

As Introduced

134th General Assembly

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H. B. No. 289

Representatives McClain, Pavliga

Cosponsors: Representatives John, Riedel, Ray, Lanese, Koehler, Stoltzfus,
White, Gross, Johnson, Hoops, Kick, Plummer

A BILL

To amend sections 2151.412, 2151.417, 2151.424, and 1
5103.161 and to enact sections 2151.4115, 2
2151.4116, 2151.4117, 2151.4118, 2151.4119, and 3
2151.4120 of the Revised Code to provide for 4
continuation of a child's placement and limit 5
kinship preference in foster care. 6

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

Section 1. That sections 2151.412, 2151.417, 2151.424, and 7
5103.161 be amended and sections 2151.4115, 2151.4116, 8
2151.4117, 2151.4118, 2151.4119, and 2151.4120 of the Revised 9
Code be enacted to read as follows: 10

Sec. 2151.412. (A) Each public children services agency 11
and private child placing agency shall prepare and maintain a 12
case plan for any child to whom the agency is providing services 13
and to whom any of the following applies: 14

(1) The agency filed a complaint pursuant to section 15
2151.27 of the Revised Code alleging that the child is an 16
abused, neglected, or dependent child; 17

(2) The agency has temporary or permanent custody of the 18
child; 19

(3) The child is living at home subject to an order for 20
protective supervision; 21

(4) The child is in a planned permanent living 22
arrangement. 23

Except as provided by division (A)(2) of section 5103.153 24
of the Revised Code, a private child placing agency providing 25
services to a child who is the subject of a voluntary permanent 26
custody surrender agreement entered into under division (B)(2) 27
of section 5103.15 of the Revised Code is not required to 28
prepare and maintain a case plan for that child. 29

(B) Each public children services agency shall prepare and 30
maintain a case plan or a family service plan for any child for 31
whom the agency is providing in-home services pursuant to an 32
alternative response. 33

(C)(1) The director of job and family services shall adopt 34
rules pursuant to Chapter 119. of the Revised Code setting forth 35
the content and format of case plans required by division (A) of 36
this section and establishing procedures for developing, 37
implementing, and changing the case plans. The rules shall at a 38
minimum comply with the requirements of Title IV-E of the 39
"Social Security Act," 94 Stat. 501, 42 U.S.C. 671 (1980), as 40
amended. 41

(2) The director of job and family services shall adopt 42
rules pursuant to Chapter 119. of the Revised Code requiring 43
public children services agencies and private child placing 44
agencies to maintain case plans for children and their families 45
who are receiving services in their homes from the agencies and 46

for whom case plans are not required by division (A) of this 47
section. The rules for public children services agencies shall 48
include the requirements for case plans or family service plans 49
maintained for children and their families who are receiving 50
services in their homes from public children services agencies 51
pursuant to an alternative response. The agencies shall maintain 52
case plans and family service plans as required by those rules; 53
however, the case plans and family service plans shall not be 54
subject to any other provision of this section except as 55
specifically required by the rules. 56

(D) Each public children services agency and private child 57
placing agency that is required by division (A) of this section 58
to maintain a case plan shall file the case plan with the court 59
prior to the child's adjudicatory hearing but no later than 60
thirty days after the earlier of the date on which the complaint 61
in the case was filed or the child was first placed into shelter 62
care. If the agency does not have sufficient information prior 63
to the adjudicatory hearing to complete any part of the case 64
plan, the agency shall specify in the case plan the additional 65
information necessary to complete each part of the case plan and 66
the steps that will be taken to obtain that information. All 67
parts of the case plan shall be completed by the earlier of 68
thirty days after the adjudicatory hearing or the date of the 69
dispositional hearing for the child. 70

(E) Any agency that is required by division (A) of this 71
section to prepare a case plan shall attempt to obtain an 72
agreement among all parties, including, but not limited to, the 73
parents, guardian, or custodian of the child and the guardian ad 74
litem of the child regarding the content of the case plan. If 75
all parties agree to the content of the case plan and the court 76
approves it, the court shall journalize it as part of its 77

dispositional order. If the agency cannot obtain an agreement 78
upon the contents of the case plan or the court does not approve 79
it, the parties shall present evidence on the contents of the 80
case plan at the dispositional hearing. The court, based upon 81
the evidence presented at the dispositional hearing and the best 82
interest of the child, shall determine the contents of the case 83
plan and journalize it as part of the dispositional order for 84
the child. 85

(F) (1) All parties, including the parents, guardian, or 86
custodian of the child, are bound by the terms of the 87
journalized case plan. A party that fails to comply with the 88
terms of the journalized case plan may be held in contempt of 89
court. 90

(2) Any party may propose a change to a substantive part 91
of the case plan, including, but not limited to, the child's 92
placement and the visitation rights of any party. A party 93
proposing a change to the case plan shall file the proposed 94
change with the court and give notice of the proposed change in 95
writing before the end of the day after the day of filing it to 96
all parties and the child's guardian ad litem. All parties and 97
the guardian ad litem shall have seven days from the date the 98
notice is sent to object to and request a hearing on the 99
proposed change. 100

(a) If it receives a timely request for a hearing, the 101
court shall schedule a hearing pursuant to section 2151.417 of 102
the Revised Code to be held no later than thirty days after the 103
request is received by the court. The court shall give notice of 104
the date, time, and location of the hearing to all parties and 105
the guardian ad litem. The agency may implement the proposed 106
change after the hearing, if the court approves it. The agency 107

shall not implement the proposed change unless it is approved by 108
the court. 109

(b) If it does not receive a timely request for a hearing, 110
the court may approve the proposed change without a hearing. If 111
the court approves the proposed change without a hearing, it 112
shall journalize the case plan with the change not later than 113
fourteen days after the change is filed with the court. If the 114
court does not approve the proposed change to the case plan, it 115
shall schedule a hearing to be held pursuant to section 2151.417 116
of the Revised Code no later than thirty days after the 117
expiration of the fourteen-day time period and give notice of 118
the date, time, and location of the hearing to all parties and 119
the guardian ad litem of the child. If, despite the requirements 120
of division (F)(2) of this section, the court neither approves 121
and journalizes the proposed change nor conducts a hearing, the 122
agency may implement the proposed change not earlier than 123
fifteen days after it is submitted to the court. 124

(3) If an agency has reasonable cause to believe that a 125
child is suffering from illness or injury and is not receiving 126
proper care and that an appropriate change in the child's case 127
plan is necessary to prevent immediate or threatened physical or 128
emotional harm, to believe that a child is in immediate danger 129
from the child's surroundings and that an immediate change in 130
the child's case plan is necessary to prevent immediate or 131
threatened physical or emotional harm to the child, or to 132
believe that a parent, guardian, custodian, or other member of 133
the child's household has abused or neglected the child and that 134
the child is in danger of immediate or threatened physical or 135
emotional harm from that person unless the agency makes an 136
appropriate change in the child's case plan, it may implement 137
the change without prior agreement or a court hearing and, 138

before the end of the next day after the change is made, give 139
all parties, the guardian ad litem of the child, and the court 140
notice of the change. Before the end of the third day after 141
implementing the change in the case plan, the agency shall file 142
a statement of the change with the court and give notice of the 143
filing accompanied by a copy of the statement to all parties and 144
the guardian ad litem. All parties and the guardian ad litem 145
shall have ten days from the date the notice is sent to object 146
to and request a hearing on the change. 147

(a) If it receives a timely request for a hearing, the 148
court shall schedule a hearing pursuant to section 2151.417 of 149
the Revised Code to be held no later than thirty days after the 150
request is received by the court. The court shall give notice of 151
the date, time, and location of the hearing to all parties and 152
the guardian ad litem. The agency shall continue to administer 153
the case plan with the change after the hearing, if the court 154
approves the change. If the court does not approve the change, 155
the court shall make appropriate changes to the case plan and 156
shall journalize the case plan. 157

(b) If it does not receive a timely request for a hearing, 158
the court may approve the change without a hearing. If the court 159
approves the change without a hearing, it shall journalize the 160
case plan with the change within fourteen days after receipt of 161
the change. If the court does not approve the change to the case 162
plan, it shall schedule a hearing under section 2151.417 of the 163
Revised Code to be held no later than thirty days after the 164
expiration of the fourteen-day time period and give notice of 165
the date, time, and location of the hearing to all parties and 166
the guardian ad litem of the child. 167

(4) (a) Except as provided in division (F) (4) (b) of this 168

section, the court shall not approve a change to the child's 169
placement and may presume that continuation of the child's 170
current placement is in the child's best interests if all of the 171
following apply: 172

(i) The child's current placement has been in a stable 173
home environment for the past nine months. 174

(ii) A change in the child's placement would be 175
detrimental to the child's emotional well-being. 176

(iii) The child's foster caregiver has not requested, in 177
writing, that the placement be changed. 178

(b) The court may approve a change to the child's 179
placement if it is in the child's best interests and the child's 180
foster caregiver requests, in writing, the change in the child's 181
placement. 182

(G) (1) All case plans for children in temporary custody 183
shall have the following general goals: 184

(a) Consistent with the best interest and special needs of 185
the child, to achieve a safe out-of-home placement in the least 186
restrictive, most family-like setting available and in close 187
proximity to the home from which the child was removed or the 188
home in which the child will be permanently placed; 189

(b) To eliminate with all due speed the need for the out- 190
of-home placement so that the child can safely return home. 191

(2) The director of job and family services shall adopt 192
rules pursuant to Chapter 119. of the Revised Code setting forth 193
the general goals of case plans for children subject to 194
dispositional orders for protective supervision, a planned 195
permanent living arrangement, or permanent custody. 196

(H) In the agency's development of a case plan and the 197
court's review of the case plan, the child's health and safety 198
shall be the paramount concern. The agency and the court shall 199
be guided by the following general priorities: 200

(1) A child who is residing with or can be placed with the 201
child's parents within a reasonable time should remain in their 202
legal custody even if an order of protective supervision is 203
required for a reasonable period of time; 204

(2) If both parents of the child have abandoned the child, 205
have relinquished custody of the child, have become incapable of 206
supporting or caring for the child even with reasonable 207
assistance, or have a detrimental effect on the health, safety, 208
and best interest of the child, the child should be placed in 209
the legal custody of a suitable member of the child's extended 210
family; 211

(3) If a child described in division (H) (2) of this 212
section has no suitable member of the child's extended family to 213
accept legal custody, the child should be placed in the legal 214
custody of a suitable nonrelative who shall be made a party to 215
the proceedings after being given legal custody of the child; 216

(4) If the child has no suitable member of the child's 217
extended family to accept legal custody of the child and no 218
suitable nonrelative is available to accept legal custody of the 219
child and, if the child temporarily cannot or should not be 220
placed with the child's parents, guardian, or custodian, the 221
child should be placed in the temporary custody of a public 222
children services agency or a private child placing agency; 223

(5) If the child cannot be placed with either of the 224
child's parents within a reasonable period of time or should not 225

be placed with either, if no suitable member of the child's 226
extended family or suitable nonrelative is available to accept 227
legal custody of the child, and if the agency has a reasonable 228
expectation of placing the child for adoption, the child should 229
be committed to the permanent custody of the public children 230
services agency or private child placing agency; 231

(6) If the child is to be placed for adoption or foster 232
care, the placement shall not be delayed or denied on the basis 233
of the child's or adoptive or foster family's race, color, or 234
national origin. 235

(I) The case plan for a child in temporary custody shall 236
include at a minimum the following requirements if the child is 237
or has been the victim of abuse or neglect or if the child 238
witnessed the commission in the child's household of abuse or 239
neglect against a sibling of the child, a parent of the child, 240
or any other person in the child's household: 241

(1) A requirement that the child's parents, guardian, or 242
custodian participate in mandatory counseling; 243

(2) A requirement that the child's parents, guardian, or 244
custodian participate in any supportive services that are 245
required by or provided pursuant to the child's case plan. 246

(J) A case plan may include, as a supplement, a plan for 247
locating a permanent family placement. The supplement shall not 248
be considered part of the case plan for purposes of division (E) 249
of this section. 250

(K) (1) A public children services agency may request that 251
the superintendent of the bureau of criminal identification and 252
investigation conduct a criminal records check with respect to a 253
parent, guardian, custodian, prospective custodian, or 254

prospective placement whose actions result in a finding after 255
the filing of a complaint as described in division (A) (1) of 256
this section that a child is an abused, neglected, or dependent 257
child. The public children services agency shall request that 258
the superintendent obtain information from the federal bureau of 259
investigation as part of the criminal records check. 260

(2) At any time on or after the date that is ninety days 261
after ~~the effective date of this amendment~~ September 10, 2012, a 262
prosecuting attorney, or an assistant prosecuting attorney 263
appointed under section 309.06 of the Revised Code, may request 264
that the superintendent of the bureau of criminal identification 265
and investigation conduct a criminal records check with respect 266
to each parent, guardian, custodian, prospective custodian, or 267
prospective placement whose actions resulted in a finding after 268
the filing of a complaint described in division (A) (1) of this 269
section that a child is an abused, neglected, or dependent 270
child. Each prosecuting attorney or assistant prosecuting 271
attorney who makes such a request shall request that the 272
superintendent obtain information from the federal bureau of 273
investigation as part of the criminal records check for each 274
parent, guardian, custodian, prospective custodian, or 275
prospective placement who is a subject of the request. 276

(3) A public children services agency, prosecuting 277
attorney, or assistant prosecuting attorney that requests a 278
criminal records check under division (K) (1) or (2) of this 279
section shall do both of the following: 280

(a) Provide to each parent, guardian, custodian, 281
prospective custodian, or prospective placement for whom a 282
criminal records check is requested a copy of the form 283
prescribed pursuant to division (C) (1) of section 109.572 of the 284

Revised Code and a standard fingerprint impression sheet 285
prescribed pursuant to division (C) (2) of that section and 286
obtain the completed form and impression sheet from the parent, 287
guardian, custodian, prospective custodian, or prospective 288
placement; 289

(b) Forward the completed form and impression sheet to the 290
superintendent of the bureau of criminal identification and 291
investigation. 292

(4) A parent, guardian, custodian, prospective custodian, 293
or prospective placement who is given a form and fingerprint 294
impression sheet under division (K) (3) (a) of this section and 295
who fails to complete the form or provide fingerprint 296
impressions may be held in contempt of court. 297

Sec. 2151.417. (A) Any court that issues a dispositional 298
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 299
Revised Code may review at any time the child's placement or 300
custody arrangement, the case plan prepared for the child 301
pursuant to section 2151.412 of the Revised Code, the actions of 302
the public children services agency or private child placing 303
agency in implementing that case plan, the child's permanency 304
plan if the child's permanency plan has been approved, and any 305
other aspects of the child's placement or custody arrangement. 306
In conducting the review, the court shall determine the 307
appropriateness of any agency actions, the safety and 308
appropriateness of continuing the child's placement or custody 309
arrangement, and whether any changes should be made with respect 310
to the child's permanency plan or placement or custody 311
arrangement or with respect to the actions of the agency under 312
the child's placement or custody arrangement. Based upon the 313
evidence presented at a hearing held after notice to all parties 314

and the guardian ad litem of the child, the court may require 315
the agency, the parents, guardian, or custodian of the child, 316
and the physical custodians of the child to take any reasonable 317
action that the court determines is necessary and in the best 318
interest of the child or to discontinue any action that it 319
determines is not in the best interest of the child. 320

(B) If a court issues a dispositional order pursuant to 321
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 322
court has continuing jurisdiction over the child as set forth in 323
division (F) (1) of section 2151.353 of the Revised Code. The 324
court may amend a dispositional order in accordance with 325
division (F) (2) of section 2151.353 of the Revised Code at any 326
time upon its own motion or upon the motion of any interested 327
party. The court shall comply with section 2151.42 of the 328
Revised Code in amending any dispositional order pursuant to 329
this division. 330

(C) (1) Any court that issues a dispositional order 331
pursuant to section 2151.353, 2151.414, or 2151.415 of the 332
Revised Code shall hold a review hearing one year after the 333
earlier of the date on which the complaint in the case was filed 334
or the child was first placed into shelter care to review the 335
case plan prepared pursuant to section 2151.412 of the Revised 336
Code and the child's placement or custody arrangement, to 337
approve or review the permanency plan for the child, and to make 338
changes to the case plan and placement or custody arrangement 339
consistent with the permanency plan. The court shall schedule 340
the review hearing at the time that it holds the dispositional 341
hearing pursuant to section 2151.35 of the Revised Code. 342

(2) The court shall hold a similar review hearing no later 343
than every twelve months after the initial review hearing until 344

the child is adopted, returned to the parents, or the court 345
otherwise terminates the child's placement or custody 346
arrangement, except that the dispositional hearing held pursuant 347
to section 2151.415 of the Revised Code shall take the place of 348
the first review hearing to be held under this section. The 349
court shall schedule each subsequent review hearing at the 350
conclusion of the review hearing immediately preceding the 351
review hearing to be scheduled. 352

(3) The court is not required to continue holding review 353
hearings under divisions (C) (1) and (2) of this section 354
regarding a child subject to an order of legal custody under 355
section 2151.353 or 2151.415 of the Revised Code, if all of the 356
following apply: 357

(a) The child is not subject to an order of protective 358
supervision under section 2151.353 or 2151.415 of the Revised 359
Code. 360

(b) A public children services agency or private child 361
placing agency is not providing services to the child. 362

(c) The court finds that further review under divisions 363
(C) (1) and (2) of this section are no longer necessary to serve 364
the child's best interests. 365

(D) If, within fourteen days after a written summary of an 366
administrative review is filed with the court pursuant to 367
section 2151.416 of the Revised Code, the court does not approve 368
the proposed change to the case plan filed pursuant to division 369
(E) of section 2151.416 of the Revised Code or a party or the 370
guardian ad litem requests a review hearing pursuant to division 371
(E) of that section, the court shall hold a review hearing in 372
the same manner that it holds review hearings pursuant to 373

division (C) of this section, except that if a review hearing is 374
required by this division and if a hearing is to be held 375
pursuant to division (C) of this section or section 2151.415 of 376
the Revised Code, the hearing held pursuant to division (C) of 377
this section or section 2151.415 of the Revised Code shall take 378
the place of the review hearing required by this division. 379

(E) If a court determines pursuant to section 2151.419 of 380
the Revised Code that a public children services agency or 381
private child placing agency is not required to make reasonable 382
efforts to prevent the removal of a child from the child's home, 383
eliminate the continued removal of a child from the child's 384
home, and return the child to the child's home, and the court 385
does not return the child to the child's home pursuant to 386
division (A)(3) of section 2151.419 of the Revised Code, the 387
court shall hold a review hearing to approve the permanency plan 388
for the child and, if appropriate, to make changes to the 389
child's case plan and the child's placement or custody 390
arrangement consistent with the permanency plan. The court may 391
hold the hearing immediately following the determination under 392
section 2151.419 of the Revised Code and shall hold it no later 393
than thirty days after making that determination. 394

(F) The court shall give notice of the review hearings 395
held pursuant to this section to every interested party, 396
including, but not limited to, the appropriate agency employees 397
who are responsible for the child's care and planning, the 398
child's parents, any person who had guardianship or legal 399
custody of the child prior to the custody order, the child's 400
guardian ad litem, and the child. The court shall summon every 401
interested party to appear at the review hearing and give them 402
an opportunity to testify and to present other evidence with 403
respect to the child's custody arrangement, including, but not 404

limited to, the following: the case plan for the child; the 405
permanency plan, if one exists; the actions taken by the child's 406
custodian; the need for a change in the child's custodian or 407
caseworker; and the need for any specific action to be taken 408
with respect to the child. The court shall require any 409
interested party to testify or present other evidence when 410
necessary to a proper determination of the issues presented at 411
the review hearing. In any review hearing that pertains to a 412
permanency plan for a child who will not be returned to the 413
parent, the court shall consider in-state and out-of-state 414
placement options and the court shall determine whether the in- 415
state or the out-of-state placement continues to be appropriate 416
and in the best interests of the child. In any review hearing 417
that pertains to a permanency plan for a child, the court or a 418
citizens board appointed by the court pursuant to division (H) 419
of this section shall consult with the child, in an age- 420
appropriate manner, regarding the proposed permanency plan for 421
the child. 422

(G) After the review hearing, the court shall take the 423
following actions based upon the evidence presented: 424

(1) If an administrative review has been conducted, 425
determine whether the conclusions of the review are supported by 426
a preponderance of the evidence and approve or modify the case 427
plan based upon that evidence; 428

(2) If the hearing was held under division (C) or (E) of 429
this section, approve a permanency plan for the child that 430
specifies whether and, if applicable, when the child will be 431
safely returned home or placed for adoption, for legal custody, 432
or in a planned permanent living arrangement. A permanency plan 433
approved after a hearing under division (E) of this section 434

shall not include any provision requiring the child to be 435
returned to the child's home. 436

(3) If the child is in temporary custody, do all of the 437
following: 438

(a) Determine whether the child can and should be returned 439
home with or without an order for protective supervision; 440

(b) If the child can and should be returned home with or 441
without an order for protective supervision, terminate the order 442
for temporary custody; 443

(c) If the child cannot or should not be returned home 444
with an order for protective supervision, determine whether the 445
agency currently with custody of the child should retain custody 446
or whether another public children services agency, private 447
child placing agency, or an individual should be given custody 448
of the child. 449

The court shall comply with section 2151.42 of the Revised 450
Code in taking any action under this division. 451

(4) If the child is in permanent custody, determine what 452
actions are required by the custodial agency and of any other 453
organizations or persons in order to facilitate an adoption of 454
the child and make any appropriate orders with respect to the 455
custody arrangement or conditions of the child, including, but 456
not limited to, a transfer of permanent custody to another 457
public children services agency or private child placing agency; 458

(5) Journalize the terms of the updated case plan for the 459
child. 460

(H) The court may appoint a referee or a citizens review 461
board to conduct the review hearings that the court is required 462

by this section to conduct, subject to the review and approval 463
by the court of any determinations made by the referee or 464
citizens review board. If the court appoints a citizens review 465
board to conduct the review hearings, the board shall consist of 466
one member representing the general public and four members who 467
are trained or experienced in the care or placement of children 468
and have training or experience in the fields of medicine, 469
psychology, social work, education, or any related field. Of the 470
initial appointments to the board, two shall be for a term of 471
one year, two shall be for a term of two years, and one shall be 472
for a term of three years, with all the terms ending one year 473
after the date on which the appointment was made. Thereafter, 474
all terms of the board members shall be for three years and 475
shall end on the same day of the same month of the year as did 476
the term that they succeed. Any member appointed to fill a 477
vacancy occurring prior to the expiration of the term for which 478
the member's predecessor was appointed shall hold office for the 479
remainder of the term. 480

(I) A copy of the court's determination following any 481
review hearing held pursuant to this section shall be sent to 482
the custodial agency, the guardian ad litem of the child who is 483
the subject of the review hearing, and, if that child is not the 484
subject of a permanent commitment hearing, the parents of the 485
child. 486

(J) If the hearing held under this section takes the place 487
of an administrative review that otherwise would have been held 488
under section 2151.416 of the Revised Code, the court at the 489
hearing held under this section shall do all of the following in 490
addition to any other requirements of this section: 491

(1) Determine the continued necessity for and the safety 492

and appropriateness of the child's placement; 493

(2) Determine the extent of compliance with the child's 494
case plan; 495

(3) Determine the extent of progress that has been made 496
toward alleviating or mitigating the causes necessitating the 497
child's placement in foster care; 498

(4) Project a likely date by which the child may be safely 499
returned home or placed for adoption or legal custody. 500

(K) (1) Whenever the court is required to approve a 501
permanency plan under this section or section 2151.415 of the 502
Revised Code, the public children services agency or private 503
child placing agency that filed the complaint in the case, has 504
custody of the child, or will be given custody of the child 505
shall develop a permanency plan for the child. The agency must 506
file the plan with the court prior to the hearing under this 507
section or section 2151.415 of the Revised Code. 508

(2) The permanency plan developed by the agency must 509
specify whether and, if applicable, when the child will be 510
safely returned home or placed for adoption or legal custody. If 511
the agency determines that there is a compelling reason why 512
returning the child home or placing the child for adoption or 513
legal custody is not in the best interest of the child, the plan 514
shall provide that the child will be placed in a planned 515
permanent living arrangement. A permanency plan developed as a 516
result of a determination made under division (A) (2) of section 517
2151.419 of the Revised Code may not include any provision 518
requiring the child to be returned home. 519

(3) (a) Whenever a court is required under this section or 520
section 2151.415 or 2151.419 of the Revised Code to conduct a 521

review hearing to approve a permanency plan, the court shall 522
determine whether the agency required to develop the plan has 523
made reasonable efforts to finalize it. In determining whether 524
the agency made reasonable efforts to finalize the permanency 525
plan, the court shall consider whether the agency complied with 526
sections 2151.4115 to 2151.4120 of the Revised Code. If the 527
court determines the agency has not made reasonable efforts to 528
finalize the plan, the court shall issue an order finalizing a 529
permanency plan requiring the agency to use reasonable efforts 530
to do the following: 531

(i) Place the child in a timely manner into a permanent 532
placement; 533

(ii) Complete whatever steps are necessary to finalize the 534
permanent placement of the child. 535

(b) In making reasonable efforts as required in division 536
(K) (3) (a) of this section, the agency shall consider the child's 537
health and safety as the paramount concern. 538

Sec. 2151.4115. A public children services agency or 539
private child placing agency shall, on removal of a child from 540
the child's home, initiate a diligent search in accordance with 541
section 2151.4116 of the Revised Code for the child's adult 542
relatives and adult nonrelatives with a significant relationship 543
to the child to assume, as applicable, legal, temporary, or 544
permanent custody of the child. 545

Sec. 2151.4116. The diligent search required under section 546
2151.4115 of the Revised Code shall include all of the 547
following: 548

(A) Interviews, to be conducted as necessary throughout 549
the pendency of proceedings regarding the case, with the 550

<u>following:</u>	551
<u>(1) The child;</u>	552
<u>(2) The child's parents;</u>	553
<u>(3) Identified adult relatives;</u>	554
<u>(4) Any other person who is likely to have information</u>	555
<u>about the identity or location of the person being sought.</u>	556
<u>(B) Comprehensive searches of databases available to the</u>	557
<u>agency, including searches of employment, residence, utilities,</u>	558
<u>vehicle registration, child support enforcement, law</u>	559
<u>enforcement, corrections records, and any other records likely</u>	560
<u>to result in identifying and locating the person being sought;</u>	561
<u>(C) Appropriate inquiry made during any hearings in the</u>	562
<u>case;</u>	563
<u>(D) Any other reasonable means that are likely to identify</u>	564
<u>adult relatives or adult nonrelatives with a significant</u>	565
<u>relationship to the child.</u>	566
<u>Sec. 2151.4117. Except as provided in section 2151.4118 of</u>	567
<u>the Revised Code, the agency shall continue to search for adult</u>	568
<u>relatives or adult nonrelatives with a significant relationship</u>	569
<u>to the child in accordance with section 2151.4115 of the Revised</u>	570
<u>Code until one of the following occurs:</u>	571
<u>(A) An adult relative or adult nonrelative with a</u>	572
<u>significant relationship to the child with whom to place the</u>	573
<u>child is found.</u>	574
<u>(B) A permanency plan is approved for the child.</u>	575
<u>(C) The court orders the agency to discontinue the search.</u>	576
<u>Sec. 2151.4118. The diligent search and notification</u>	577

required under sections 2151.4115 and 2151.4119 of the Revised 578
Code shall be completed, documented in writing, and filed with 579
the court not later than thirty days after the removal of the 580
child from the child's home, or as otherwise required by the 581
court, and at each review hearing under section 2151.417 of the 582
Revised Code. 583

Sec. 2151.4119. The agency shall provide notice to all of 584
the child's adult relatives and adult nonrelatives with a 585
significant relationship to the child identified by the search 586
under section 2151.4115 of the Revised Code, unless the agency 587
determines that the adult identified may cause or has caused the 588
child to be an abused, neglected, or dependent child. The notice 589
shall include all of the following: 590

(A) Notification that the child has been or is being 591
removed from the child's home; 592

(B) An explanation of the options the identified relative 593
or nonrelative has to participate in the care and placement of 594
the child and any options that may be lost by failing to respond 595
to the notice; 596

(C) A description of the the process for becoming an 597
approved foster home under section 5103.03 of the Revised Code 598
and the additional services and supports available for children 599
placed in approved foster homes; 600

(D) A description of any financial assistance for which 601
the identified relative or nonrelative may be eligible. 602

Sec. 2151.4120. The court may excuse the agency from 603
considering an adult relative or adult nonrelative with a 604
significant relationship to the child for placement if the adult 605
relative or adult nonrelative entitled to notice under section 606

2151.4119 of the Revised Code fails, within six months from 607
receipt of the notice, to demonstrate an interest in and 608
willingness to assume, as applicable, legal, temporary, or 609
permanent custody of the child. 610

Sec. 2151.424. (A) If a child has been placed in a 611
certified foster home or is in the custody of, or has been 612
placed with, a kinship caregiver as defined in section 5101.85 613
of the Revised Code, a court, prior to conducting any hearing 614
pursuant to division (F) (2) or (3) of section 2151.412 or 615
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 616
or 2151.417 of the Revised Code with respect to the child, shall 617
notify, in writing, the foster caregiver or kinship caregiver of 618
the date, time, and place of the hearing. At the hearing, the 619
foster caregiver or kinship caregiver shall have the right to ~~be-~~ 620
~~heard~~participate. 621

(B) If a public children services agency or private child 622
placing agency has permanent custody of a child and a petition 623
to adopt the child has been filed under Chapter 3107. of the 624
Revised Code, the agency, prior to conducting a review under 625
section 2151.416 of the Revised Code, or a court, prior to 626
conducting a hearing under division (F) (2) or (3) of section 627
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 628
shall notify the prospective adoptive parent of the date, time, 629
and place of the review or hearing. At the review or hearing, 630
the prospective adoptive parent shall have the right to ~~be-~~ 631
~~heard~~participate. 632

(C) The foster caregiver or kinship caregiver shall be 633
encouraged to update the court about the child in the 634
caregiver's care, express concerns to the court that relate to 635
the child, ask questions about any aspect of the child's case, 636

and file reports and letters to the court as part of the child's 637
case record. 638

(D) The notice and the opportunity to be heard participate 639
do not make the foster caregiver, kinship caregiver, or 640
prospective adoptive parent a party in the action or proceeding 641
pursuant to which the review or hearing is conducted. 642

Sec. 5103.161. As used in this section, "permanent 643
custody" has the same meaning as in section 2151.011 of the 644
Revised Code. 645

If a private child placing agency or public children 646
services agency has placed a child in a foster home or with a 647
relative of the child, other than a parent of the child, the 648
agency shall notify the child's foster caregiver or relative if 649
the agency seeks permanent custody of the child, or, if the 650
agency already has permanent custody of the child, seeks to 651
place the child for adoption. The notice also shall inform the 652
foster caregiver or relative that the foster caregiver or 653
relative can be considered for adoption. If the foster caregiver 654
or relative informs the agency that the foster caregiver or 655
relative wants to adopt the child, the agency shall inform the 656
foster caregiver or relative of the process for obtaining an 657
application to adopt the child and that the child may be placed 658
for adoption in another home even if the foster caregiver or 659
relative submits the application. ~~If the agency is given~~ 660
~~permanent custody of the child and the foster caregiver or~~ 661
~~relative has informed the agency of the foster caregiver's or~~ 662
~~relative's desire to adopt the child, the agency shall consider~~ 663
~~giving preference to an adult relative over a nonrelative~~ 664
~~caregiver when determining an adoptive placement for the child,~~ 665
~~provided the adult relative satisfies all relevant child~~ 666

~~protection standards and the agency determines that the~~ 667
~~placement is in the child's best interest.~~ 668

Section 2. That existing sections 2151.412, 2151.417, 669
2151.424, and 5103.161 of the Revised Code are hereby repealed. 670