

As Introduced

**136th General Assembly
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H. B. No. 898

Representative Brewer

To amend sections 2151.011, 2151.28, 2151.35, 1
2151.412, 2151.414, 2151.415, 2151.416, 2
2151.417, and 3107.062 and to enact sections 3
2151.47, 2151.471, 3109.121, and 3109.122 of the 4
Revised Code to enact the Putative Fathers 5
Matter Act to require notice to putative fathers 6
regarding child welfare hearings and 7
companionship or visitation proceedings and to 8
require notice to grandparents regarding child 9
welfare hearings. 10

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

Section 1. That sections 2151.011, 2151.28, 2151.35, 11
2151.412, 2151.414, 2151.415, 2151.416, 2151.417, and 3107.062 12
be amended and sections 2151.47, 2151.471, 3109.121, and 13
3109.122 of the Revised Code be enacted to read as follows: 14

Sec. 2151.011. (A) As used in the Revised Code: 15

(1) "Juvenile court" means whichever of the following is 16
applicable that has jurisdiction under this chapter and Chapter 17
2152. of the Revised Code: 18

(a) The division of the court of common pleas specified in 19
section 2101.022 or 2301.03 of the Revised Code as having 20

jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A) (1) (a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of children and youth that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in certified foster homes;

(c) Provides adoption services in conjunction with a

public children services agency or private child placing agency.	49
(B) As used in this chapter:	50
(1) "Adequate parental care" means the provision by a	51
child's parent or parents, guardian, or custodian of adequate	52
food, clothing, and shelter to ensure the child's health and	53
physical safety and the provision by a child's parent or parents	54
of specialized services warranted by the child's physical or	55
mental needs.	56
(2) "Adult" means an individual who is eighteen years of	57
age or older.	58
(3) "Agreement for temporary custody" means a voluntary	59
agreement authorized by section 5103.15 of the Revised Code that	60
transfers the temporary custody of a child to a public children	61
services agency or a private child placing agency.	62
(4) "Alternative response" means the public children	63
services agency's response to a report of child abuse or neglect	64
that engages the family in a comprehensive evaluation of child	65
safety, risk of subsequent harm, and family strengths and needs	66
and that does not include a determination as to whether child	67
abuse or neglect occurred.	68
(5) "Certified foster home" means a foster home, as	69
defined in section 5103.02 of the Revised Code, certified under	70
section 5103.03 of the Revised Code.	71
(6) "Child" means a person who is under eighteen years of	72
age, except that the juvenile court has jurisdiction over any	73
person who is adjudicated an unruly child prior to attaining	74
eighteen years of age until the person attains twenty-one years	75
of age, and, for purposes of that jurisdiction related to that	76
adjudication, a person who is so adjudicated an unruly child	77

shall be deemed a "child" until the person attains twenty-one 78
years of age. 79

(7) "Child day camp," "child care," "child care center," 80
"part-time child care center," "type A family child care home," 81
"licensed type B family child care home," "type B family child 82
care home," "administrator of a child care center," 83
"administrator of a type A family child care home," and "in-home 84
aide" have the same meanings as in section 5104.01 of the 85
Revised Code. 86

(8) "Child care provider" means an individual who is a 87
child-care staff member or administrator of a child care center, 88
a type A family child care home, or a type B family child care 89
home, or an in-home aide or an individual who is licensed, is 90
regulated, is approved, operates under the direction of, or 91
otherwise is certified by the department of children and youth, 92
department of developmental disabilities, or the early childhood 93
programs of the department of education. 94

(9) "Commit" means to vest custody as ordered by the 95
court. 96

(10) "Counseling" includes both of the following: 97

(a) General counseling services performed by a public 98
children services agency or shelter for victims of domestic 99
violence to assist a child, a child's parents, and a child's 100
siblings in alleviating identified problems that may cause or 101
have caused the child to be an abused, neglected, or dependent 102
child. 103

(b) Psychiatric or psychological therapeutic counseling 104
services provided to correct or alleviate any mental or 105
emotional illness or disorder and performed by a licensed 106

psychiatrist, licensed psychologist, or a person licensed under	107
Chapter 4757. of the Revised Code to engage in social work or	108
professional counseling.	109
(11) "Custodian" means a person who has legal custody of a	110
child or a public children services agency or private child	111
placing agency that has permanent, temporary, or legal custody	112
of a child.	113
(12) "Delinquent child" has the same meaning as in section	114
2152.02 of the Revised Code.	115
(13) "Detention" means the temporary care of children	116
pending court adjudication or disposition, or execution of a	117
court order, in a public or private facility designed to	118
physically restrict the movement and activities of children.	119
(14) "Developmental disability" has the same meaning as in	120
section 5123.01 of the Revised Code.	121
(15) "Differential response approach" means an approach	122
that a public children services agency may use to respond to	123
accepted reports of child abuse or neglect with either an	124
alternative response or a traditional response.	125
(16) "Foster caregiver" has the same meaning as in section	126
5103.02 of the Revised Code.	127
(17) "Guardian" means a person, association, or	128
corporation that is granted authority by a probate court	129
pursuant to Chapter 2111. of the Revised Code to exercise	130
parental rights over a child to the extent provided in the	131
court's order and subject to the residual parental rights of the	132
child's parents.	133
(18) "Habitual truant" means any child of compulsory	134

school age who is absent without legitimate excuse for absence 135
from the public school the child is supposed to attend for 136
thirty or more consecutive hours, forty-two or more hours in one 137
school month, or seventy-two or more hours in a school year. 138

(19) "Intellectual disability" has the same meaning as in 139
section 5123.01 of the Revised Code. 140

(20) "Juvenile traffic offender" has the same meaning as 141
in section 2152.02 of the Revised Code. 142

(21) "Legal custody" means a legal status that vests in 143
the custodian the right to have physical care and control of the 144
child and to determine where and with whom the child shall live, 145
and the right and duty to protect, train, and discipline the 146
child and to provide the child with food, shelter, education, 147
and medical care, all subject to any residual parental rights, 148
privileges, and responsibilities. An individual granted legal 149
custody shall exercise the rights and responsibilities 150
personally unless otherwise authorized by any section of the 151
Revised Code or by the court. 152

(22) A "legitimate excuse for absence from the public 153
school the child is supposed to attend" includes, but is not 154
limited to, any of the following: 155

(a) The fact that the child in question has enrolled in 156
and is attending another public or nonpublic school in this or 157
another state; 158

(b) The fact that the child in question is excused from 159
attendance at school for any of the reasons specified in section 160
3321.04 or 3321.042 of the Revised Code; 161

(c) The fact that the child in question has received an 162
age and schooling certificate in accordance with section 3331.01 163

of the Revised Code.	164
(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	165 166
(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.	167 168 169 170 171
(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	172 173 174 175
(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	176 177
(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.	178 179 180 181 182 183
(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child care centers, type A family child care homes, type B family child care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps,	184 185 186 187 188 189 190 191 192

private, nonprofit therapeutic wilderness camps, public schools, 193
chartered nonpublic schools, educational service centers, 194
hospitals, and medical clinics that are responsible for the 195
care, physical custody, or control of children. 196

(29) "Out-of-home care child abuse" means any of the 197
following when committed by a person responsible for the care of 198
a child in out-of-home care: 199

(a) Engaging in sexual activity with a child in the 200
person's care; 201

(b) Denial to a child, as a means of punishment, of proper 202
or necessary subsistence, education, medical care, or other care 203
necessary for a child's health; 204

(c) Use of restraint procedures on a child that cause 205
injury or pain; 206

(d) Administration of prescription drugs or psychotropic 207
medication to the child without the written approval and ongoing 208
supervision of a licensed physician; 209

(e) Commission of any act, other than by accidental means, 210
that results in any injury to or death of the child in out-of- 211
home care or commission of any act by accidental means that 212
results in an injury to or death of a child in out-of-home care 213
and that is at variance with the history given of the injury or 214
death. 215

(30) "Out-of-home care child neglect" means any of the 216
following when committed by a person responsible for the care of 217
a child in out-of-home care: 218

(a) Failure to provide reasonable supervision according to 219
the standards of care appropriate to the age, mental and 220

physical condition, or other special needs of the child;	221
(b) Failure to provide reasonable supervision according to	222
the standards of care appropriate to the age, mental and	223
physical condition, or other special needs of the child, that	224
results in sexual or physical abuse of the child by any person;	225
(c) Failure to develop a process for all of the following:	226
(i) Administration of prescription drugs or psychotropic	227
drugs for the child;	228
(ii) Assuring that the instructions of the licensed	229
physician who prescribed a drug for the child are followed;	230
(iii) Reporting to the licensed physician who prescribed	231
the drug all unfavorable or dangerous side effects from the use	232
of the drug.	233
(d) Failure to provide proper or necessary subsistence,	234
education, medical care, or other individualized care necessary	235
for the health or well-being of the child;	236
(e) Confinement of the child to a locked room without	237
monitoring by staff;	238
(f) Failure to provide ongoing security for all	239
prescription and nonprescription medication;	240
(g) Isolation of a child for a period of time when there	241
is substantial risk that the isolation, if continued, will	242
impair or retard the mental health or physical well-being of the	243
child.	244
(31) "Permanent custody" means a legal status that vests	245
in a public children services agency or a private child placing	246
agency, all parental rights, duties, and obligations, including	247

the right to consent to adoption, and divests the natural 248
parents or adoptive parents of all parental rights, privileges, 249
and obligations, including all residual rights and obligations. 250

(32) "Permanent surrender" means the act of the parents 251
or, if a child has only one parent, of the parent of a child, by 252
a voluntary agreement authorized by section 5103.15 of the 253
Revised Code, to transfer the permanent custody of the child to 254
a public children services agency or a private child placing 255
agency. 256

(33) "Person" means an individual, association, 257
corporation, or partnership and the state or any of its 258
political subdivisions, departments, or agencies. 259

(34) "Person responsible for a child's care in out-of-home 260
care" means any of the following: 261

(a) Any foster caregiver, in-home aide, or provider; 262

(b) Any administrator, employee, or agent of any of the 263
following: a public or private detention facility; shelter 264
facility; certified children's crisis care facility; 265
organization; certified organization; child care center; type A 266
family child care home; licensed type B family child care home; 267
group home; institution; state institution; residential 268
facility; residential care facility; residential camp; day camp; 269
school district; community school; chartered nonpublic school; 270
educational service center; hospital; or medical clinic; 271

(c) Any person who supervises or coaches children as part 272
of an extracurricular activity sponsored by a school district, 273
public school, or chartered nonpublic school; 274

(d) Any other person who performs a similar function with 275
respect to, or has a similar relationship to, children. 276

(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	277
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(a) A substantial impairment of vision, speech, or hearing;	282
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(b) A congenital orthopedic impairment;	284
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	285
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(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	288
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(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	292
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(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	296
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(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	299
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(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency	302
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with whom the child is placed.	305
(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	306 307 308
(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.	309 310
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A) (4) of section 2152.19 of the Revised Code.	311 312 313 314
(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	315 316 317 318 319 320 321 322
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	323 324
(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	325 326
(45) <u>"Putative father" has the same meaning as in section 3107.01 of the Revised Code.</u>	327 328
<u>(46)</u> "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.	329 330
(46) <u>(47)</u> "Resource family" has the same meaning as in section 5103.02 of the Revised Code.	331 332

~~(47)~~(48) "Residential camp" means a program in which the 333
care, physical custody, or control of children is accepted 334
overnight for recreational or recreational and educational 335
purposes. 336

~~(48)~~(49) "Residential care facility" means an institution, 337
residence, or facility that is licensed by the department of 338
mental health and addiction services under section 5119.34 of 339
the Revised Code and that provides care for a child. 340

~~(49)~~(50) "Residential facility" means a home or facility 341
that is licensed by the department of developmental disabilities 342
under section 5123.19 of the Revised Code and in which a child 343
with a developmental disability resides. 344

~~(50)~~(51) "Residual parental rights, privileges, and 345
responsibilities" means those rights, privileges, and 346
responsibilities remaining with the natural parent after the 347
transfer of legal custody of the child, including, but not 348
necessarily limited to, the privilege of reasonable visitation, 349
consent to adoption, the privilege to determine the child's 350
religious affiliation, and the responsibility for support. 351

~~(51)~~(52) "School day" means the school day established by 352
the board of education of the applicable school district 353
pursuant to section 3313.481 of the Revised Code. 354

~~(52)~~(53) "School year" has the same meaning as in section 355
3313.62 of the Revised Code. 356

~~(53)~~(54) "Secure correctional facility" means a facility 357
under the direction of the department of youth services that is 358
designed to physically restrict the movement and activities of 359
children and used for the placement of children after 360
adjudication and disposition. 361

~~(54)~~ (55) "Sexual activity" has the same meaning as in 362
section 2907.01 of the Revised Code. 363

~~(55)~~ (56) "Shelter" means the temporary care of children in 364
physically unrestricted facilities pending court adjudication or 365
disposition. 366

~~(56)~~ (57) "Shelter for victims of domestic violence" has 367
the same meaning as in section 3113.33 of the Revised Code. 368

~~(57)~~ (58) "Temporary custody" means legal custody of a 369
child who is removed from the child's home, which custody may be 370
terminated at any time at the discretion of the court or, if the 371
legal custody is granted in an agreement for temporary custody, 372
by the person who executed the agreement. 373

~~(58)~~ (59) "Traditional response" means a public children 374
services agency's response to a report of child abuse or neglect 375
that encourages engagement of the family in a comprehensive 376
evaluation of the child's current and future safety needs and a 377
fact-finding process to determine whether child abuse or neglect 378
occurred and the circumstances surrounding the alleged harm or 379
risk of harm. 380

(C) For the purposes of this chapter, a child shall be 381
presumed abandoned when the parents of the child have failed to 382
visit or maintain contact with the child for more than ninety 383
days, regardless of whether the parents resume contact with the 384
child after that period of ninety days. 385

Sec. 2151.28. (A) No later than seventy-two hours after 386
the complaint is filed, the court shall fix a time for an 387
adjudicatory hearing and comply with division (A) of section 388
2151.47 of the Revised Code. The court shall conduct the 389
adjudicatory hearing within one of the following periods of 390

time: 391

(1) Subject to division (C) of section 2152.13 of the 392
Revised Code and division (A) (3) of this section, if the 393
complaint alleged that the child violated section 2151.87 of the 394
Revised Code or is a delinquent or unruly child or a juvenile 395
traffic offender, the adjudicatory hearing shall be held and may 396
be continued in accordance with the Juvenile Rules. 397

(2) If the complaint alleged that the child is an abused, 398
neglected, or dependent child, the adjudicatory hearing shall be 399
held no later than thirty days after the complaint is filed, 400
except that, for good cause shown, the court may continue the 401
adjudicatory hearing for either of the following periods of 402
time: 403

(a) For ten days beyond the thirty-day deadline to allow 404
any party to obtain counsel; 405

(b) For a reasonable period of time beyond the thirty-day 406
deadline to obtain service on all parties or any necessary 407
evaluation, except that the adjudicatory hearing shall not be 408
held later than sixty days after the date on which the complaint 409
was filed. 410

(3) If the child who is the subject of the complaint is in 411
detention and is charged with violating a section of the Revised 412
Code that may be violated by an adult, the hearing shall be held 413
not later than fifteen days after the filing of the complaint. 414
Upon a showing of good cause, the adjudicatory hearing may be 415
continued and detention extended. 416

(B) At an adjudicatory hearing held pursuant to division 417
(A) (2) of this section, the court, in addition to determining 418
whether the child is an abused, neglected, or dependent child, 419

shall determine whether the child should remain or be placed in 420
shelter care until the dispositional hearing. When the court 421
makes the shelter care determination, all of the following 422
apply: 423

(1) The court shall determine whether there are any 424
relatives of the child who are willing to be temporary 425
custodians of the child. If any relative is willing to be a 426
temporary custodian, the child otherwise would remain or be 427
placed in shelter care, and the appointment is appropriate, the 428
court shall appoint the relative as temporary custodian of the 429
child, unless the court appoints another relative as custodian. 430
If it determines that the appointment of a relative as custodian 431
would not be appropriate, it shall issue a written opinion 432
setting forth the reasons for its determination and give a copy 433
of the opinion to all parties and the guardian ad litem of the 434
child. 435

The court's consideration of a relative for appointment as 436
a temporary custodian does not make that relative a party to the 437
proceedings. 438

(2) The court shall comply with section 2151.419 of the 439
Revised Code. 440

(3) The court shall schedule the date for the 441
dispositional hearing to be held pursuant to section 2151.35 of 442
the Revised Code. The parents of the child have a right to be 443
represented by counsel; however, in no case shall the 444
dispositional hearing be held later than ninety days after the 445
date on which the complaint was filed. 446

(C) (1) The court shall direct the issuance of a summons 447
directed to the child except as provided by this section, the 448

parents, guardian, custodian, or other person with whom the 449
child may be, and any other persons that appear to the court to 450
be proper or necessary parties to the proceedings, requiring 451
them to appear before the court at the time fixed to answer the 452
allegations of the complaint. The summons shall contain the name 453
and telephone number of the court employee designated by the 454
court pursuant to section 2151.314 of the Revised Code to 455
arrange for the prompt appointment of counsel for indigent 456
persons. A child alleged to be an abused, neglected, or 457
dependent child shall not be summoned unless the court so 458
directs. A summons issued for a child who is under fourteen 459
years of age and who is alleged to be a delinquent child, unruly 460
child, or a juvenile traffic offender shall be served on the 461
parent, guardian, or custodian of the child in the child's 462
behalf. 463

If the person who has physical custody of the child, or 464
with whom the child resides, is other than the parent or 465
guardian, then the parents and guardian also shall be summoned. 466
A copy of the complaint shall accompany the summons. 467

(2) In lieu of appearing before the court at the time 468
fixed in the summons and prior to the date fixed for appearance 469
in the summons, a child who is alleged to have violated section 470
2151.87 of the Revised Code and that child's parent, guardian, 471
or custodian may sign a waiver of appearance before the clerk of 472
the juvenile court and pay a fine of one hundred dollars. If the 473
child and that child's parent, guardian, or custodian do not 474
waive the court appearance, the court shall proceed with the 475
adjudicatory hearing as provided in this section. 476

(D) If the complaint contains a prayer for permanent 477
custody, temporary custody, whether as the preferred or an 478

alternative disposition, or a planned permanent living 479
arrangement in a case involving an alleged abused, neglected, or 480
dependent child, the summons served on the parents shall contain 481
as is appropriate an explanation that the granting of permanent 482
custody permanently divests the parents of their parental rights 483
and privileges, an explanation that an adjudication that the 484
child is an abused, neglected, or dependent child may result in 485
an order of temporary custody that will cause the removal of the 486
child from their legal custody until the court terminates the 487
order of temporary custody or permanently divests the parents of 488
their parental rights, or an explanation that the issuance of an 489
order for a planned permanent living arrangement will cause the 490
removal of the child from the legal custody of the parents if 491
any of the conditions listed in divisions (A) (5) (a) to (c) of 492
section 2151.353 of the Revised Code are found to exist. 493

(E) (1) Except as otherwise provided in division (E) (2) of 494
this section, the court may endorse upon the summons an order 495
directing the parents, guardian, or other person with whom the 496
child may be to appear personally at the hearing and directing 497
the person having the physical custody or control of the child 498
to bring the child to the hearing. 499

(2) In cases in which the complaint alleges that a child 500
is an unruly child for being an habitual truant or that a child 501
is a delinquent child for violating a court order regarding the 502
child's prior adjudication as an unruly child for being an 503
habitual truant, and that the parent, guardian, or other person 504
having care of the child has failed to cause the child's 505
attendance at school, the court shall endorse upon the summons 506
an order directing the parent, guardian, or other person having 507
care of the child to appear personally at the hearing and 508
directing the person having the physical custody or control of 509

the child to bring the child to the hearing. 510

(F) (1) The summons shall contain a statement advising that 511
any party is entitled to counsel in the proceedings and that the 512
court will appoint counsel or designate a county public defender 513
or joint county public defender to provide legal representation 514
if the party is indigent. 515

(2) In cases in which the complaint alleges a child to be 516
an abused, neglected, or dependent child and no hearing has been 517
conducted pursuant to division (A) of section 2151.314 of the 518
Revised Code with respect to the child or a parent, guardian, or 519
custodian of the child does not attend the hearing, the summons 520
also shall contain a statement advising that a case plan may be 521
prepared for the child, the general requirements usually 522
contained in case plans, and the possible consequences of 523
failure to comply with a journalized case plan. 524

(G) If it appears from an affidavit filed or from sworn 525
testimony before the court that the conduct, condition, or 526
surroundings of the child are endangering the child's health or 527
welfare or those of others, that the child may abscond or be 528
removed from the jurisdiction of the court, or that the child 529
will not be brought to the court, notwithstanding the service of 530
the summons, the court may endorse upon the summons an order 531
that a law enforcement officer serve the summons and take the 532
child into immediate custody and bring the child forthwith to 533
the court. 534

(H) A party, other than the child, may waive service of 535
summons by written stipulation. 536

(I) Before any temporary commitment is made permanent, the 537
court shall fix a time for hearing in accordance with section 538

2151.414 of the Revised Code and shall cause notice by summons 539
to be served upon the parent or guardian of the child and the 540
guardian ad litem of the child, or published, as provided in 541
section 2151.29 of the Revised Code. The summons shall contain 542
an explanation that the granting of permanent custody 543
permanently divests the parents of their parental rights and 544
privileges. 545

(J) Any person whose presence is considered necessary and 546
who is not summoned may be subpoenaed to appear and testify at 547
the hearing. Anyone summoned or subpoenaed to appear who fails 548
to do so may be punished, as in other cases in the court of 549
common pleas, for contempt of court. Persons subpoenaed shall be 550
paid the same witness fees as are allowed in the court of common 551
pleas. 552

(K) The failure of the court to hold an adjudicatory 553
hearing within any time period set forth in division (A) (2) of 554
this section does not affect the ability of the court to issue 555
any order under this chapter and does not provide any basis for 556
attacking the jurisdiction of the court or the validity of any 557
order of the court. 558

(L) If the court, at an adjudicatory hearing held pursuant 559
to division (A) of this section upon a complaint alleging that a 560
child is an abused, neglected, dependent, delinquent, or unruly 561
child or a juvenile traffic offender, determines that the child 562
is a dependent child, the court shall incorporate that 563
determination into written findings of fact and conclusions of 564
law and enter those findings of fact and conclusions of law in 565
the record of the case. The court shall include in those 566
findings of fact and conclusions of law specific findings as to 567
the existence of any danger to the child and any underlying 568

family problems that are the basis for the court's determination 569
that the child is a dependent child. 570

Sec. 2151.35. (A) (1) Except as otherwise provided by 571
division (A) (3) of this section or in section 2152.13 of the 572
Revised Code, the juvenile court may conduct its hearings in an 573
informal manner and may adjourn its hearings from time to time. 574
The court may exclude the general public from its hearings in a 575
particular case if the court holds a separate hearing to 576
determine whether that exclusion is appropriate. If the court 577
decides that exclusion of the general public is appropriate, the 578
court still may admit to a particular hearing or all of the 579
hearings relating to a particular case those persons who have a 580
direct interest in the case and those who demonstrate that their 581
need for access outweighs the interest in keeping the hearing 582
closed. 583

Except cases involving children who are alleged to be 584
unruly children for being habitual truants or alleged to be 585
delinquent children for violating court orders regarding their 586
prior adjudication as unruly children for being habitual 587
truants, and except as otherwise provided in section 2152.13 of 588
the Revised Code, all cases involving children shall be heard 589
separately and apart from the trial of cases against adults. The 590
court may excuse the attendance of the child at the hearing in 591
cases involving abused, neglected, or dependent children. The 592
court shall hear and determine all cases of children without a 593
jury, except cases involving serious youthful offenders under 594
section 2152.13 of the Revised Code. 595

If a complaint alleges a child to be a delinquent child, 596
unruly child, or juvenile traffic offender, the court shall 597
require the parent, guardian, or custodian of the child to 598

attend all proceedings of the court regarding the child. If a 599
parent, guardian, or custodian fails to so attend, the court may 600
find the parent, guardian, or custodian in contempt. 601

If the court finds from clear and convincing evidence that 602
the child violated section 2151.87 of the Revised Code, the 603
court shall proceed in accordance with divisions (F) and (G) of 604
that section. 605

If the court at the adjudicatory hearing finds from clear 606
and convincing evidence that the child is an abused, neglected, 607
or dependent child, the court shall proceed, in accordance with 608
division (B) of this section, to hold a dispositional hearing 609
and hear the evidence as to the proper disposition to be made 610
under section 2151.353 of the Revised Code. If the court at the 611
adjudicatory hearing finds beyond a reasonable doubt that the 612
child is a delinquent or unruly child or a juvenile traffic 613
offender, the court shall proceed immediately, or at a postponed 614
hearing, to hear the evidence as to the proper disposition to be 615
made under section 2151.354 or Chapter 2152. of the Revised 616
Code. If the court at the adjudicatory hearing finds beyond a 617
reasonable doubt that the child is an unruly child for being an 618
habitual truant, or that the child is an unruly child for being 619
an habitual truant and that the parent, guardian, or other 620
person having care of the child has failed to cause the child's 621
attendance at school in violation of section 3321.38 of the 622
Revised Code, the court shall proceed to hold a hearing to hear 623
the evidence as to the proper disposition to be made in regard 624
to the child under division (C) (1) of section 2151.354 of the 625
Revised Code and the proper action to take in regard to the 626
parent, guardian, or other person having care of the child under 627
division (C) (2) of section 2151.354 of the Revised Code. If the 628
court at the adjudicatory hearing finds beyond a reasonable 629

doubt that the child is a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant, and the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, the court shall proceed to hold a hearing to hear the evidence as to the proper disposition to be made in regard to the child under division (A) (7) (a) of section 2152.19 of the Revised Code and the proper action to take in regard to the parent, guardian, or other person having care of the child under division (A) (7) (b) of section 2152.19 of the Revised Code.

If the court does not find the child to have violated section 2151.87 of the Revised Code or to be an abused, neglected, dependent, delinquent, or unruly child or a juvenile traffic offender, it shall order that the case be dismissed and that the child be discharged from any detention or restriction theretofore ordered.

(2) A record of all testimony and other oral proceedings in juvenile court shall be made in all proceedings that are held pursuant to section 2151.414 of the Revised Code or in which an order of disposition may be made pursuant to division (A) (4) of section 2151.353 of the Revised Code, and shall be made upon request in any other proceedings. The record shall be made as provided in section 2301.20 of the Revised Code.

(3) The authority of a juvenile court to exclude the general public from its hearings that is provided by division (A) (1) of this section does not limit or affect any right of a victim of a crime or delinquent act, or of a victim's representative, under Chapter 2930. of the Revised Code.

(B) (1) If the court at an adjudicatory hearing determines

that a child is an abused, neglected, or dependent child, the 660
court shall not issue a dispositional order until after the 661
court holds a separate dispositional hearing. The court may hold 662
the dispositional hearing for an adjudicated abused, neglected, 663
or dependent child immediately after the adjudicatory hearing if 664
all parties were served prior to the adjudicatory hearing with 665
all documents required for the dispositional hearing. The 666
dispositional hearing may not be held more than thirty days 667
after the adjudicatory hearing is held. The dispositional 668
hearing shall not be held more than ninety days after the date 669
on which the complaint in the case was filed except that, for 670
good cause shown, the court, on its own motion or on the motion 671
of any party or the child's guardian ad litem, may continue the 672
dispositional hearing for a reasonable period of time beyond the 673
ninety-day deadline. This extension beyond the ninety-day 674
deadline shall not exceed forty-five days and shall not be 675
available for any case in which the complaint was dismissed and 676
subsequently refiled. 677

If the dispositional hearing is not held within the period 678
of time required by this division, the court, on its own motion 679
or the motion of any party or the guardian ad litem of the 680
child, shall dismiss the complaint without prejudice. 681

(2) The dispositional hearing shall be conducted in 682
accordance with all of the following: 683

(a) The judge or referee who presided at the adjudicatory 684
hearing shall preside, if possible, at the dispositional 685
hearing; 686

(b) The court may admit any evidence that is material and 687
relevant, including, but not limited to, hearsay, opinion, and 688
documentary evidence; 689

(c) Medical examiners and each investigator who prepared a social history shall not be cross-examined, except upon consent of the parties, for good cause shown, or as the court in its discretion may direct. Any party may offer evidence supplementing, explaining, or disputing any information contained in the social history or other reports that may be used by the court in determining disposition.

(3) After the conclusion of the dispositional hearing, the court shall enter an appropriate judgment within seven days and shall schedule the date for the hearing to be held pursuant to section 2151.415 of the Revised Code. The court may make any order of disposition that is set forth in section 2151.353 of the Revised Code. A copy of the judgment shall be given to each party and to the child's guardian ad litem. If the judgment is conditional, the order shall state the conditions of the judgment. If the child is not returned to the child's own home, the court shall determine which school district shall bear the cost of the child's education and shall comply with section 2151.36 of the Revised Code.

(4) As part of its dispositional order, the court may issue any order described in division (B) of section 2151.33 of the Revised Code.

(C) The court shall give all parties to the action and the child's guardian ad litem notice of the adjudicatory and dispositional hearings in accordance with the Juvenile Rules. If a putative father or a grandparent with an existing companionship or visitation order has been identified in accordance with section 2151.47 of the Revised Code, the court also shall provide notice to the putative father or grandparent in accordance with section 2151.471 of the Revised Code.

(D) If the court issues an order pursuant to division (A) 720
(4) of section 2151.353 of the Revised Code committing a child 721
to the permanent custody of a public children services agency or 722
a private child placing agency, the parents of the child whose 723
parental rights were terminated cease to be parties to the 724
action upon the issuance of the order. This division is not 725
intended to eliminate or restrict any right of the parents to 726
appeal the permanent custody order issued pursuant to division 727
(A) (4) of section 2151.353 of the Revised Code. 728

(E) Each juvenile court shall schedule its hearings in 729
accordance with the time requirements of this chapter. 730

(F) In cases regarding abused, neglected, or dependent 731
children, the court may admit any statement of a child that the 732
court determines to be excluded by the hearsay rule if the 733
proponent of the statement informs the adverse party of the 734
proponent's intention to offer the statement and of the 735
particulars of the statement, including the name of the 736
declarant, sufficiently in advance of the hearing to provide the 737
party with a fair opportunity to prepare to challenge, respond 738
to, or defend against the statement, and the court determines 739
all of the following: 740

(1) The statement has circumstantial guarantees of 741
trustworthiness; 742

(2) The statement is offered as evidence of a material 743
fact; 744

(3) The statement is more probative on the point for which 745
it is offered than any other evidence that the proponent can 746
procure through reasonable efforts; 747

(4) The general purposes of the evidence rules and the 748

interests of justice will best be served by the admission of the statement into evidence.

(G) If a child is alleged to be an abused child, the court may order that the testimony of the child be taken by deposition. On motion of the prosecuting attorney, guardian ad litem, or any party, or in its own discretion, the court may order that the deposition be videotaped. Any deposition taken under this division shall be taken with a judge or referee present.

If a deposition taken under this division is intended to be offered as evidence at the hearing, it shall be filed with the court. Part or all of the deposition is admissible in evidence if counsel for all parties had an opportunity and similar motive at the time of the taking of the deposition to develop the testimony by direct, cross, or redirect examination and the judge determines that there is reasonable cause to believe that if the child were to testify in person at the hearing, the child would experience emotional trauma as a result of participating at the hearing.

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

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

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

(3) The child is living at home subject to an order for

protective supervision; 778

(4) The child is in a planned permanent living 779
arrangement. 780

Except as provided by division (A) (2) of section 5103.153 781
of the Revised Code, a private child placing agency providing 782
services to a child who is the subject of a voluntary permanent 783
custody surrender agreement entered into under division (B) (4) 784
of section 5103.15 of the Revised Code is not required to 785
prepare and maintain a case plan for that child. 786

(B) Each public children services agency shall prepare and 787
maintain a case plan for any child for whom the agency is 788
providing in-home services pursuant to an alternative response. 789

(C) (1) The director of children and youth shall adopt 790
rules pursuant to Chapter 119. of the Revised Code setting forth 791
the content and format of case plans required by division (A) of 792
this section and establishing procedures for developing, 793
implementing, and changing the case plans. The rules shall at a 794
minimum comply with the requirements of Title IV-E of the 795
"Social Security Act," 42 U.S.C. 670, et seq. (1980). 796

(2) The director of children and youth shall adopt rules 797
pursuant to Chapter 119. of the Revised Code requiring public 798
children services agencies and private child placing agencies to 799
maintain case plans for children and their families who are 800
receiving services in their homes from the agencies and for whom 801
case plans are not required by division (A) of this section. The 802
rules for public children services agencies shall include the 803
requirements for case plans maintained for children and their 804
families who are receiving services in their homes from public 805
children services agencies pursuant to an alternative response. 806

The agencies shall maintain case plans as required by those 807
rules; however, the case plans shall not be subject to any other 808
provision of this section except as specifically required by the 809
rules. 810

(D) Each public children services agency and private child 811
placing agency that is required by division (A) of this section 812
to maintain a case plan shall file the case plan with the court 813
prior to the child's adjudicatory hearing but no later than 814
thirty days after the earlier of the date on which the complaint 815
in the case was filed or the child was first placed into shelter 816
care. If the agency does not have sufficient information prior 817
to the adjudicatory hearing to complete any part of the case 818
plan, the agency shall specify in the case plan the additional 819
information necessary to complete each part of the case plan and 820
the steps that will be taken to obtain that information. All 821
parts of the case plan shall be completed by the earlier of 822
thirty days after the adjudicatory hearing or the date of the 823
dispositional hearing for the child. 824

(E) Any agency that is required by division (A) of this 825
section to prepare a case plan shall attempt to obtain an 826
agreement among all parties, including, but not limited to, the 827
parents, guardian, or custodian of the child and the guardian ad 828
litem of the child regarding the content of the case plan. If 829
all parties agree to the content of the case plan and the court 830
approves it, the court shall journalize it as part of its 831
dispositional order. If the agency cannot obtain an agreement 832
upon the contents of the case plan or the court does not approve 833
it, the parties shall present evidence on the contents of the 834
case plan at the dispositional hearing. The court, based upon 835
the evidence presented at the dispositional hearing and the best 836
interest of the child, shall determine the contents of the case 837

plan and journalize it as part of the dispositional order for 838
the child. 839

(F) (1) All parties, including the parents, guardian, or 840
custodian of the child, are bound by the terms of the 841
journalized case plan. A party that fails to comply with the 842
terms of the journalized case plan may be held in contempt of 843
court. 844

(2) Any party may propose a change to a substantive part 845
of the case plan, including, but not limited to, the child's 846
placement and the visitation rights of any party. A party 847
proposing a change to the case plan shall file the proposed 848
change with the court and give notice of the proposed change in 849
writing before the end of the day after the day of filing it to 850
all parties and the child's guardian ad litem. All parties and 851
the guardian ad litem shall have seven days from the date the 852
notice is sent to object to and request a hearing on the 853
proposed change. 854

(a) If it receives a timely request for a hearing, the 855
court shall schedule a hearing pursuant to section 2151.417 of 856
the Revised Code to be held no later than thirty days after the 857
request is received by the court. The court shall give notice of 858
the date, time, and location of the hearing to all parties and 859
the guardian ad litem. If a putative father or a grandparent 860
with an existing companionship or visitation order has been 861
identified in accordance with section 2151.47 of the Revised 862
Code, the court also shall provide notice to the putative father 863
or grandparent in accordance with section 2151.471 of the 864
Revised Code. The agency may implement the proposed change after 865
the hearing, if the court approves it. The agency shall not 866
implement the proposed change unless it is approved by the 867

court. 868

(b) If it does not receive a timely request for a hearing, 869
the court may approve the proposed change without a hearing. If 870
the court approves the proposed change without a hearing, it 871
shall journalize the case plan with the change not later than 872
fourteen days after the change is filed with the court. If the 873
court does not approve the proposed change to the case plan, it 874
shall schedule a hearing to be held pursuant to section 2151.417 875
of the Revised Code no later than thirty days after the 876
expiration of the fourteen-day time period and give notice of 877
the date, time, and location of the hearing to all parties and 878
the guardian ad litem of the child. If a putative father or a 879
grandparent with an existing companionship or visitation order 880
has been identified in accordance with section 2151.47 of the 881
Revised Code, the court also shall provide notice to the 882
putative father or grandparent in accordance with section 883
2151.471 of the Revised Code. If, despite the requirements of 884
division (F)(2) of this section, the court neither approves and 885
journalizes the proposed change nor conducts a hearing, the 886
agency may implement the proposed change not earlier than 887
fifteen days after it is submitted to the court. 888

(3) If an agency has reasonable cause to believe that a 889
child is suffering from illness or injury and is not receiving 890
proper care and that an appropriate change in the child's case 891
plan is necessary to prevent immediate or threatened physical or 892
emotional harm, to believe that a child is in immediate danger 893
from the child's surroundings and that an immediate change in 894
the child's case plan is necessary to prevent immediate or 895
threatened physical or emotional harm to the child, or to 896
believe that a parent, guardian, custodian, or other member of 897
the child's household has abused or neglected the child and that 898

the child is in danger of immediate or threatened physical or 899
emotional harm from that person unless the agency makes an 900
appropriate change in the child's case plan, it may implement 901
the change without prior agreement or a court hearing and, 902
before the end of the next day after the change is made, give 903
all parties, the guardian ad litem of the child, and the court 904
notice of the change. Before the end of the third day after 905
implementing the change in the case plan, the agency shall file 906
a statement of the change with the court and give notice of the 907
filing accompanied by a copy of the statement to all parties and 908
the guardian ad litem. All parties and the guardian ad litem 909
shall have ten days from the date the notice is sent to object 910
to and request a hearing on the change. 911

(a) If it receives a timely request for a hearing, the 912
court shall schedule a hearing pursuant to section 2151.417 of 913
the Revised Code to be held no later than thirty days after the 914
request is received by the court. The court shall give notice of 915
the date, time, and location of the hearing to all parties and 916
the guardian ad litem. If a putative father or a grandparent 917
with an existing companionship or visitation order has been 918
identified in accordance with section 2151.47 of the Revised 919
Code, the court also shall provide notice to the putative father 920
or grandparent in accordance with section 2151.471 of the 921
Revised Code. The agency shall continue to administer the case 922
plan with the change after the hearing, if the court approves 923
the change. If the court does not approve the change, the court 924
shall make appropriate changes to the case plan and shall 925
journalize the case plan. 926

(b) If it does not receive a timely request for a hearing, 927
the court may approve the change without a hearing. If the court 928
approves the change without a hearing, it shall journalize the 929

case plan with the change within fourteen days after receipt of 930
the change. If the court does not approve the change to the case 931
plan, it shall schedule a hearing under section 2151.417 of the 932
Revised Code to be held no later than thirty days after the 933
expiration of the fourteen-day time period and give notice of 934
the date, time, and location of the hearing to all parties and 935
the guardian ad litem of the child. If a putative father or a 936
grandparent with an existing companionship or visitation order 937
has been identified in accordance with section 2151.47 of the 938
Revised Code, the court also shall provide notice to the 939
putative father or grandparent in accordance with section 940
2151.471 of the Revised Code. 941

(G) (1) All case plans for children in temporary custody 942
shall have the following general goals: 943

(a) Consistent with the best interest and special needs of 944
the child, to achieve a safe out-of-home placement in the least 945
restrictive, most family-like setting available and in close 946
proximity to the home from which the child was removed or the 947
home in which the child will be permanently placed; 948

(b) To eliminate with all due speed the need for the out- 949
of-home placement so that the child can safely return home. 950

(2) The director of children and youth shall adopt rules 951
pursuant to Chapter 119. of the Revised Code setting forth the 952
general goals of case plans for children subject to 953
dispositional orders for protective supervision, a planned 954
permanent living arrangement, or permanent custody. 955

(H) In the agency's development of a case plan and the 956
court's review of the case plan, the child's health and safety 957
shall be the paramount concern. The agency and the court shall 958

be guided by the following general priorities:	959
(1) A child who is residing with or can be placed with the	960
child's parents within a reasonable time should remain in their	961
legal custody even if an order of protective supervision is	962
required for a reasonable period of time;	963
(2) If both parents of the child have abandoned the child,	964
have relinquished custody of the child, have become incapable of	965
supporting or caring for the child even with reasonable	966
assistance, or have a detrimental effect on the health, safety,	967
and best interest of the child, the child should be placed in	968
the legal custody of a suitable member of the child's extended	969
family;	970
(3) If a child described in division (H) (2) of this	971
section has no suitable member of the child's extended family to	972
accept legal custody, the child should be placed in the legal	973
custody of a suitable nonrelative who shall be made a party to	974
the proceedings after being given legal custody of the child;	975
(4) If the child has no suitable member of the child's	976
extended family to accept legal custody of the child and no	977
suitable nonrelative is available to accept legal custody of the	978
child and, if the child temporarily cannot or should not be	979
placed with the child's parents, guardian, or custodian, the	980
child should be placed in the temporary custody of a public	981
children services agency or a private child placing agency;	982
(5) If the child cannot be placed with either of the	983
child's parents within a reasonable period of time or should not	984
be placed with either, if no suitable member of the child's	985
extended family or suitable nonrelative is available to accept	986
legal custody of the child, and if the agency has a reasonable	987

expectation of placing the child for adoption, the child should 988
be committed to the permanent custody of the public children 989
services agency or private child placing agency; 990

(6) If the child is to be placed for adoption or foster 991
care, the placement shall not be delayed or denied on the basis 992
of the child's or adoptive or foster family's race, color, or 993
national origin. 994

(I) The case plan for a child in temporary custody shall 995
include at a minimum the following requirements if the child is 996
or has been the victim of abuse or neglect or if the child 997
witnessed the commission in the child's household of abuse or 998
neglect against a sibling of the child, a parent of the child, 999
or any other person in the child's household: 1000

(1) A requirement that the child's parents, guardian, or 1001
custodian participate in mandatory counseling; 1002

(2) A requirement that the child's parents, guardian, or 1003
custodian participate in any supportive services that are 1004
required by or provided pursuant to the child's case plan. 1005

(J) (1) Prior to January 1, 2023, a case plan for a child 1006
in temporary custody may include, as a supplement, a plan for 1007
locating a permanent family placement. The supplement shall not 1008
be considered part of the case plan for purposes of division (E) 1009
of this section. 1010

(2) On and after January 1, 2023, a case plan for a child 1011
in temporary custody shall include a permanency plan for the 1012
child unless it is documented that such a plan would not be in 1013
the best interest of the child. The permanency plan shall 1014
describe the services the agency shall provide to achieve 1015
permanency for the child if reasonable efforts to return the 1016

child to the child's home, or eliminate the continued removal 1017
from that home, are unsuccessful. Those services shall be 1018
provided concurrently with reasonable efforts to return the 1019
child home or eliminate the child's continued removal from home. 1020

(3) The director of children and youth, pursuant to 1021
Chapter 119. of the Revised Code, shall adopt rules necessary to 1022
carry out the purposes of division (J) of this section. 1023

~~(K)(1)~~(K) A case plan shall include the certified document 1024
that details the result of a putative father registry search 1025
that was requested under section 2151.47 of the Revised Code. If 1026
a man is registered as a child's putative father, the court 1027
shall update the child's case plan with each effort to provide 1028
notice to the putative father in accordance with section 1029
2151.471 of the Revised Code and how the plan will engage the 1030
putative father with the child and the siblings of the child. 1031

(L)(1) A public children services agency may request that 1032
the superintendent of the bureau of criminal identification and 1033
investigation conduct a criminal records check with respect to a 1034
parent, guardian, custodian, prospective custodian, or 1035
prospective placement whose actions result in a finding after 1036
the filing of a complaint as described in division (A)(1) of 1037
this section that a child is an abused, neglected, or dependent 1038
child. The public children services agency shall request that 1039
the superintendent obtain information from the federal bureau of 1040
investigation as part of the criminal records check. 1041

(2) At any time on or after the date that is ninety days 1042
after September 10, 2012, a prosecuting attorney, or an 1043
assistant prosecuting attorney appointed under section 309.06 of 1044
the Revised Code, may request that the superintendent of the 1045
bureau of criminal identification and investigation conduct a 1046

criminal records check with respect to each parent, guardian, 1047
custodian, prospective custodian, or prospective placement whose 1048
actions resulted in a finding after the filing of a complaint 1049
described in division (A) (1) of this section that a child is an 1050
abused, neglected, or dependent child. Each prosecuting attorney 1051
or assistant prosecuting attorney who makes such a request shall 1052
request that the superintendent obtain information from the 1053
federal bureau of investigation as part of the criminal records 1054
check for each parent, guardian, custodian, prospective 1055
custodian, or prospective placement who is a subject of the 1056
request. 1057

(3) A public children services agency, prosecuting 1058
attorney, or assistant prosecuting attorney that requests a 1059
criminal records check under division (K) (1) or (2) of this 1060
section shall do both of the following: 1061

(a) Provide to each parent, guardian, custodian, 1062
prospective custodian, or prospective placement for whom a 1063
criminal records check is requested a copy of the form 1064
prescribed pursuant to division (C) (1) of section 109.572 of the 1065
Revised Code and a standard fingerprint impression sheet 1066
prescribed pursuant to division (C) (2) of that section and 1067
obtain the completed form and impression sheet from the parent, 1068
guardian, custodian, prospective custodian, or prospective 1069
placement; 1070

(b) Forward the completed form and impression sheet to the 1071
superintendent of the bureau of criminal identification and 1072
investigation. 1073

(4) A parent, guardian, custodian, prospective custodian, 1074
or prospective placement who is given a form and fingerprint 1075
impression sheet under division (K) (3) (a) of this section and 1076

who fails to complete the form or provide fingerprint 1077
impressions may be held in contempt of court. 1078

Sec. 2151.414. (A) (1) Upon the filing of a motion pursuant 1079
to section 2151.413 of the Revised Code for permanent custody of 1080
a child, the court shall schedule a hearing and give notice of 1081
the filing of the motion and of the hearing, in accordance with 1082
section 2151.29 of the Revised Code, to all parties to the 1083
action and to the child's guardian ad litem. If a putative 1084
father or a grandparent with an existing companionship or 1085
visitation order has been identified in accordance with section 1086
2151.47 of the Revised Code, the court also shall provide notice 1087
to the putative father or grandparent in accordance with section 1088
2151.471 of the Revised Code. The notice also shall contain a 1089
full explanation that the granting of permanent custody 1090
permanently divests the parents of their parental rights, a full 1091
explanation of their right to be represented by counsel and to 1092
have counsel appointed pursuant to Chapter 120. of the Revised 1093
Code if they are indigent, and the name and telephone number of 1094
the court employee designated by the court pursuant to section 1095
2151.314 of the Revised Code to arrange for the prompt 1096
appointment of counsel for indigent persons. 1097

The court shall conduct a hearing in accordance with 1098
section 2151.35 of the Revised Code to determine if it is in the 1099
best interest of the child to permanently terminate parental 1100
rights and grant permanent custody to the agency that filed the 1101
motion. The adjudication that the child is an abused, neglected, 1102
or dependent child and any dispositional order that has been 1103
issued in the case under section 2151.353 of the Revised Code 1104
pursuant to the adjudication shall not be readjudicated at the 1105
hearing and shall not be affected by a denial of the motion for 1106
permanent custody. 1107

(2) The court shall hold the hearing scheduled pursuant to 1108
division (A) (1) of this section not later than one hundred 1109
twenty days after the agency files the motion for permanent 1110
custody, except that, for good cause shown, the court may 1111
continue the hearing for a reasonable period of time beyond the 1112
one-hundred-twenty-day deadline. The court shall issue an order 1113
that grants, denies, or otherwise disposes of the motion for 1114
permanent custody, and journalize the order, not later than two 1115
hundred days after the agency files the motion. 1116

If a motion is made under division (D) (2) of section 1117
2151.413 of the Revised Code and no dispositional hearing has 1118
been held in the case, the court may hear the motion in the 1119
dispositional hearing required by division (B) of section 1120
2151.35 of the Revised Code. If the court issues an order 1121
pursuant to section 2151.353 of the Revised Code granting 1122
permanent custody of the child to the agency, the court shall 1123
immediately dismiss the motion made under division (D) (2) of 1124
section 2151.413 of the Revised Code. 1125

The failure of the court to comply with the time periods 1126
set forth in division (A) (2) of this section does not affect the 1127
authority of the court to issue any order under this chapter and 1128
does not provide any basis for attacking the jurisdiction of the 1129
court or the validity of any order of the court. 1130

(B) (1) Except as provided in division (B) (2) of this 1131
section, the court may grant permanent custody of a child to a 1132
movant if the court determines at the hearing held pursuant to 1133
division (A) of this section, by clear and convincing evidence, 1134
that it is in the best interest of the child to grant permanent 1135
custody of the child to the agency that filed the motion for 1136
permanent custody and that any of the following apply: 1137

(a) The child is not abandoned or orphaned, has not been 1138
in the temporary custody of one or more public children services 1139
agencies or private child placing agencies for twelve or more 1140
months of a consecutive twenty-two-month period, or has not been 1141
in the temporary custody of one or more public children services 1142
agencies or private child placing agencies for twelve or more 1143
months of a consecutive twenty-two-month period if, as described 1144
in division (D) (1) of section 2151.413 of the Revised Code, the 1145
child was previously in the temporary custody of an equivalent 1146
agency in another state, and the child cannot be placed with 1147
either of the child's parents within a reasonable time or should 1148
not be placed with the child's parents. 1149

(b) The child is abandoned. 1150

(c) The child is orphaned, and there are no relatives of 1151
the child who are able to take permanent custody. 1152

(d) The child has been in the temporary custody of one or 1153
more public children services agencies or private child placing 1154
agencies for twelve or more months of a consecutive twenty-two- 1155
month period, or the child has been in the temporary custody of 1156
one or more public children services agencies or private child 1157
placing agencies for twelve or more months of a consecutive 1158
twenty-two-month period and, as described in division (D) (1) of 1159
section 2151.413 of the Revised Code, the child was previously 1160
in the temporary custody of an equivalent agency in another 1161
state. 1162

(e) The child or another child in the custody of the 1163
parent or parents from whose custody the child has been removed 1164
has been adjudicated an abused, neglected, or dependent child on 1165
three separate occasions by any court in this state or another 1166
state. 1167

For the purposes of division (B)(1) of this section, a 1168
child shall be considered to have entered the temporary custody 1169
of an agency on the earlier of the date the child is adjudicated 1170
pursuant to section 2151.28 of the Revised Code or the date that 1171
is sixty days after the removal of the child from home. 1172

(2) With respect to a motion made pursuant to division (D) 1173
(2) of section 2151.413 of the Revised Code, the court shall 1174
grant permanent custody of the child to the movant if the court 1175
determines in accordance with division (E) of this section that 1176
the child cannot be placed with one of the child's parents 1177
within a reasonable time or should not be placed with either 1178
parent and determines in accordance with division (D) of this 1179
section that permanent custody is in the child's best interest. 1180

(C) In making the determinations required by this section 1181
or division (A)(4) of section 2151.353 of the Revised Code, a 1182
court shall not consider the effect the granting of permanent 1183
custody to the agency would have upon any parent of the child. A 1184
written report of the guardian ad litem of the child shall be 1185
submitted to the court prior to or at the time of the hearing 1186
held pursuant to division (A) of this section or section 2151.35 1187
of the Revised Code but shall not be submitted under oath. 1188

If the court grants permanent custody of a child to a 1189
movant under this division, the court, upon the request of any 1190
party, shall file a written opinion setting forth its findings 1191
of fact and conclusions of law in relation to the proceeding. 1192
The court shall not deny an agency's motion for permanent 1193
custody solely because the agency failed to implement any 1194
particular aspect of the child's case plan. 1195

(D)(1) In determining the best interest of a child at a 1196
hearing held pursuant to division (A) of this section or for the 1197

purposes of division (A) (4) or (5) of section 2151.353 or 1198
division (C) of section 2151.415 of the Revised Code, the court 1199
shall consider all relevant factors, including, but not limited 1200
to, the following: 1201

(a) The interaction and interrelationship of the child 1202
with the child's parents, siblings, relatives, foster caregivers 1203
and out-of-home providers, and any other person who may 1204
significantly affect the child; 1205

(b) The wishes of the child, as expressed directly by the 1206
child or through the child's guardian ad litem, with due regard 1207
for the maturity of the child; 1208

(c) The custodial history of the child, including whether 1209
the child has been in the temporary custody of one or more 1210
public children services agencies or private child placing 1211
agencies for twelve or more months of a consecutive twenty-two- 1212
month period, or the child has been in the temporary custody of 1213
one or more public children services agencies or private child 1214
placing agencies for twelve or more months of a consecutive 1215
twenty-two-month period and, as described in division (D) (1) of 1216
section 2151.413 of the Revised Code, the child was previously 1217
in the temporary custody of an equivalent agency in another 1218
state; 1219

(d) The child's need for a legally secure permanent 1220
placement and whether that type of placement can be achieved 1221
without a grant of permanent custody to the agency; 1222

(e) Whether any of the factors in divisions (E) (7) to (11) 1223
of this section apply in relation to the parents and child. 1224

For the purposes of division (D) (1) of this section, a 1225
child shall be considered to have entered the temporary custody 1226

of an agency on the earlier of the date the child is adjudicated 1227
pursuant to section 2151.28 of the Revised Code or the date that 1228
is sixty days after the removal of the child from home. 1229

(2) If all of the following apply, permanent custody is in 1230
the best interest of the child, and the court shall commit the 1231
child to the permanent custody of a public children services 1232
agency or private child placing agency: 1233

(a) The court determines by clear and convincing evidence 1234
that one or more of the factors in division (E) of this section 1235
exist and the child cannot be placed with one of the child's 1236
parents within a reasonable time or should not be placed with 1237
either parent. 1238

(b) The child has been in an agency's custody for two 1239
years or longer, and no longer qualifies for temporary custody 1240
pursuant to division (D) of section 2151.415 of the Revised 1241
Code. 1242

(c) The child does not meet the requirements for a planned 1243
permanent living arrangement pursuant to division (A) (5) of 1244
section 2151.353 of the Revised Code. 1245

(d) Prior to the dispositional hearing, no relative or 1246
other interested person has filed, or has been identified in, a 1247
motion for legal custody of the child. 1248

(E) In determining at a hearing held pursuant to division 1249
(A) of this section or for the purposes of division (A) (4) of 1250
section 2151.353 of the Revised Code whether a child cannot be 1251
placed with either parent within a reasonable period of time or 1252
should not be placed with the parents, the court shall consider 1253
all relevant evidence. If the court determines, by clear and 1254
convincing evidence, at a hearing held pursuant to division (A) 1255

of this section or for the purposes of division (A) (4) of 1256
section 2151.353 of the Revised Code that one or more of the 1257
following exist as to each of the child's parents, the court 1258
shall enter a finding that the child cannot be placed with 1259
either parent within a reasonable time or should not be placed 1260
with either parent: 1261

(1) Following the placement of the child outside the 1262
child's home and notwithstanding reasonable case planning and 1263
diligent efforts by the agency to assist the parents to remedy 1264
the problems that initially caused the child to be placed 1265
outside the home, the parent has failed continuously and 1266
repeatedly to substantially remedy the conditions causing the 1267
child to be placed outside the child's home. In determining 1268
whether the parents have substantially remedied those 1269
conditions, the court shall consider parental utilization of 1270
medical, psychiatric, psychological, and other social and 1271
rehabilitative services and material resources that were made 1272
available to the parents for the purpose of changing parental 1273
conduct to allow them to resume and maintain parental duties. 1274

(2) Chronic mental illness, chronic emotional illness, 1275
intellectual disability, physical disability, or chemical 1276
dependency of the parent that is so severe that it makes the 1277
parent unable to provide an adequate permanent home for the 1278
child at the present time and, as anticipated, within one year 1279
after the court holds the hearing pursuant to division (A) of 1280
this section or for the purposes of division (A) (4) of section 1281
2151.353 of the Revised Code; 1282

(3) The parent committed any abuse as described in section 1283
2151.031 of the Revised Code against the child, caused the child 1284
to suffer any neglect as described in section 2151.03 of the 1285

Revised Code, or allowed the child to suffer any neglect as 1286
described in section 2151.03 of the Revised Code between the 1287
date that the original complaint alleging abuse or neglect was 1288
filed and the date of the filing of the motion for permanent 1289
custody; 1290

(4) The parent has demonstrated a lack of commitment 1291
toward the child by failing to regularly support, visit, or 1292
communicate with the child when able to do so, or by other 1293
actions showing an unwillingness to provide an adequate 1294
permanent home for the child; 1295

(5) The parent is incarcerated for an offense committed 1296
against the child or a sibling of the child; 1297

(6) The parent has been convicted of or pleaded guilty to 1298
an offense under division (A) or (C) of section 2919.22 or under 1299
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 1300
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 1301
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1302
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 1303
2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised 1304
Code, and the child or a sibling of the child was a victim of 1305
the offense, or the parent has been convicted of or pleaded 1306
guilty to an offense under section 2903.04 of the Revised Code, 1307
a sibling of the child was the victim of the offense, and the 1308
parent who committed the offense poses an ongoing danger to the 1309
child or a sibling of the child. 1310

(7) The parent has been convicted of or pleaded guilty to 1311
one of the following: 1312

(a) An offense under section 2903.01, 2903.02, or 2903.03 1313
of the Revised Code or under an existing or former law of this 1314

state, any other state, or the United States that is 1315
substantially equivalent to an offense described in those 1316
sections and the victim of the offense was a sibling of the 1317
child or the victim was another child who lived in the parent's 1318
household at the time of the offense; 1319

(b) An offense under section 2903.11, 2903.12, or 2903.13 1320
of the Revised Code or under an existing or former law of this 1321
state, any other state, or the United States that is 1322
substantially equivalent to an offense described in those 1323
sections and the victim of the offense is the child, a sibling 1324
of the child, or another child who lived in the parent's 1325
household at the time of the offense; 1326

(c) An offense under division (B) (2) of section 2919.22 of 1327
the Revised Code or under an existing or former law of this 1328
state, any other state, or the United States that is 1329
substantially equivalent to the offense described in that 1330
section and the child, a sibling of the child, or another child 1331
who lived in the parent's household at the time of the offense 1332
is the victim of the offense; 1333

(d) An offense under section 2907.02, 2907.03, 2907.04, 1334
2907.05, or 2907.06 of the Revised Code or under an existing or 1335
former law of this state, any other state, or the United States 1336
that is substantially equivalent to an offense described in 1337
those sections and the victim of the offense is the child, a 1338
sibling of the child, or another child who lived in the parent's 1339
household at the time of the offense; 1340

(e) An offense under section 2905.32, 2907.21, or 2907.22 1341
of the Revised Code or under an existing or former law of this 1342
state, any other state, or the United States that is 1343
substantially equivalent to the offense described in that 1344

section and the victim of the offense is the child, a sibling of 1345
the child, or another child who lived in the parent's household 1346
at the time of the offense; 1347

(f) A conspiracy or attempt to commit, or complicity in 1348
committing, an offense described in division (E) (7) (a), (d), or 1349
(e) of this section. 1350

(8) The parent has repeatedly withheld medical treatment 1351
or food from the child when the parent has the means to provide 1352
the treatment or food, and, in the case of withheld medical 1353
treatment, the parent withheld it for a purpose other than to 1354
treat the physical or mental illness or disability of the child 1355
by spiritual means through prayer alone in accordance with the 1356
tenets of a recognized religious body. 1357

(9) The parent has placed the child at substantial risk of 1358
harm two or more times due to alcohol or drug abuse and has 1359
rejected treatment two or more times or refused to participate 1360
in further treatment two or more times after a case plan issued 1361
pursuant to section 2151.412 of the Revised Code requiring 1362
treatment of the parent was journalized as part of a 1363
dispositional order issued with respect to the child or an order 1364
was issued by any other court requiring treatment of the parent. 1365

(10) The parent has abandoned the child. 1366

(11) The parent has had parental rights involuntarily 1367
terminated with respect to a sibling of the child pursuant to 1368
this section or section 2151.353 or 2151.415 of the Revised 1369
Code, or under an existing or former law of this state, any 1370
other state, or the United States that is substantially 1371
equivalent to those sections, and the parent has failed to 1372
provide clear and convincing evidence to prove that, 1373

notwithstanding the prior termination, the parent can provide a 1374
legally secure permanent placement and adequate care for the 1375
health, welfare, and safety of the child. 1376

(12) The parent is incarcerated at the time of the filing 1377
of the motion for permanent custody or the dispositional hearing 1378
of the child and will not be available to care for the child for 1379
at least eighteen months after the filing of the motion for 1380
permanent custody or the dispositional hearing. 1381

(13) The parent is repeatedly incarcerated, and the 1382
repeated incarceration prevents the parent from providing care 1383
for the child. 1384

(14) The parent for any reason is unwilling to provide 1385
food, clothing, shelter, and other basic necessities for the 1386
child or to prevent the child from suffering physical, 1387
emotional, or sexual abuse or physical, emotional, or mental 1388
neglect. 1389

(15) The parent has committed abuse as described in 1390
section 2151.031 of the Revised Code against the child or caused 1391
or allowed the child to suffer neglect as described in section 1392
2151.03 of the Revised Code, and the court determines that the 1393
seriousness, nature, or likelihood of recurrence of the abuse or 1394
neglect makes the child's placement with the child's parent a 1395
threat to the child's safety. 1396

(16) Any other factor the court considers relevant. 1397

(F) The parents of a child for whom the court has issued 1398
an order granting permanent custody pursuant to this section, 1399
upon the issuance of the order, cease to be parties to the 1400
action. This division is not intended to eliminate or restrict 1401
any right of the parents to appeal the granting of permanent 1402

custody of their child to a movant pursuant to this section. 1403

Sec. 2151.415. (A) Except for cases in which a motion for 1404
permanent custody described in division (D)(1) of section 1405
2151.413 of the Revised Code is required to be made, a public 1406
children services agency or private child placing agency that 1407
has been given temporary custody of a child pursuant to section 1408
2151.353 of the Revised Code, not later than thirty days prior 1409
to the earlier of the date for the termination of the custody 1410
order pursuant to division (H) of section 2151.353 of the 1411
Revised Code or the date set at the dispositional hearing for 1412
the hearing to be held pursuant to this section, shall file a 1413
motion with the court that issued the order of disposition 1414
requesting that any of the following orders of disposition of 1415
the child be issued by the court: 1416

(1) An order that the child be returned home and the 1417
custody of the child's parents, guardian, or custodian without 1418
any restrictions; 1419

(2) An order for protective supervision; 1420

(3) An order that the child be placed in the legal custody 1421
of a relative or other interested individual; 1422

(4) An order permanently terminating the parental rights 1423
of the child's parents; 1424

(5) An order that the child be placed in a planned 1425
permanent living arrangement; 1426

(6) In accordance with division (D) of this section, an 1427
order for the extension of temporary custody. 1428

(B) Upon the filing of a motion pursuant to division (A) 1429
of this section, the court shall hold a dispositional hearing on 1430

the date set at the dispositional hearing held pursuant to 1431
section 2151.35 of the Revised Code, with notice to all parties 1432
to the action in accordance with the Juvenile Rules. If a 1433
putative father or a grandparent with an existing companionship 1434
or visitation order has been identified in accordance with 1435
section 2151.47 of the Revised Code, the court also shall 1436
provide notice to the putative father or grandparent in 1437
accordance with section 2151.471 of the Revised Code. After the 1438
dispositional hearing or at a date after the dispositional 1439
hearing that is not later than one year after the earlier of the 1440
date on which the complaint in the case was filed or the child 1441
was first placed into shelter care, the court, in accordance 1442
with the best interest of the child as supported by the evidence 1443
presented at the dispositional hearing, shall issue an order of 1444
disposition as set forth in division (A) of this section, except 1445
that all orders for permanent custody shall be made in 1446
accordance with sections 2151.413 and 2151.414 of the Revised 1447
Code. In issuing an order of disposition under this section, the 1448
court shall comply with section 2151.42 of the Revised Code. 1449

(C) (1) If an agency pursuant to division (A) of this 1450
section requests the court to place a child into a planned 1451
permanent living arrangement, the agency shall present evidence 1452
to indicate why a planned permanent living arrangement is 1453
appropriate for the child, including, but not limited to, 1454
evidence that the agency has tried or considered all other 1455
possible dispositions for the child. A court shall not place a 1456
child in a planned permanent living arrangement, unless it 1457
finds, by clear and convincing evidence, that a planned 1458
permanent living arrangement is in the best interest of the 1459
child, that the child is sixteen years of age or older, and that 1460
one of the following exists: 1461

(a) The child, because of physical, mental, or 1462
psychological problems or needs, is unable to function in a 1463
family-like setting and must remain in residential or 1464
institutional care. 1465

(b) The parents of the child have significant physical, 1466
mental, or psychological problems and are unable to care for the 1467
child because of those problems, adoption is not in the best 1468
interest of the child, as determined in accordance with division 1469
(D) (1) of section 2151.414 of the Revised Code, and the child 1470
retains a significant and positive relationship with a parent or 1471
relative; 1472

(c) The child has been counseled on the permanent 1473
placement options available, is unwilling to accept or unable to 1474
adapt to a permanent placement, and is in an agency program 1475
preparing for independent living. 1476

(2) If the court issues an order placing a child in a 1477
planned permanent living arrangement, both of the following 1478
apply: 1479

(a) The court shall issue a finding of fact setting forth 1480
the reasons for its finding; 1481

(b) The agency may make any appropriate placement for the 1482
child and shall develop a case plan for the child that is 1483
designed to assist the child in finding a permanent home outside 1484
of the home of the parents. 1485

(D) (1) If an agency pursuant to division (A) of this 1486
section requests the court to grant an extension of temporary 1487
custody for a period of up to six months, the agency shall 1488
include in the motion an explanation of the progress on the case 1489
plan of the child and of its expectations of reunifying the 1490

child with the child's family, or placing the child in a 1491
permanent placement, within the extension period. The court 1492
shall schedule a hearing on the motion, give notice of its date, 1493
time, and location to all parties and the guardian ad litem of 1494
the child, and at the hearing consider the evidence presented by 1495
the parties and the guardian ad litem. The court may extend the 1496
temporary custody order of the child for a period of up to six 1497
months, if it determines at the hearing, by clear and convincing 1498
evidence, that the extension is in the best interest of the 1499
child, there has been significant progress on the case plan of 1500
the child, and there is reasonable cause to believe that the 1501
child will be reunified with one of the parents or otherwise 1502
permanently placed within the period of extension. In 1503
determining whether to extend the temporary custody of the child 1504
pursuant to this division, the court shall comply with section 1505
2151.42 of the Revised Code. If the court extends the temporary 1506
custody of the child pursuant to this division, upon request it 1507
shall issue findings of fact. 1508

(2) Prior to the end of the extension granted pursuant to 1509
division (D)(1) of this section, the agency that received the 1510
extension shall file a motion with the court requesting the 1511
issuance of one of the orders of disposition set forth in 1512
divisions (A)(1) to (5) of this section or requesting the court 1513
to extend the temporary custody order of the child for an 1514
additional period of up to six months. If the agency requests 1515
the issuance of an order of disposition under divisions (A)(1) 1516
to (5) of this section or does not file any motion prior to the 1517
expiration of the extension period, the court shall conduct a 1518
hearing in accordance with division (B) of this section and 1519
issue an appropriate order of disposition. In issuing an order 1520
of disposition, the court shall comply with section 2151.42 of 1521

the Revised Code. 1522

If the agency requests an additional extension of up to 1523
six months of the temporary custody order of the child, the 1524
court shall schedule and conduct a hearing in the manner set 1525
forth in division (D)(1) of this section. The court may extend 1526
the temporary custody order of the child for an additional 1527
period of up to six months if it determines at the hearing, by 1528
clear and convincing evidence, that the additional extension is 1529
in the best interest of the child, there has been substantial 1530
additional progress since the original extension of temporary 1531
custody in the case plan of the child, there has been 1532
substantial additional progress since the original extension of 1533
temporary custody toward reunifying the child with one of the 1534
parents or otherwise permanently placing the child, and there is 1535
reasonable cause to believe that the child will be reunified 1536
with one of the parents or otherwise placed in a permanent 1537
setting before the expiration of the additional extension 1538
period. In determining whether to grant an additional extension, 1539
the court shall comply with section 2151.42 of the Revised Code. 1540
If the court extends the temporary custody of the child for an 1541
additional period pursuant to this division, upon request it 1542
shall issue findings of fact. 1543

(3) Prior to the end of the extension of a temporary 1544
custody order granted pursuant to division (D)(2) of this 1545
section, the agency that received the extension shall file a 1546
motion with the court requesting the issuance of one of the 1547
orders of disposition set forth in divisions (A)(1) to (5) of 1548
this section. Upon the filing of the motion by the agency or, if 1549
the agency does not file the motion prior to the expiration of 1550
the extension period, upon its own motion, the court, prior to 1551
the expiration of the extension period, shall conduct a hearing 1552

in accordance with division (B) of this section and issue an 1553
appropriate order of disposition. In issuing an order of 1554
disposition, the court shall comply with section 2151.42 of the 1555
Revised Code. 1556

(4) No court shall grant an agency more than two 1557
extensions of temporary custody pursuant to division (D) of this 1558
section and the court shall not order an existing temporary 1559
custody order to continue beyond two years after the date on 1560
which the complaint was filed or the child was first placed into 1561
shelter care, whichever date is earlier, regardless of whether 1562
any extensions have been previously ordered pursuant to division 1563
(D) of this section. 1564

(E) After the issuance of an order pursuant to division 1565
(B) of this section, the court shall retain jurisdiction over 1566
the child until the child attains the age of eighteen if the 1567
child does not have a developmental disability or physical 1568
impairment, the child attains the age of twenty-one if the child 1569
has a developmental disability or physical impairment, or the 1570
child is adopted and a final decree of adoption is issued, 1571
unless the court's jurisdiction over the child is extended 1572
pursuant to division (F) of section 2151.353 of the Revised 1573
Code. 1574

(F) The court, on its own motion or the motion of the 1575
agency or person with legal custody of the child, the child's 1576
guardian ad litem, or any other party to the action, may conduct 1577
a hearing with notice to all parties to determine whether any 1578
order issued pursuant to this section should be modified or 1579
terminated or whether any other dispositional order set forth in 1580
divisions (A) (1) to (5) of this section should be issued. After 1581
the hearing and consideration of all the evidence presented, the 1582

court, in accordance with the best interest of the child, may 1583
modify or terminate any order issued pursuant to this section or 1584
issue any dispositional order set forth in divisions (A) (1) to 1585
(5) of this section. In rendering a decision under this 1586
division, the court shall comply with section 2151.42 of the 1587
Revised Code. 1588

(G) If the court places a child in a planned permanent 1589
living arrangement with a public children services agency or a 1590
private child placing agency pursuant to this section, the 1591
agency with which the child is placed in a planned permanent 1592
living arrangement shall not remove the child from the 1593
residential placement in which the child is originally placed 1594
pursuant to the case plan for the child or in which the child is 1595
placed with court approval pursuant to this division, unless the 1596
court and the guardian ad litem are given notice of the intended 1597
removal and the court issues an order approving the removal or 1598
unless the removal is necessary to protect the child from 1599
physical or emotional harm and the agency gives the court notice 1600
of the removal and of the reasons why the removal is necessary 1601
to protect the child from physical or emotional harm immediately 1602
after the removal of the child from the prior setting. 1603

(H) If the hearing held under this section takes the place 1604
of an administrative review that otherwise would have been held 1605
under section 2151.416 of the Revised Code, the court at the 1606
hearing held under this section shall do all of the following in 1607
addition to any other requirements of this section: 1608

(1) Determine the continued necessity for and the 1609
appropriateness of the child's placement; 1610

(2) Determine the extent of compliance with the child's 1611
case plan; 1612

(3) Determine the extent of progress that has been made 1613
toward alleviating or mitigating the causes necessitating the 1614
child's placement in foster care; 1615

(4) Project a likely date by which the child may be 1616
returned to the child's home or placed for adoption or legal 1617
guardianship; 1618

(5) Approve the permanency plan for the child consistent 1619
with section 2151.417 of the Revised Code. 1620

Sec. 2151.416. (A) Each agency that is required by section 1621
2151.412 of the Revised Code to prepare a case plan for a child 1622
shall complete a semiannual administrative review of the case 1623
plan no later than six months after the earlier of the date on 1624
which the complaint in the case was filed or the child was first 1625
placed in shelter care. After the first administrative review, 1626
the agency shall complete semiannual administrative reviews no 1627
later than every six months. If the court issues an order 1628
pursuant to section 2151.414 or 2151.415 of the Revised Code, 1629
the agency shall complete an administrative review no later than 1630
six months after the court's order and continue to complete 1631
administrative reviews no later than every six months after the 1632
first review, except that the court hearing held pursuant to 1633
section 2151.417 of the Revised Code may take the place of any 1634
administrative review that would otherwise be held at the time 1635
of the court hearing. When conducting a review, the child's 1636
health and safety shall be the paramount concern. 1637

(B) Each administrative review required by division (A) of 1638
this section shall be conducted by a review panel of at least 1639
three persons, including, but not limited to, both of the 1640
following: 1641

- (1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan; 1642
1643
- (2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child. 1644
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- (C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting. 1647
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- (D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following: 1658
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- (1) A conclusion regarding the safety and appropriateness of the child's foster care placement; 1661
1662
- (2) The extent of the compliance with the case plan of all parties; 1663
1664
- (3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child; 1665
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- (4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody; 1668
1669
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(5) An updated case plan that includes any changes that 1671
the agency is proposing in the case plan; 1672

(6) The recommendation of the agency as to which agency or 1673
person should be given custodial rights over the child for the 1674
six-month period after the administrative review; 1675

(7) The names of all persons who participated in the 1676
administrative review; 1677

(8) A summary of the agency's intensive efforts to secure 1678
a placement with an appropriate and willing kinship caregiver as 1679
defined in section 5180.50 of the Revised Code, including any 1680
use of search technology to find biological family members of 1681
the child and all other efforts undertaken since the last 1682
review, unless a court has determined that intensive efforts are 1683
unnecessary pursuant to section 2151.4118 of the Revised Code. 1684

(E) The agency shall file the summary with the court no 1685
later than seven days after the completion of the administrative 1686
review. If the agency proposes a change to the case plan as a 1687
result of the administrative review, the agency shall file the 1688
proposed change with the court at the time it files the summary. 1689
The agency shall give notice of the summary and proposed change 1690
in writing before the end of the next day after filing them to 1691
all parties and the child's guardian ad litem. All parties and 1692
the guardian ad litem shall have seven days after the date the 1693
notice is sent to object to and request a hearing on the 1694
proposed change. 1695

(1) If the court receives a timely request for a hearing, 1696
the court shall schedule a hearing pursuant to section 2151.417 1697
of the Revised Code to be held not later than thirty days after 1698
the court receives the request. The court shall give notice of 1699

the date, time, and location of the hearing to all parties and 1700
the guardian ad litem. If a putative father or a grandparent 1701
with an existing companionship or visitation order has been 1702
identified in accordance with section 2151.47 of the Revised 1703
Code, the court also shall provide notice to the putative father 1704
or grandparent in accordance with section 2151.471 of the 1705
Revised Code. The agency may implement the proposed change after 1706
the hearing, if the court approves it. The agency shall not 1707
implement the proposed change unless it is approved by the 1708
court. 1709

(2) If the court does not receive a timely request for a 1710
hearing, the court may approve the proposed change without a 1711
hearing. If the court approves the proposed change without a 1712
hearing, it shall journalize the case plan with the change not 1713
later than fourteen days after the change is filed with the 1714
court. If the court does not approve the proposed change to the 1715
case plan, it shall schedule a review hearing to be held 1716
pursuant to section 2151.417 of the Revised Code no later than 1717
thirty days after the expiration of the fourteen-day time period 1718
and give notice of the date, time, and location of the hearing 1719
to all parties and the guardian ad litem of the child. If a 1720
putative father or a grandparent with an existing companionship 1721
or visitation order has been identified in accordance with 1722
section 2151.47 of the Revised Code, the court also shall 1723
provide notice to the putative father or grandparent in 1724
accordance with section 2151.471 of the Revised Code. If, 1725
despite the requirements of this division and division (D) of 1726
section 2151.417 of the Revised Code, the court neither approves 1727
and journalizes the proposed change nor conducts a hearing, the 1728
agency may implement the proposed change not earlier than 1729
fifteen days after it is submitted to the court. 1730

(F) The director of children and youth may adopt rules 1731
pursuant to Chapter 119. of the Revised Code for procedures and 1732
standard forms for conducting administrative reviews pursuant to 1733
this section. 1734

(G) The juvenile court that receives the written summary 1735
of the administrative review, upon determining, either from the 1736
written summary, case plan, or otherwise, that the custody or 1737
care arrangement is not in the best interest of the child, may 1738
terminate the custody of an agency and place the child in the 1739
custody of another institution or association certified by the 1740
department of children and youth under section 5103.03 of the 1741
Revised Code. 1742

Sec. 2151.417. (A) Any court that issues a dispositional 1743
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 1744
Revised Code may review at any time the child's placement or 1745
custody arrangement, the case plan prepared for the child 1746
pursuant to section 2151.412 of the Revised Code, the actions of 1747
the public children services agency or private child placing 1748
agency in implementing that case plan, the child's permanency 1749
plan if the child's permanency plan has been approved, and any 1750
other aspects of the child's placement or custody arrangement. 1751
In conducting the review, the court shall determine the 1752
appropriateness of any agency actions, the safety and 1753
appropriateness of continuing the child's placement or custody 1754
arrangement, and whether any changes should be made with respect 1755
to the child's permanency plan or placement or custody 1756
arrangement or with respect to the actions of the agency under 1757
the child's placement or custody arrangement. Based upon the 1758
evidence presented at a hearing held after notice to all parties 1759
and, the guardian ad litem of the child, and, if applicable, a 1760
grandparent of the child with an existing companionship or 1761

visitation order and the child's putative father, the court may 1762
require the agency, the parents, guardian, or custodian of the 1763
child, and the physical custodians of the child to take any 1764
reasonable action that the court determines is necessary and in 1765
the best interest of the child or to discontinue any action that 1766
it determines is not in the best interest of the child. 1767

(B) If a court issues a dispositional order pursuant to 1768
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 1769
court has continuing jurisdiction over the child as set forth in 1770
division (F) (1) of section 2151.353 of the Revised Code. The 1771
court may amend a dispositional order in accordance with 1772
division (F) (2) of section 2151.353 of the Revised Code at any 1773
time upon its own motion or upon the motion of any interested 1774
party. The court shall comply with section 2151.42 of the 1775
Revised Code in amending any dispositional order pursuant to 1776
this division. 1777

(C) (1) Any court that issues a dispositional order 1778
pursuant to section 2151.353, 2151.414, or 2151.415 of the 1779
Revised Code shall hold a review hearing one year after the 1780
earlier of the date on which the complaint in the case was filed 1781
or the child was first placed into shelter care to review the 1782
case plan prepared pursuant to section 2151.412 of the Revised 1783
Code and the child's placement or custody arrangement, to 1784
approve or review the permanency plan for the child, and to make 1785
changes to the case plan and placement or custody arrangement 1786
consistent with the permanency plan. The court shall schedule 1787
the review hearing at the time that it holds the dispositional 1788
hearing pursuant to section 2151.35 of the Revised Code. 1789

(2) The court shall hold a similar review hearing no later 1790
than every twelve months after the initial review hearing until 1791

the child is adopted, returned to the parents, or the court 1792
otherwise terminates the child's placement or custody 1793
arrangement, except that the dispositional hearing held pursuant 1794
to section 2151.415 of the Revised Code shall take the place of 1795
the first review hearing to be held under this section. The 1796
court shall schedule each subsequent review hearing at the 1797
conclusion of the review hearing immediately preceding the 1798
review hearing to be scheduled. 1799

(3) The court is not required to continue holding review 1800
hearings under divisions (C) (1) and (2) of this section 1801
regarding a child subject to an order of legal custody under 1802
section 2151.353 or 2151.415 of the Revised Code, if all of the 1803
following apply: 1804

(a) The child is not subject to an order of protective 1805
supervision under section 2151.353 or 2151.415 of the Revised 1806
Code. 1807

(b) A public children services agency or private child 1808
placing agency is not providing services to the child. 1809

(c) The court finds that further review under divisions 1810
(C) (1) and (2) of this section are no longer necessary to serve 1811
the child's best interests. 1812

(D) If, within fourteen days after a written summary of an 1813
administrative review is filed with the court pursuant to 1814
section 2151.416 of the Revised Code, the court does not approve 1815
the proposed change to the case plan filed pursuant to division 1816
(E) of section 2151.416 of the Revised Code or a party or the 1817
guardian ad litem requests a review hearing pursuant to division 1818
(E) of that section, the court shall hold a review hearing in 1819
the same manner that it holds review hearings pursuant to 1820

division (C) of this section, except that if a review hearing is 1821
required by this division and if a hearing is to be held 1822
pursuant to division (C) of this section or section 2151.415 of 1823
the Revised Code, the hearing held pursuant to division (C) of 1824
this section or section 2151.415 of the Revised Code shall take 1825
the place of the review hearing required by this division. 1826

(E) If a court determines pursuant to section 2151.419 of 1827
the Revised Code that a public children services agency or 1828
private child placing agency is not required to make reasonable 1829
efforts to prevent the removal of a child from the child's home, 1830
eliminate the continued removal of a child from the child's 1831
home, and return the child to the child's home, and the court 1832
does not return the child to the child's home pursuant to 1833
division (A)(3) of section 2151.419 of the Revised Code, the 1834
court shall hold a review hearing to approve the permanency plan 1835
for the child and, if appropriate, to make changes to the 1836
child's case plan and the child's placement or custody 1837
arrangement consistent with the permanency plan. The court may 1838
hold the hearing immediately following the determination under 1839
section 2151.419 of the Revised Code and shall hold it no later 1840
than thirty days after making that determination. 1841

(F) The court shall give notice of the review hearings 1842
held pursuant to this section to every interested party, 1843
including, but not limited to, the appropriate agency employees 1844
who are responsible for the child's care and planning, the 1845
child's parents, any person who had guardianship or legal 1846
custody of the child prior to the custody order, the child's 1847
guardian ad litem, a child's putative father, a grandparent of 1848
the child with an existing companionship or visitation order, 1849
and the child. The court shall summon every interested party to 1850
appear at the review hearing and give them an opportunity to 1851

testify and to present other evidence with respect to the 1852
child's custody arrangement, including, but not limited to, the 1853
following: the case plan for the child; the permanency plan, if 1854
one exists; the actions taken by the child's custodian; the need 1855
for a change in the child's custodian or caseworker; and the 1856
need for any specific action to be taken with respect to the 1857
child. The court shall require any interested party to testify 1858
or present other evidence when necessary to a proper 1859
determination of the issues presented at the review hearing. In 1860
any review hearing that pertains to a permanency plan for a 1861
child who will not be returned to the parent, the court shall 1862
consider in-state and out-of-state placement options and the 1863
court shall determine whether the in-state or the out-of-state 1864
placement continues to be appropriate and in the best interests 1865
of the child. In any review hearing that pertains to a 1866
permanency plan for a child, the court or a citizens board 1867
appointed by the court pursuant to division (H) of this section 1868
shall consult with the child, in an age-appropriate manner, 1869
regarding the proposed permanency plan for the child. 1870

(G) After the review hearing, the court shall take the 1871
following actions based upon the evidence presented: 1872

(1) If an administrative review has been conducted, 1873
determine whether the conclusions of the review are supported by 1874
a preponderance of the evidence and approve or modify the case 1875
plan based upon that evidence; 1876

(2) If the hearing was held under division (C) or (E) of 1877
this section, approve a permanency plan for the child that 1878
specifies whether and, if applicable, when the child will be 1879
safely returned home or placed for adoption, for legal custody, 1880
or in a planned permanent living arrangement. A permanency plan 1881

approved after a hearing under division (E) of this section 1882
shall not include any provision requiring the child to be 1883
returned to the child's home. 1884

(3) If the child is in temporary custody, do all of the 1885
following: 1886

(a) Determine whether the child can and should be returned 1887
home with or without an order for protective supervision; 1888

(b) If the child can and should be returned home with or 1889
without an order for protective supervision, terminate the order 1890
for temporary custody; 1891

(c) If the child cannot or should not be returned home 1892
with an order for protective supervision, determine whether the 1893
agency currently with custody of the child should retain custody 1894
or whether another public children services agency, private 1895
child placing agency, or an individual should be given custody 1896
of the child. 1897

The court shall comply with section 2151.42 of the Revised 1898
Code in taking any action under this division. 1899

(4) If the child is in permanent custody, determine what 1900
actions are required by the custodial agency and of any other 1901
organizations or persons in order to facilitate an adoption of 1902
the child and make any appropriate orders with respect to the 1903
custody arrangement or conditions of the child, including, but 1904
not limited to, a transfer of permanent custody to another 1905
public children services agency or private child placing agency; 1906

(5) Journalize the terms of the updated case plan for the 1907
child. 1908

(H) The court may appoint a referee or a citizens review 1909

board to conduct the review hearings that the court is required 1910
by this section to conduct, subject to the review and approval 1911
by the court of any determinations made by the referee or 1912
citizens review board. If the court appoints a citizens review 1913
board to conduct the review hearings, the board shall consist of 1914
one member representing the general public and four members who 1915
are trained or experienced in the care or placement of children 1916
and have training or experience in the fields of medicine, 1917
psychology, social work, education, or any related field. Of the 1918
initial appointments to the board, two shall be for a term of 1919
one year, two shall be for a term of two years, and one shall be 1920
for a term of three years, with all the terms ending one year 1921
after the date on which the appointment was made. Thereafter, 1922
all terms of the board members shall be for three years and 1923
shall end on the same day of the same month of the year as did 1924
the term that they succeed. Any member appointed to fill a 1925
vacancy occurring prior to the expiration of the term for which 1926
the member's predecessor was appointed shall hold office for the 1927
remainder of the term. 1928

(I) A copy of the court's determination following any 1929
review hearing held pursuant to this section shall be sent to 1930
the custodial agency, the guardian ad litem of the child who is 1931
the subject of the review hearing, and, if that child is not the 1932
subject of a permanent commitment hearing, the parents of the 1933
child. 1934

(J) If the hearing held under this section takes the place 1935
of an administrative review that otherwise would have been held 1936
under section 2151.416 of the Revised Code, the court at the 1937
hearing held under this section shall do all of the following in 1938
addition to any other requirements of this section: 1939

(1) Determine the continued necessity for and the safety	1940
and appropriateness of the child's placement;	1941
(2) Determine the extent of compliance with the child's	1942
case plan;	1943
(3) Determine the extent of progress that has been made	1944
toward alleviating or mitigating the causes necessitating the	1945
child's placement in foster care;	1946
(4) Project a likely date by which the child may be safely	1947
returned home or placed for adoption or legal custody.	1948
(K) (1) Whenever the court is required to approve a	1949
permanency plan under this section or section 2151.415 of the	1950
Revised Code, the public children services agency or private	1951
child placing agency that filed the complaint in the case, has	1952
custody of the child, or will be given custody of the child	1953
shall develop a permanency plan for the child. The agency must	1954
file the plan with the court prior to the hearing under this	1955
section or section 2151.415 of the Revised Code.	1956
(2) The permanency plan developed by the agency must	1957
specify whether and, if applicable, when the child will be	1958
safely returned home or placed for adoption or legal custody. If	1959
the agency determines that there is a compelling reason why	1960
returning the child home or placing the child for adoption or	1961
legal custody is not in the best interest of the child, the plan	1962
shall provide that the child will be placed in a planned	1963
permanent living arrangement. A permanency plan developed as a	1964
result of a determination made under division (A) (2) of section	1965
2151.419 of the Revised Code may not include any provision	1966
requiring the child to be returned home.	1967
(3) (a) Whenever a court is required under this section or	1968

section 2151.415 or 2151.419 of the Revised Code to conduct a
review hearing to approve a permanency plan, the court shall
determine whether the agency required to develop the plan has
made reasonable efforts to finalize it. If the court determines
the agency has not made reasonable efforts to finalize the plan,
the court shall issue an order finalizing a permanency plan
requiring the agency to use reasonable efforts to do the
following:

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

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

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

Sec. 2151.47. (A) Upon fixing a time for an adjudicatory
hearing under section 2151.28 of the Revised Code, the court
shall do both of the following:

(1) Request that the department of children and youth
search the putative father registry to determine whether a man
is registered as the putative father of the child who is the
subject of the complaint and inform the department of the date
of the adjudicatory hearing;

(2) Determine if the child who is the subject of a
complaint has a grandparent with an existing companionship or
visitation order in accordance with section 3109.051, 3109.11,
or 3109.12 of the Revised Code.

(B) (1) On receipt of a request under division (A) (1) of
this section, the department of children and youth shall search

the registry and provide a result within five days of receipt, 1998
unless for good cause shown. If the department determines that a 1999
man is registered as the child's putative father, it shall 2000
provide the court a certified copy of the man's registration 2001
form to the court. If the department determines that no man is 2002
registered as the child's putative father, it shall provide the 2003
court a certified written statement to that effect and conduct a 2004
subsequent search five days before the adjudicatory hearing to 2005
determine if a putative father has registered since the initial 2006
search. If the department determines in the subsequent search 2007
that a man has registered as the child's putative father, it 2008
shall provide the court a certified copy of the man's 2009
registration form as soon as is feasible. The department shall 2010
specify in the statement the date the search request was 2011
submitted. No fee shall be charged for searching the registry. 2012

(2) If the department provides a certified copy of a 2013
putative father's registration form pursuant to division (B) (1) 2014
of this section, the department also shall provide a written 2015
notice to the putative father: 2016

(a) That he may be the father of the child he claims as 2017
his child on the registration form; 2018

(b) That the child is the subject of a complaint alleging 2019
that the child is an abused, neglected, or dependent child; 2020

(c) Of his right to receive notice and have the 2021
opportunity to be heard at the adjudicatory hearing and 2022
subsequent hearings regarding the child. 2023

(3) The department shall provide the notice described in 2024
division (B) (2) of this section within five days of providing 2025
the certified copy of the registration form to the court, unless 2026

for good cause shown, and except that when the department 2027
determines in a subsequent search that a man has registered as 2028
the child's putative father, it shall provide notice as soon as 2029
is feasible. 2030

(C) The court shall provide a copy of the certified 2031
document from the department received under division (B) (1) of 2032
this section to the public children services agency or private 2033
child placing agency that filed the complaint. 2034

Sec. 2151.471. (A) Prior to conducting any hearing 2035
pursuant to divisions (F) (2) or (3) of section 2151.412 or 2036
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 2037
or 2151.417 of the Revised Code, a court shall serve or cause to 2038
be served actual notice to a putative father and to any 2039
grandparent with an existing companionship or visitation order, 2040
of the date, time, and place of the hearing. Supplemental notice 2041
may be provided by electronic mail or text message, if an 2042
electronic mail address or telephone number is provided. At the 2043
hearing, the putative father and grandparent have the right to 2044
be heard. 2045

(B) The notice and opportunity to be heard under division 2046
(A) of this section does not make a putative father or a 2047
grandparent a party to the action or proceeding pursuant to 2048
which the hearing or review is being conducted. 2049

(C) Except as otherwise provided in section 2151.47 of the 2050
Revised Code, notice under this section is not required if a 2051
putative father fails to timely register with the putative 2052
father registry in accordance with section 3107.062 of the 2053
Revised Code, unless paternity is established through an 2054
administrative or judicial determination or an acknowledgement 2055
of paternity that has become final. 2056

(D) As used in this section, "actual notice" means written notice that is actually received by a putative father or a grandparent and includes personal service or certified mail, return receipt requested. 2057
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Sec. 3107.062. (A) (1) The department of children and youth shall establish a putative father registry. To register, a putative father must complete a registration form prescribed under section 3107.065 of the Revised Code and submit it to the department. The registration form shall include the putative father's name; the name of the mother of the person he claims as his child; and the address or telephone number at which he wishes to receive, pursuant to section 3107.11 of the Revised Code, notice of any petition that may be filed to adopt a minor he claims as his child. 2061
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(2) A putative father may register at any time. For the purpose of preserving the requirement of his consent to an adoption or receiving notice regarding a companionship or visitation proceeding under section 3109.122 of the Revised Code, a putative father shall register before or not later than fifteen days after the birth of the child. For the purpose of receiving notice under section 2151.47 of the Revised Code, a putative father may register up to five days before an adjudicatory hearing conducted pursuant to section 2151.28 of the Revised Code. No fee shall be charged for registration. 2071
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(B) On receipt of a completed registration form, the department shall indicate on the form the date of receipt and file it in the putative father registry. The department shall maintain registration forms in a manner that enables it to access a registration form using either the name of the putative father or of the mother. 2081
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(C) The department of children and youth shall grant the office of child support in the department of job and family services and a child support enforcement agency access to the putative father registry for purposes of section 3111.69 of the Revised Code.

Sec. 3109.121. (A) Prior to conducting any hearing regarding companionship or visitation under section 3109.051, 3109.11, or 3109.12 of the Revised Code where there is a potential impact on the sibling relationships of the child who is the subject of the petition, the court shall request that the department of children and youth search the putative father registry to determine whether a man is registered as the putative father of the child. The request shall include the mother's name.

(B) On receipt of the request, the department of children and youth shall search the registry and provide a result within five days of receipt, unless for good cause shown. If the department determines that a man is registered as the child's putative father, it shall provide to the court a certified copy of the man's registration form. If the department determines that no man is registered as the child's putative father, it shall provide to the court a certified written statement to that effect. The department shall specify in the statement the date the search request was submitted. No fee shall be charged for searching the registry.

(C) If the department of children and youth provides a certified copy of a putative father's registration form pursuant to division (B) of this section, the department also shall provide a written notice to the putative father:

(1) That he may be the father of a child he claims as his

child on the registration form; 2117

(2) That the child is the subject of a companionship or 2118
visitation proceeding; 2119

(3) Of his right to receive notice and have the 2120
opportunity to be heard in the companionship or visitation 2121
proceeding. 2122

(D) The department shall provide the notice under division 2123
(B) of this section not later than ten days after the date it 2124
provides the certified copy of the registration form to the 2125
court pursuant to division (B) of this section. 2126

Sec. 3109.122. (A) Prior to conducting a proceeding 2127
regarding companionship or visitation under section 3109.051, 2128
3109.11, or 3109.12 of the Revised Code where there is a 2129
potential impact on the sibling relationships of the child who 2130
is the subject of the petition, a court shall serve or cause to 2131
be served actual notice to a putative father of the date, time, 2132
and place of the hearing. Supplemental notice may be provided by 2133
electronic mail or text message, if an electronic mail address 2134
or telephone number is provided. At the hearing, the putative 2135
father has the right to be heard. 2136

(B) The notice and opportunity to be heard under division 2137
(A) of this section does not make a putative father a party to 2138
the action or proceeding pursuant to which the hearing is being 2139
conducted. 2140

(C) Notice under this section is not required if a 2141
putative father fails to timely register with the putative 2142
father registry in accordance with section 3107.062 of the 2143
Revised Code. 2144

(D) As used in this section, "actual notice" means written 2145

notice that is actually received by a putative father and 2146
includes personal service or certified mail, return receipt 2147
requested. 2148

Section 2. That existing sections 2151.011, 2151.28, 2149
2151.35, 2151.412, 2151.414, 2151.415, 2151.416, 2151.417, and 2150
3107.062 of the Revised Code are hereby repealed. 2151

Section 3. This act shall be known as the Putative Fathers 2152
Matter Act. 2153

Section 4. Section 2151.415 of the Revised Code is 2154
presented in this act as a composite of the section as amended 2155
by both H.B. 50 and H.B. 158 of the 131st General Assembly. The 2156
General Assembly, applying the principle stated in division (B) 2157
of section 1.52 of the Revised Code that amendments are to be 2158
harmonized if reasonably capable of simultaneous operation, 2159
finds that the composite is the resulting version of the section 2160
in effect prior to the effective date of the section as 2161
presented in this act. 2162