

PROCEDURAL ISSUES

- A review hearing (permanency hearing) shall be **one year** after the earlier of the dates on which the complaint was filed or the child was first placed into shelter care. This review hearing shall be scheduled at the dispositional hearing. [R.C. 2151.417(C)]; [Juv.R. 36 and 38(B)]
- Subsequent review hearings shall be held **at least every 12 months** until the child is adopted, returned to the parents, or when the court terminates the child’s placement or custody arrangement. [R.C. 2151.417(C)]; [Juv.R. 36 and 38(B)]
- The court may, with proper notice, hold additional reviews at any time. [R.C. 2151.417(A)]
- Subsequent review hearings should be scheduled at the conclusion of each review hearing. [R.C. 2151.417(C)]; [Juv.R. 36(A)]
- If a written request or motion for extension, termination, or modification of the dispositional order is made, it shall be filed not later than 30 days prior to the earlier of either the date of termination or the date of the initial annual review hearing. [R.C. 2151.415]
- If the court is considering a modification of the disposition, proceed as if an original disposition hearing. (See the Dispositional Hearing Bench Cards addressing Special Provisions for Protective Supervision, Temporary Custody, Legal Custody, Planned Permanent Living Arrangement.) [R.C. 2151.417(B) and 2151.353(E)(2)]

NOTICE AND SERVICE

Determine whether:

- All interested parties, including, but not limited to, the agency worker, the parents, guardians or custodians, the guardian ad litem

and the **child** received notice of every review hearing; [R.C. 2151.417(F)]; [Juv.R. 4(E)]

AND

The foster parent received notice of the date, time and place of the review hearing. [R.C. 2151.424]



The court should make every effort to ensure that the youth is able to attend hearings. The court should schedule the review to avoid school absences. The court should designate a representative (guardian ad litem, CASA, or counsel) to advise the youth of their right to participate in hearings, and shall arrange transportation. The American Bar Association recommends that the child attend hearings in order to facilitate the child’s meaningful participation in the hearings, which has been shown to improve case outcomes. (See Standard D-5 and accompanying commentary, Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases.)



Service of process requirements are set forth in Special Provisions sections of Dispositional Hearing Bench Card.



Notice and the opportunity to present evidence do **NOT** make the foster parent a party to the action. [R.C. 2151.424(C)]

HEARING PROCEDURE

Rules of Evidence: Relaxed, unless a motion for permanent custody is pending before the court. [Juv.R. 27 and 34(l)]

Provide every interested party with an opportunity to testify and present evidence. [R.C. 2151.417(F)]

- Provide the foster parent with the opportunity to be heard and the right to present evidence. [R.C. 2151.424]



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.)

FINDINGS

- Review the current custody status of the child. [R.C. 2151.417]



The health and safety of the child are paramount. [R.C. 2151.412(A) and(G)]

- The court may modify or terminate any dispositional order considering the best interest of the child. [R.C. 2151.415(F)] and [R.C. 2151.414(D)(1)]



Determine whether the child's educational, health, and mental health needs have been appropriately assessed and whether services were provided to meet those needs.

Determine whether:

- Any changes in the custody status are appropriate and in the child's best interest

- If the child is in temporary custody, determine whether the child can be returned home with or without protective supervision. [R.C. 2151.417(G)]

AND

- Extension, termination or modification of the dispositional order is in the best interest of the child. [R.C. 2151.415(A)]
- When the court review hearing takes the place of the administrative review, pursuant to R.C. 2151.417(J) and Juv.R. 36(C):
 - Determine the continued necessity for, and the safety and appropriateness of, the child's placement

AND

- Determine the extent of compliance with the child's case plan

AND

- Determine the progress made toward alleviating or mitigating the causes necessitating the child's placement in foster care

AND

- Project the likely date by which the child may be safely returned home or placed for adoption or legal custody.

PLACEMENT [R.C. 2151.417]

- Review the current placement.
- Assess the safety of the placement.
- Determine the appropriateness of the placement and whether the placement serves the child's best interest.

- Evaluate the custody arrangement and the need for continued placement, including progress toward alleviating or mitigating the need for continued placement.
- Decide whether changes to the placement, custody or permanency plan are necessary.



Do NOT order a specific placement when placing or maintaining a child in agency care.
[R.C. 2151.415(C) (1) (a)]

VISITATION [R.C. 2151.417(A) and (B)]

- Review the current status of visitation, including attendance and quality of the interaction.
- Determine whether any changes or modifications in the conditions, frequency or duration of the visits should be ordered.
- If siblings have been placed in separate homes, determine whether regular visitation and ongoing contact is occurring among those siblings, unless contrary to the health and welfare determination. [Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 675]

CASE PLANS

- Review the current, court-approved case plan and any proposed changes to the case plan.
[R.C. 2151.417(A)]



The court shall be guided by the general priorities set forth in R.C. 2151.412(H) (1) through (6) when reviewing and approving the case plan.

- Assess the agency's implementation of the case plan and the appropriateness of the agency's actions. [R.C. 2151.417(A)]

- Determine the compliance of the parties with the case plan. [R.C. 2151.417]
- Decide whether any changes or modifications to the case plan are necessary. (See Case Plan Amendments Bench Card.)
- Journalize the terms of the updated case plan.
[Juv.R. 34(F)]; [R.C. 2151.417(G)(5)]



All parties are bound by the terms of the journalized case plan. A party that fails to comply with the terms of the case plan may be held in contempt of court. [R.C. 2151.412(F) (1)]

PERMANENCY PLAN [R.C. 2151.417]; [R.C. 2151.419]

- Review the proposed or current permanency plan for the child.
- The court shall consult with the child, in an age-appropriate manner, regarding the proposed permanency plan for the child.
[R.C. 2151.417(F)]
- Determine if any changes to the permanency plan are appropriate.
- Approve the permanency plan for the child that includes whether the child can be safely returned home, placed in the legal custody of an individual, placed for adoption, or placed in a planned permanent living arrangement.
- Establish time frames for implementing the permanency plan that include, if applicable, when the child can be safely returned home, placed for adoption or placed in the legal custody of an individual, or placed in a planned permanent living arrangement.
- Issue any additional orders necessary and appropriate to facilitate the timely implementation of the permanency plan.
[R.C. 2151.417(G)(4)]

IV-E REQUIREMENTS [42 U.S.C. 672]

The findings should be written, specific, and individualized.

- Determine whether the agency made reasonable efforts, based on the health and safety of the child, to place the child in a timely manner in accordance with the permanency plan and to complete the necessary steps to finalize the permanent placement of the child.
- Determine whether the agency made or failed to make reasonable efforts to prevent the removal, to eliminate the continued removal of the child from the home, or to make it possible for the child to return home safely, with a brief description of the services and why those services did not prevent removal or enable the child to return home. [R.C. 2151.419(A)(1)]; [Juv.R. 27(B)(1)]
- If the child is placed out of the state, address the need for out-of-state placement and services and why this placement serves the child's best interest.
- If the child is over 16 years old, make findings as to the services needed to assist the child in making the transition from foster care to independent living.

NOTE

The agency must file the permanency plan with the court prior to the hearing. The permanency plan must specify when the child will be safely returned home, when the child will be placed for adoption or legal custody, or why a planned permanent living arrangement serves the child's best interest.

[R.C. 2151.417(A) and (K)(1)]



If the court finds that the agency is not required to make reasonable efforts to prevent removal from the home, eliminate the need for continued removal from the home, or enable the child to return home, then the permanent plan shall NOT include any provision requiring the child to return home.

[R.C. 2151.417(G)(2) and (K)(2)]
and [R.C. 2151.419(A)(2)]

ADMINISTRATIVE REVIEWS

When the agency conducts the administrative review pursuant to R.C. 2151.416 and files the summary with the court:

- Determine whether the conclusions of the review are supported by a preponderance of the evidence;

AND

- Approve or modify the case plan upon that evidence. [R.C. 2151.417(G)(1)]

ENTRY

- Send a copy of the entry to the custodial agency, the guardian ad litem of the child, and the parent, if the child is not in permanent custody. [R.C. 2151.417(I)]



The order should be distributed to all parties prior to the adjournment of the review hearing.

- Journalize the entry. [Juv.R. 36]