reasons why the removal is necessary.

## INDEPENDENT LIVING SERVICES FOR 16 YEAR-OLD

- ❑ Ensure that the agency has completed a life skills assessment of the youth, if the youth is 16 years of age or older and is in agency custody. The assessment must include an evaluation of the strengths and weaknesses of the youth, and must be completed no later than 60 days after the youth's 16th birthday or 60 days after the youth enters agency custody. [R.C. 2151.82]; [Ohio Admin.Code 5101:2-42-19(C)]
- ❑ Inquire about the results of the assessment including the skills the youth needs to develop in order to successfully transition into adulthood.
- ❑ Ensure that the agency has consulted with the youth to develop a **written** independent living plan within 30 days of the completion of the life skills assessment. The plan must include input from the youth, the caregiver, and other significant others in the youth's life. [R.C. 2151.83]; [Ohio Admin.Code 5101:2-42-19(E)]

### REQUIREMENTS WITH FEDERAL FISCAL IMPLICATIONS [Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 675]

- ❑ Ensure that the agency is providing independent living services for youth aged 16 and older. Such services shall be based on the results of the life skills assessment. [42 U.S.C. 675(C)]; [R.C. 2151.82]
- ❑ Independent Living Services may include the following:
  - ❑ Providing housing
  - ❑ Teaching decision-making skills
  - ❑ Teaching daily living skills such as securing and maintaining a residence, money management, utilization of community services and systems, personal health care, hygiene, safety and time management

- ❑ Assisting in obtaining education, training, and employment skills
- ❑ Academic support, including tutoring, GED preparation, preparation for college entrance exams, college counseling and assistance applying for financial aid and scholarships
- ❑ Assisting in developing positive adult relationships and community supports. [R.C. 2151.81(A)]; [Ohio Admin.Code 5101:2-42-19(D)]
- ❑ Ensure that independent living services are documented in the youth's case plan. [R.C. 2151.82]
- ❑ Ensure that each youth 16 or older receives a copy of any consumer report pertaining to that youth each year until the youth exits foster care. [42 U.S.C. 675(5)(I)]
- ❑ If the youth is under age 16, independent living services should be provided when the agency deems such services appropriate. In making this determination, the agency is required to consider the likelihood the youth will remain in agency custody until age 18.



If the youth is nearing his or her 16th birthday at the time of the hearing, address the upcoming need to complete a life skills assessment of the youth and provide the youth with independent living services.



The court may order the agency to complete a life skills assessment and/or provide independent living services for the youth if the court deems such services are necessary and are in the best interest of the youth. [R.C. 2151.417(A)]