

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 902**

**Representatives Jarrells, McClain**

**Cosponsors: Representatives Williams, Miller, M., Troy, Piccolantonio, Brennan,  
Upchurch, Brewer, Rader**

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To amend sections 2151.011, 2151.411, 2151.412, 1  
2151.416, 2151.417, 2151.4122, 2151.424, and 2  
5103.161; to enact new sections 2151.4115, 3  
2151.4116, 2151.4117, 2151.4118, 2151.4119, and 4  
2151.4120 and section 2151.317; and to repeal 5  
sections 2151.4115, 2151.4116, 2151.4117, 6  
2151.4118, 2151.4119, 2151.4120, and 2151.4121 7  
of the Revised Code to enact the "Fostering 8  
Sibling Success Act" regarding the rights of 9  
sibling youths in foster care and to provide for 10  
continuation of a child's placement and limit 11  
kinship preference in foster care. 12

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

**Section 1.** That sections 2151.011, 2151.411, 2151.412, 13  
2151.416, 2151.417, 2151.4122, 2151.424, and 5103.161 be amended 14  
and new sections 2151.4115, 2151.4116, 2151.4117, 2151.4118, 15  
2151.4119, and 2151.4120 and section 2151.317 of the Revised 16  
Code be enacted to read as follows: 17

**Sec. 2151.011.** (A) As used in the Revised Code: 18

(1) "Juvenile court" means whichever of the following is 19

applicable that has jurisdiction under this chapter and Chapter 20  
2152. of the Revised Code: 21

(a) The division of the court of common pleas specified in 22  
section 2101.022 or 2301.03 of the Revised Code as having 23  
jurisdiction under this chapter and Chapter 2152. of the Revised 24  
Code or as being the juvenile division or the juvenile division 25  
combined with one or more other divisions; 26

(b) The juvenile court of Cuyahoga county or Hamilton 27  
county that is separately and independently created by section 28  
2151.08 or Chapter 2153. of the Revised Code and that has 29  
jurisdiction under this chapter and Chapter 2152. of the Revised 30  
Code; 31

(c) If division (A) (1) (a) or (b) of this section does not 32  
apply, the probate division of the court of common pleas. 33

(2) "Juvenile judge" means a judge of a court having 34  
jurisdiction under this chapter. 35

(3) "Private child placing agency" means any association, 36  
as defined in section 5103.02 of the Revised Code, that is 37  
certified under section 5103.03 of the Revised Code to accept 38  
temporary, permanent, or legal custody of children and place the 39  
children for either foster care or adoption. 40

(4) "Private noncustodial agency" means any person, 41  
organization, association, or society certified by the 42  
department of children and youth that does not accept temporary 43  
or permanent legal custody of children, that is privately 44  
operated in this state, and that does one or more of the 45  
following: 46

(a) Receives and cares for children for two or more 47  
consecutive weeks; 48

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

person who is adjudicated an unruly child prior to attaining 77  
eighteen years of age until the person attains twenty-one years 78  
of age, and, for purposes of that jurisdiction related to that 79  
adjudication, a person who is so adjudicated an unruly child 80  
shall be deemed a "child" until the person attains twenty-one 81  
years of age. 82

(7) "Child day camp," "child care," "child care center," 83  
"part-time child care center," "type A family child care home," 84  
"licensed type B family child care home," "type B family child 85  
care home," "administrator of a child care center," 86  
"administrator of a type A family child care home," and "in-home 87  
aide" have the same meanings as in section 5104.01 of the 88  
Revised Code. 89

(8) "Child care provider" means an individual who is a 90  
child-care staff member or administrator of a child care center, 91  
a type A family child care home, or a type B family child care 92  
home, or an in-home aide or an individual who is licensed, is 93  
regulated, is approved, operates under the direction of, or 94  
otherwise is certified by the department of children and youth, 95  
department of developmental disabilities, or the early childhood 96  
programs of the department of education. 97

(9) "Commit" means to vest custody as ordered by the 98  
court. 99

(10) "Counseling" includes both of the following: 100

(a) General counseling services performed by a public 101  
children services agency or shelter for victims of domestic 102  
violence to assist a child, a child's parents, and a child's 103  
siblings in alleviating identified problems that may cause or 104  
have caused the child to be an abused, neglected, or dependent 105

child.	106
(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.	107 108 109 110 111 112
(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.	113 114 115 116
(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.	117 118
(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.	119 120 121 122
(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.	123 124
(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.	125 126 127 128
(16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	129 130
(17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise	131 132 133

parental rights over a child to the extent provided in the 134  
court's order and subject to the residual parental rights of the 135  
child's parents. 136

(18) "Habitual truant" means any child of compulsory 137  
school age who is absent without legitimate excuse for absence 138  
from the public school the child is supposed to attend for 139  
thirty or more consecutive hours, forty-two or more hours in one 140  
school month, or seventy-two or more hours in a school year. 141

(19) "Intellectual disability" has the same meaning as in 142  
section 5123.01 of the Revised Code. 143

(20) "Juvenile traffic offender" has the same meaning as 144  
in section 2152.02 of the Revised Code. 145

(21) "Legal custody" means a legal status that vests in 146  
the custodian the right to have physical care and control of the 147  
child and to determine where and with whom the child shall live, 148  
and the right and duty to protect, train, and discipline the 149  
child and to provide the child with food, shelter, education, 150  
and medical care, all subject to any residual parental rights, 151  
privileges, and responsibilities. An individual granted legal 152  
custody shall exercise the rights and responsibilities 153  
personally unless otherwise authorized by any section of the 154  
Revised Code or by the court. 155

(22) A "legitimate excuse for absence from the public 156  
school the child is supposed to attend" includes, but is not 157  
limited to, any of the following: 158

(a) The fact that the child in question has enrolled in 159  
and is attending another public or nonpublic school in this or 160  
another state; 161

(b) The fact that the child in question is excused from 162

attendance at school for any of the reasons specified in section	163
3321.04 or 3321.042 of the Revised Code;	164
(c) The fact that the child in question has received an	165
age and schooling certificate in accordance with section 3331.01	166
of the Revised Code.	167
(23) "Mental illness" has the same meaning as in section	168
5122.01 of the Revised Code.	169
(24) "Mental injury" means any behavioral, cognitive,	170
emotional, or mental disorder in a child caused by an act or	171
omission that is described in section 2919.22 of the Revised	172
Code and is committed by the parent or other person responsible	173
for the child's care.	174
(25) "Nonsecure care, supervision, or training" means	175
care, supervision, or training of a child in a facility that	176
does not confine or prevent movement of the child within the	177
facility or from the facility.	178
(26) "Of compulsory school age" has the same meaning as in	179
section 3321.01 of the Revised Code.	180
(27) "Organization" means any institution, public,	181
semipublic, or private, and any private association, society, or	182
agency located or operating in the state, incorporated or	183
unincorporated, having among its functions the furnishing of	184
protective services or care for children, or the placement of	185
children in certified foster homes or elsewhere.	186
(28) "Out-of-home care" means detention facilities,	187
shelter facilities, certified children's crisis care facilities,	188
certified foster homes, placement in a prospective adoptive home	189
prior to the issuance of a final decree of adoption,	190
organizations, certified organizations, child care centers, type	191

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

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

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

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

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

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

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

(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of

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

(31) "Permanent custody" means a legal status that vests	248
in a public children services agency or a private child placing	249
agency, all parental rights, duties, and obligations, including	250
the right to consent to adoption, and divests the natural	251
parents or adoptive parents of all parental rights, privileges,	252
and obligations, including all residual rights and obligations.	253
(32) "Permanent surrender" means the act of the parents	254
or, if a child has only one parent, of the parent of a child, by	255
a voluntary agreement authorized by section 5103.15 of the	256
Revised Code, to transfer the permanent custody of the child to	257
a public children services agency or a private child placing	258
agency.	259
(33) "Person" means an individual, association,	260
corporation, or partnership and the state or any of its	261
political subdivisions, departments, or agencies.	262
(34) "Person responsible for a child's care in out-of-home	263
care" means any of the following:	264
(a) Any foster caregiver, in-home aide, or provider;	265
(b) Any administrator, employee, or agent of any of the	266
following: a public or private detention facility; shelter	267
facility; certified children's crisis care facility;	268
organization; certified organization; child care center; type A	269
family child care home; licensed type B family child care home;	270
group home; institution; state institution; residential	271
facility; residential care facility; residential camp; day camp;	272
school district; community school; chartered nonpublic school;	273
educational service center; hospital; or medical clinic;	274
(c) Any person who supervises or coaches children as part	275
of an extracurricular activity sponsored by a school district,	276

public school, or chartered nonpublic school;	277
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	278 279
(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:	280 281 282 283 284
(a) A substantial impairment of vision, speech, or hearing;	285 286
(b) A congenital orthopedic impairment;	287
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	288 289 290
(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.	291 292 293 294
(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.	295 296 297 298
(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	299 300 301
(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.	302 303 304

(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 with whom the child is placed.	305 306 307 308
(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	309 310 311
(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.	312 313
(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.	314 315 316 317
(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.	318 319 320 321 322 323 324 325
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	326 327
(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	328 329
(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.	330 331
(46) "Resource family" has the same meaning as in section	332

5103.02 of the Revised Code.	333
(47) "Residential camp" means a program in which the care,	334
physical custody, or control of children is accepted overnight	335
for recreational or recreational and educational purposes.	336
(48) "Residential care facility" means an institution,	337
residence, or facility that is licensed by the department of	338
<del>mental health and addiction services</del> <u>behavioral health</u> under	339
section 5119.34 of the Revised Code and that provides care for a	340
child.	341
(49) "Residential facility" means a home or facility that	342
is licensed by the department of developmental disabilities	343
under section 5123.19 of the Revised Code and in which a child	344
with a developmental disability resides.	345
(50) "Residual parental rights, privileges, and	346
responsibilities" means those rights, privileges, and	347
responsibilities remaining with the natural parent after the	348
transfer of legal custody of the child, including, but not	349
necessarily limited to, the privilege of reasonable visitation,	350
consent to adoption, the privilege to determine the child's	351
religious affiliation, and the responsibility for support.	352
(51) "School day" means the school day established by the	353
board of education of the applicable school district pursuant to	354
section 3313.481 of the Revised Code.	355
(52) "School year" has the same meaning as in section	356
3313.62 of the Revised Code.	357
(53) "Secure correctional facility" means a facility under	358
the direction of the department of youth services that is	359
designed to physically restrict the movement and activities of	360
children and used for the placement of children after	361

adjudication and disposition.	362
(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	363 364
(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.	365 366 367
(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.	368 369
(57) <u>"Sibling" means a biological sibling, a stepsibling or former stepsibling, or an adoptive sibling.</u>	370 371
<u>(58)</u> "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.	372 373 374 375 376
<del>(58)</del> <u>(59)</u> "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.	377 378 379 380 381 382 383
(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.	384 385 386 387 388
<u>Sec. 2151.317.</u> (A) As used in this section, "hospital" has	389

<u>the same meaning as in section 5119.01 of the Revised Code.</u>	390
<u>(B) Sibling youth in foster care, except youth in the</u>	391
<u>custody of the department of youth services or admitted to a</u>	392
<u>hospital, have the following rights, unless the exercise of the</u>	393
<u>right is not in the best interests of each sibling, regardless</u>	394
<u>of whether the parental rights of one or more of the foster</u>	395
<u>youth's parents have been terminated:</u>	396
<u>(1) To be placed in a foster home with the youth's</u>	397
<u>siblings when it is in the best interests of each sibling and</u>	398
<u>when the public children services agency locates an appropriate,</u>	399
<u>capable, willing, and available joint placement for the</u>	400
<u>siblings, in accordance with section 2151.411 of the Revised</u>	401
<u>Code, to sustain family relationships;</u>	402
<u>(2) To be placed in close geographical proximity to the</u>	403
<u>youth's siblings to promote continuity in the siblings'</u>	404
<u>relationship;</u>	405
<u>(3) To obtain temporary respite placements together, when</u>	406
<u>possible;</u>	407
<u>(4) To be placed with foster parents or prospective</u>	408
<u>adoptive parents and assigned to caseworkers who have been</u>	409
<u>provided with training on the importance of sibling</u>	410
<u>relationships;</u>	411
<u>(5) To be promptly notified about changes in sibling</u>	412
<u>placement, catastrophic events, or other circumstances involving</u>	413
<u>the youth's siblings, including new placements, significant life</u>	414
<u>events, and discharge from foster care;</u>	415
<u>(6) To be included in permanency planning discussions or</u>	416
<u>meetings regarding the youth's siblings, if appropriate;</u>	417

- (7) To maintain frequent and meaningful contact with the 418  
youth's siblings in accordance with section 2151.411 of the 419  
Revised Code, if placement together is not possible; 420
- (8) To be actively involved in each other's lives and 421  
share celebrations, if the siblings choose to do so, including 422  
birthdays, graduations, holidays, school and extracurricular 423  
activities, cultural customs in the siblings' native language, 424  
and other milestones; 425
- (9) To annually receive contact information for all 426  
siblings in foster care, which may include a telephone number, 427  
address, social media accounts, and electronic mail address, 428  
unless a foster parent has requested the foster parent's 429  
identifiable information not be disclosed, and to receive 430  
updated photos of siblings regularly by mail or electronic mail, 431  
as appropriate; 432
- (10) To have more private and less restrictive 433  
communication with siblings as compared to communication with 434  
others who are not siblings; 435
- (11) To be provided with an explanation if contact with a 436  
sibling is restricted or denied; 437
- (12) To expect that the youth's guardian ad litem will 438  
advocate on the youth's behalf for frequent family time with 439  
siblings, unless the guardian ad litem determines through 440  
independent investigation that frequent family time is not in 441  
the youth's best interests; 442
- (13) To have family time with siblings encouraged in any 443  
adoptive or guardianship placement; 444
- (14) To be notified of the youth's rights regarding 445  
siblings by receiving an age-appropriate and developmentally 446

appropriate document prepared by the department of children and youth as follows: 447  
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(a) Within thirty days of the date of any placement or change in placement; 449  
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(b) On each occasion that a youth's case plan is modified; 451

(c) At each placement where the youth resides; 452

(d) On at least an annual basis. 453

(C) Adult siblings of youth in foster care have the right to be considered as resource caregivers, adoptive parents, and relative custodians for their siblings, if they choose to do so. 454  
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(D) If the rights established under this section conflict with the rights of a resource family or resource caregiver, as established in section 5103.163 of the Revised Code, the rights established under this section preempt the rights of the resource family or resource caregiver. 457  
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(E) The rights established under this section do not create grounds for a civil action against the department, a public children services agency, a resource caregiver, or a resource family. 462  
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**Sec. 2151.411.** (A) Whenever a child comes into the custody of a public children services agency, either as part of a sibling group or subsequent to the previous placement of a sibling, the agency is strongly encouraged to make reasonable efforts to place the siblings together, unless it would be contrary to the siblings' best interest or well-being. ~~If~~ 466  
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(B) If siblings are not placed together, the agency should make reasonable efforts to ensure the siblings maintain frequent connections through visitation or other ongoing interaction, 472  
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unless contrary to the siblings' placement or well-being, as 475  
follows: 476

(1) After asking the youth about the youth's wishes 477  
regarding sibling contact, the agency shall include information 478  
regarding sibling contact in a family time plan for the youth. 479

(2) If it is in each sibling's best interest, the family 480  
time plan shall do all of the following: 481

(a) Promote frequent contact between siblings in foster 482  
care, which may include telephone calls, text messages, social 483  
media, video calls, and in-person family time; 484

(b) Clarify that sibling contact should not be limited in 485  
time or duration to periods of parental contact; 486

(c) Clarify that restriction of sibling family time should 487  
not be a consequence for behavioral problems. Family time should 488  
be restricted only if it is in the best interests of the youth, 489  
sibling, or both. 490

(d) Ensure timing and regularly scheduled sibling family 491  
time are outlined in case plans based on individual 492  
circumstances and needs of the youth. 493

(3) If a youth in foster care requests an opportunity for 494  
family time with a sibling, the agency that has legal custody of 495  
the youth shall arrange the family time within a reasonable 496  
amount of time and document the family time. 497

(4) If a youth in foster care requests an opportunity for 498  
family time with a sibling on a regular basis, the agency that 499  
has legal custody of the youth shall arrange the family time and 500  
ensure that the family time occurs with sufficient frequency and 501  
duration to promote continuity in the siblings' relationship. 502

(5) If, in arranging sibling family time pursuant to this 503  
section, the agency determines that requested family time 504  
between the siblings would not be in the best interests of one 505  
or both of the siblings, the agency shall deny the request, 506  
document its reasons for making that determination, and provide 507  
the siblings with an explanation for the denial. In determining 508  
whether requested family time would be in the best interests of 509  
one or both of the siblings, the agency shall determine whether 510  
there is pending in any jurisdiction a criminal action in which 511  
either of the siblings is either a victim or a witness. If such 512  
a criminal action is pending, the agency, before arranging any 513  
family time between the siblings, shall consult with the 514  
district attorney for the jurisdiction in which the criminal 515  
action is pending to determine whether the requested family time 516  
may have a detrimental effect upon the prosecution of the 517  
pending criminal action. 518

(C) Nothing in this section requires or permits a public 519  
children services agency to arrange sibling family time if the 520  
sibling family time would violate an existing protection order 521  
in any case pending in this state or any other state. 522

(D) The director of children and youth shall adopt rules 523  
in accordance with Chapter 119. of the Revised Code to implement 524  
this section. 525

**Sec. 2151.412.** (A) Each public children services agency 526  
and private child placing agency shall prepare and maintain a 527  
case plan for any child to whom the agency is providing services 528  
and to whom any of the following applies: 529

(1) The agency filed a complaint pursuant to section 530  
2151.27 of the Revised Code alleging that the child is an 531  
abused, neglected, or dependent child; 532

(2) The agency has temporary or permanent custody of the child;	533 534
(3) The child is living at home subject to an order for protective supervision;	535 536
(4) The child is in a planned permanent living arrangement.	537 538
Except as provided by division (A) (2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B) (4) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child.	539 540 541 542 543 544
(B) Each public children services agency shall prepare and maintain a case plan for any child for whom the agency is providing in-home services pursuant to an alternative response.	545 546 547
(C) (1) The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," 42 U.S.C. 670, et seq. (1980).	548 549 550 551 552 553 554
(2) The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the	555 556 557 558 559 560 561

requirements for case plans maintained for children and their 562  
families who are receiving services in their homes from public 563  
children services agencies pursuant to an alternative response. 564  
The agencies shall maintain case plans as required by those 565  
rules; however, the case plans shall not be subject to any other 566  
provision of this section except as specifically required by the 567  
rules. 568

(D) Each public children services agency and private child 569  
placing agency that is required by division (A) of this section 570  
to maintain a case plan shall file the case plan with the court 571  
prior to the child's adjudicatory hearing but no later than 572  
thirty days after the earlier of the date on which the complaint 573  
in the case was filed or the child was first placed into shelter 574  
care. If the agency does not have sufficient information prior 575  
to the adjudicatory hearing to complete any part of the case 576  
plan, the agency shall specify in the case plan the additional 577  
information necessary to complete each part of the case plan and 578  
the steps that will be taken to obtain that information. All 579  
parts of the case plan shall be completed by the earlier of 580  
thirty days after the adjudicatory hearing or the date of the 581  
dispositional hearing for the child. 582

(E) Any agency that is required by division (A) of this 583  
section to prepare a case plan shall attempt to obtain an 584  
agreement among all parties, including, but not limited to, the 585  
parents, guardian, or custodian of the child and the guardian ad 586  
litem of the child regarding the content of the case plan. If 587  
all parties agree to the content of the case plan and the court 588  
approves it, the court shall journalize it as part of its 589  
dispositional order. If the agency cannot obtain an agreement 590  
upon the contents of the case plan or the court does not approve 591  
it, the parties shall present evidence on the contents of the 592

case plan at the dispositional hearing. The court, based upon 593  
the evidence presented at the dispositional hearing and the best 594  
interest of the child, shall determine the contents of the case 595  
plan and journalize it as part of the dispositional order for 596  
the child. 597

(F) (1) All parties, including the parents, guardian, or 598  
custodian of the child, are bound by the terms of the 599  
journalized case plan. A party that fails to comply with the 600  
terms of the journalized case plan may be held in contempt of 601  
court. 602

(2) Any party may propose a change to a substantive part 603  
of the case plan, including, but not limited to, the child's 604  
placement and the visitation rights of any party. A party 605  
proposing a change to the case plan shall file the proposed 606  
change with the court and give notice of the proposed change in 607  
writing before the end of the day after the day of filing it to 608  
all parties and the child's guardian ad litem. All parties and 609  
the guardian ad litem shall have seven days from the date the 610  
notice is sent to object to and request a hearing on the 611  
proposed change. 612

(a) If it receives a timely request for a hearing, the 613  
court shall schedule a hearing pursuant to section 2151.417 of 614  
the Revised Code to be held no later than thirty days after the 615  
request is received by the court. The court shall give notice of 616  
the date, time, and location of the hearing to all parties and 617  
the guardian ad litem. The agency may implement the proposed 618  
change after the hearing, if the court approves it. The agency 619  
shall not implement the proposed change unless it is approved by 620  
the court. 621

(b) If it does not receive a timely request for a hearing, 622

the court may approve the proposed change without a hearing. If 623  
the court approves the proposed change without a hearing, it 624  
shall journalize the case plan with the change not later than 625  
fourteen days after the change is filed with the court. If the 626  
court does not approve the proposed change to the case plan, it 627  
shall schedule a hearing to be held pursuant to section 2151.417 628  
of the Revised Code no later than thirty days after the 629  
expiration of the fourteen-day time period and give notice of 630  
the date, time, and location of the hearing to all parties and 631  
the guardian ad litem of the child. If, despite the requirements 632  
of division (F) (2) of this section, the court neither approves 633  
and journalizes the proposed change nor conducts a hearing, the 634  
agency may implement the proposed change not earlier than 635  
fifteen days after it is submitted to the court. 636

(3) If an agency has reasonable cause to believe that a 637  
child is suffering from illness or injury and is not receiving 638  
proper care and that an appropriate change in the child's case 639  
plan is necessary to prevent immediate or threatened physical or 640  
emotional harm, to believe that a child is in immediate danger 641  
from the child's surroundings and that an immediate change in 642  
the child's case plan is necessary to prevent immediate or 643  
threatened physical or emotional harm to the child, or to 644  
believe that a parent, guardian, custodian, or other member of 645  
the child's household has abused or neglected the child and that 646  
the child is in danger of immediate or threatened physical or 647  
emotional harm from that person unless the agency makes an 648  
appropriate change in the child's case plan, it may implement 649  
the change without prior agreement or a court hearing and, 650  
before the end of the next day after the change is made, give 651  
all parties, the guardian ad litem of the child, and the court 652  
notice of the change. Before the end of the third day after 653

implementing the change in the case plan, the agency shall file 654  
a statement of the change with the court and give notice of the 655  
filing accompanied by a copy of the statement to all parties and 656  
the guardian ad litem. All parties and the guardian ad litem 657  
shall have ten days from the date the notice is sent to object 658  
to and request a hearing on the change. 659

(a) If it receives a timely request for a hearing, the 660  
court shall schedule a hearing pursuant to section 2151.417 of 661  
the Revised Code to be held no later than thirty days after the 662  
request is received by the court. The court shall give notice of 663  
the date, time, and location of the hearing to all parties and 664  
the guardian ad litem. The agency shall continue to administer 665  
the case plan with the change after the hearing, if the court 666  
approves the change. If the court does not approve the change, 667  
the court shall make appropriate changes to the case plan and 668  
shall journalize the case plan. 669

(b) If it does not receive a timely request for a hearing, 670  
the court may approve the change without a hearing. If the court 671  
approves the change without a hearing, it shall journalize the 672  
case plan with the change within fourteen days after receipt of 673  
the change. If the court does not approve the change to the case 674  
plan, it shall schedule a hearing under section 2151.417 of the 675  
Revised Code to be held no later than thirty days after the 676  
expiration of the fourteen-day time period and give notice of 677  
the date, time, and location of the hearing to all parties and 678  
the guardian ad litem of the child. 679

(4) (a) Except as provided in division (F) (4) (b) of this 680  
section, the court shall not approve a change to the child's 681  
placement and may presume that continuation of the child's 682  
current placement is in the child's best interests if all of the 683

<u>following apply:</u>	684
<u>(i) The child's current placement has been in a stable home environment for the past nine months.</u>	685 686
<u>(ii) A change in the child's placement would be detrimental to the child's emotional well-being.</u>	687 688
<u>(iii) The child's foster caregiver has not requested, in writing, that the placement be changed.</u>	689 690
<u>(b) The court may approve a change to the child's placement if it is in the child's best interests and the child's foster caregiver requests, in writing, the change in the child's placement.</u>	691 692 693 694
(G) (1) All case plans for children in temporary custody shall have the following general goals:	695 696
(a) Consistent with the best interest and special needs of the child, to achieve a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed;	697 698 699 700 701
(b) To eliminate with all due speed the need for the out-of-home placement so that the child can safely return home.	702 703
(2) The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the general goals of case plans for children subject to dispositional orders for protective supervision, a planned permanent living arrangement, or permanent custody.	704 705 706 707 708
(H) In the agency's development of a case plan and the court's review of the case plan, the child's health and safety shall be the paramount concern. The agency and the court shall	709 710 711

be guided by the following general priorities: 712

(1) A child who is residing with or can be placed with the 713  
child's parents within a reasonable time should remain in their 714  
legal custody even if an order of protective supervision is 715  
required for a reasonable period of time; 716

(2) If both parents of the child have abandoned the child, 717  
have relinquished custody of the child, have become incapable of 718  
supporting or caring for the child even with reasonable 719  
assistance, or have a detrimental effect on the health, safety, 720  
and best interest of the child, the child should be placed in 721  
the legal custody of a suitable member of the child's extended 722  
family; 723

(3) If a child described in division (H) (2) of this 724  
section has no suitable member of the child's extended family to 725  
accept legal custody, the child should be placed in the legal 726  
custody of a suitable nonrelative who shall be made a party to 727  
the proceedings after being given legal custody of the child; 728

(4) If the child has no suitable member of the child's 729  
extended family to accept legal custody of the child and no 730  
suitable nonrelative is available to accept legal custody of the 731  
child and, if the child temporarily cannot or should not be 732  
placed with the child's parents, guardian, or custodian, the 733  
child should be placed in the temporary custody of a public 734  
children services agency or a private child placing agency; 735

(5) If the child cannot be placed with either of the 736  
child's parents within a reasonable period of time or should not 737  
be placed with either, if no suitable member of the child's 738  
extended family or suitable nonrelative is available to accept 739  
legal custody of the child, and if the agency has a reasonable 740

expectation of placing the child for adoption, the child should 741  
be committed to the permanent custody of the public children 742  
services agency or private child placing agency; 743

(6) If the child is to be placed for adoption or foster 744  
care, the placement shall not be delayed or denied on the basis 745  
of the child's or adoptive or foster family's race, color, or 746  
national origin. 747

(I) The case plan for a child in temporary custody shall 748  
include at a minimum the following requirements if the child is 749  
or has been the victim of abuse or neglect or if the child 750  
witnessed the commission in the child's household of abuse or 751  
neglect against a sibling of the child, a parent of the child, 752  
or any other person in the child's household: 753

(1) A requirement that the child's parents, guardian, or 754  
custodian participate in mandatory counseling; 755

(2) A requirement that the child's parents, guardian, or 756  
custodian participate in any supportive services that are 757  
required by or provided pursuant to the child's case plan. 758

(J) (1) Prior to January 1, 2023, a case plan for a child 759  
in temporary custody may include, as a supplement, a plan for 760  
locating a permanent family placement. The supplement shall not 761  
be considered part of the case plan for purposes of division (E) 762  
of this section. 763

(2) On and after January 1, 2023, a case plan for a child 764  
in temporary custody shall include a permanency plan for the 765  
child unless it is documented that such a plan would not be in 766  
the best interest of the child. The permanency plan shall 767  
describe the services the agency shall provide to achieve 768  
permanency for the child if reasonable efforts to return the 769

child to the child's home, or eliminate the continued removal 770  
from that home, are unsuccessful. Those services shall be 771  
provided concurrently with reasonable efforts to return the 772  
child home or eliminate the child's continued removal from home. 773

(3) The director of children and youth, pursuant to 774  
Chapter 119. of the Revised Code, shall adopt rules necessary to 775  
carry out the purposes of division (J) of this section. 776

(K) (1) A public children services agency may request that 777  
the superintendent of the bureau of criminal identification and 778  
investigation conduct a criminal records check with respect to a 779  
parent, guardian, custodian, prospective custodian, or 780  
prospective placement whose actions result in a finding after 781  
the filing of a complaint as described in division (A) (1) of 782  
this section that a child is an abused, neglected, or dependent 783  
child. The public children services agency shall request that 784  
the superintendent obtain information from the federal bureau of 785  
investigation as part of the criminal records check. 786

(2) At any time on or after the date that is ninety days 787  
after September 10, 2012, a prosecuting attorney, or an 788  
assistant prosecuting attorney appointed under section 309.06 of 789  
the Revised Code, may request that the superintendent of the 790  
bureau of criminal identification and investigation conduct a 791  
criminal records check with respect to each parent, guardian, 792  
custodian, prospective custodian, or prospective placement whose 793  
actions resulted in a finding after the filing of a complaint 794  
described in division (A) (1) of this section that a child is an 795  
abused, neglected, or dependent child. Each prosecuting attorney 796  
or assistant prosecuting attorney who makes such a request shall 797  
request that the superintendent obtain information from the 798  
federal bureau of investigation as part of the criminal records 799

check for each parent, guardian, custodian, prospective  
custodian, or prospective placement who is a subject of the  
request.

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

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

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

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

**Sec. 2151.416.** (A) Each agency that is required by section  
2151.412 of the Revised Code to prepare a case plan for a child  
shall complete a semiannual administrative review of the case  
plan no later than six months after the earlier of the date on  
which the complaint in the case was filed or the child was first

placed in shelter care. After the first administrative review, 829  
the agency shall complete semiannual administrative reviews no 830  
later than every six months. If the court issues an order 831  
pursuant to section 2151.414 or 2151.415 of the Revised Code, 832  
the agency shall complete an administrative review no later than 833  
six months after the court's order and continue to complete 834  
administrative reviews no later than every six months after the 835  
first review, except that the court hearing held pursuant to 836  
section 2151.417 of the Revised Code may take the place of any 837  
administrative review that would otherwise be held at the time 838  
of the court hearing. When conducting a review, the child's 839  
health and safety shall be the paramount concern. 840

(B) Each administrative review required by division (A) of 841  
this section shall be conducted by a review panel of at least 842  
three persons, including, but not limited to, both of the 843  
following: 844

(1) A caseworker with day-to-day responsibility for, or 845  
familiarity with, the management of the child's case plan; 846

(2) A person who is not responsible for the management of 847  
the child's case plan or for the delivery of services to the 848  
child or the parents, guardian, or custodian of the child. 849

(C) Each semiannual administrative review shall include, 850  
but not be limited to, a joint meeting by the review panel with 851  
the parents, guardian, or custodian of the child, the guardian 852  
ad litem of the child, and the child's foster care provider and 853  
shall include an opportunity for those persons to submit any 854  
written materials to be included in the case record of the 855  
child. If a parent, guardian, custodian, guardian ad litem, or 856  
foster care provider of the child cannot be located after 857  
reasonable efforts to do so or declines to participate in the 858

administrative review after being contacted, the agency does not 859  
have to include them in the joint meeting. 860

(D) The agency shall prepare a written summary of the 861  
semiannual administrative review that shall include, but not be 862  
limited to, all of the following: 863

(1) A conclusion regarding the safety and appropriateness 864  
of the child's foster care placement; 865

(2) The extent of the compliance with the case plan of all 866  
parties; 867

(3) The extent of progress that has been made toward 868  
alleviating the circumstances that required the agency to assume 869  
temporary custody of the child; 870

(4) An estimated date by which the child may be returned 871  
to and safely maintained in the child's home or placed for 872  
adoption or legal custody; 873

(5) An updated case plan that includes any changes that 874  
the agency is proposing in the case plan; 875

(6) The recommendation of the agency as to which agency or 876  
person should be given custodial rights over the child for the 877  
six-month period after the administrative review; 878

(7) The names of all persons who participated in the 879  
administrative review; 880

(8) A summary of the agency's ~~intensive efforts to secure~~ 881  
~~a placement with diligent search for an~~ appropriate and willing 882  
~~kinship caregiver as defined in section 5180.50 of the Revised~~ 883  
~~Code~~ adult relative or adult nonrelative with a significant 884  
relationship to the child, including any use of search 885  
technology to find biological family members of the child and 886

all other efforts undertaken since the last review, unless a 887  
court has determined that ~~intensive efforts are unnecessary~~ the 888  
search is no longer required pursuant to section 2151.4118- 889  
2151.4117 of the Revised Code or the agency is not required to 890  
consider an adult relative or adult nonrelative with a 891  
significant relationship to the child for placement pursuant to 892  
section 2151.4120 of the Revised Code; 893

(9) For a child who has one or more siblings who have not 894  
been placed together, a determination of whether the need or 895  
reasoning that led to the siblings not being placed together is 896  
still a current need or concern and whether the siblings may be 897  
placed together. 898

(E) The agency shall file the summary with the court no 899  
later than seven days after the completion of the administrative 900  
review. If the agency proposes a change to the case plan as a 901  
result of the administrative review, the agency shall file the 902  
proposed change with the court at the time it files the summary. 903  
The agency shall give notice of the summary and proposed change 904  
in writing before the end of the next day after filing them to 905  
all parties and the child's guardian ad litem. All parties and 906  
the guardian ad litem shall have seven days after the date the 907  
notice is sent to object to and request a hearing on the 908  
proposed change. 909

(1) If the court receives a timely request for a hearing, 910  
the court shall schedule a hearing pursuant to section 2151.417 911  
of the Revised Code to be held not later than thirty days after 912  
the court receives the request. The court shall give notice of 913  
the date, time, and location of the hearing to all parties and 914  
the guardian ad litem. The agency may implement the proposed 915  
change after the hearing, if the court approves it. The agency 916

shall not implement the proposed change unless it is approved by 917  
the court. 918

(2) If the court does not receive a timely request for a 919  
hearing, the court may approve the proposed change without a 920  
hearing. If the court approves the proposed change without a 921  
hearing, it shall journalize the case plan with the change not 922  
later than fourteen days after the change is filed with the 923  
court. If the court does not approve the proposed change to the 924  
case plan, it shall schedule a review hearing to be held 925  
pursuant to section 2151.417 of the Revised Code no later than 926  
thirty days after the expiration of the fourteen-day time period 927  
and give notice of the date, time, and location of the hearing 928  
to all parties and the guardian ad litem of the child. If, 929  
despite the requirements of this division and division (D) of 930  
section 2151.417 of the Revised Code, the court neither approves 931  
and journalizes the proposed change nor conducts a hearing, the 932  
agency may implement the proposed change not earlier than 933  
fifteen days after it is submitted to the court. 934

(F) The director of children and youth may adopt rules 935  
pursuant to Chapter 119. of the Revised Code for procedures and 936  
standard forms for conducting administrative reviews pursuant to 937  
this section. 938

(G) The juvenile court that receives the written summary 939  
of the administrative review, upon determining, either from the 940  
written summary, case plan, or otherwise, that the custody or 941  
care arrangement is not in the best interest of the child, may 942  
terminate the custody of an agency and place the child in the 943  
custody of another institution or association certified by the 944  
department of children and youth under section 5103.03 of the 945  
Revised Code. 946

**Sec. 2151.417.** (A) Any court that issues a dispositional 947  
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 948  
Revised Code may review at any time the child's placement or 949  
custody arrangement, the case plan prepared for the child 950  
pursuant to section 2151.412 of the Revised Code, the actions of 951  
the public children services agency or private child placing 952  
agency in implementing that case plan, the child's permanency 953  
plan if the child's permanency plan has been approved, and any 954  
other aspects of the child's placement or custody arrangement. 955  
In conducting the review, the court shall determine the 956  
appropriateness of any agency actions, the safety and 957  
appropriateness of continuing the child's placement or custody 958  
arrangement, and whether any changes should be made with respect 959  
to the child's permanency plan or placement or custody 960  
arrangement or with respect to the actions of the agency under 961  
the child's placement or custody arrangement. Based upon the 962  
evidence presented at a hearing held after notice to all parties 963  
and the guardian ad litem of the child, the court may require 964  
the agency, the parents, guardian, or custodian of the child, 965  
and the physical custodians of the child to take any reasonable 966  
action that the court determines is necessary and in the best 967  
interest of the child or to discontinue any action that it 968  
determines is not in the best interest of the child. 969

(B) If a court issues a dispositional order pursuant to 970  
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 971  
court has continuing jurisdiction over the child as set forth in 972  
division (F)(1) of section 2151.353 of the Revised Code. The 973  
court may amend a dispositional order in accordance with 974  
division (F)(2) of section 2151.353 of the Revised Code at any 975  
time upon its own motion or upon the motion of any interested 976  
party. The court shall comply with section 2151.42 of the 977

Revised Code in amending any dispositional order pursuant to 978  
this division. 979

(C) (1) Any court that issues a dispositional order 980  
pursuant to section 2151.353, 2151.414, or 2151.415 of the 981  
Revised Code shall hold a review hearing one year after the 982  
earlier of the date on which the complaint in the case was filed 983  
or the child was first placed into shelter care to review the 984  
case plan prepared pursuant to section 2151.412 of the Revised 985  
Code and the child's placement or custody arrangement, to 986  
approve or review the permanency plan for the child, and to make 987  
changes to the case plan and placement or custody arrangement 988  
consistent with the permanency plan. The court shall schedule 989  
the review hearing at the time that it holds the dispositional 990  
hearing pursuant to section 2151.35 of the Revised Code. 991

(2) The court shall hold a similar review hearing no later 992  
than every twelve months after the initial review hearing until 993  
the child is adopted, returned to the parents, or the court 994  
otherwise terminates the child's placement or custody 995  
arrangement, except that the dispositional hearing held pursuant 996  
to section 2151.415 of the Revised Code shall take the place of 997  
the first review hearing to be held under this section. The 998  
court shall schedule each subsequent review hearing at the 999  
conclusion of the review hearing immediately preceding the 1000  
review hearing to be scheduled. 1001

(3) The court is not required to continue holding review 1002  
hearings under divisions (C) (1) and (2) of this section 1003  
regarding a child subject to an order of legal custody under 1004  
section 2151.353 or 2151.415 of the Revised Code, if all of the 1005  
following apply: 1006

(a) The child is not subject to an order of protective 1007

supervision under section 2151.353 or 2151.415 of the Revised Code. 1008  
1009

(b) A public children services agency or private child placing agency is not providing services to the child. 1010  
1011

(c) The court finds that further review under divisions (C) (1) and (2) of this section are no longer necessary to serve the child's best interests. 1012  
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1014

(D) If, within fourteen days after a written summary of an administrative review is filed with the court pursuant to section 2151.416 of the Revised Code, the court does not approve the proposed change to the case plan filed pursuant to division (E) of section 2151.416 of the Revised Code or a party or the guardian ad litem requests a review hearing pursuant to division (E) of that section, the court shall hold a review hearing in the same manner that it holds review hearings pursuant to division (C) of this section, except that if a review hearing is required by this division and if a hearing is to be held pursuant to division (C) of this section or section 2151.415 of the Revised Code, the hearing held pursuant to division (C) of this section or section 2151.415 of the Revised Code shall take the place of the review hearing required by this division. 1015  
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(E) If a court determines pursuant to section 2151.419 of the Revised Code that a public children services agency or private child placing agency is not required to make reasonable efforts to prevent the removal of a child from the child's home, eliminate the continued removal of a child from the child's home, and return the child to the child's home, and the court does not return the child to the child's home pursuant to division (A) (3) of section 2151.419 of the Revised Code, the court shall hold a review hearing to approve the permanency plan 1029  
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for the child and, if appropriate, to make changes to the 1038  
child's case plan and the child's placement or custody 1039  
arrangement consistent with the permanency plan. The court may 1040  
hold the hearing immediately following the determination under 1041  
section 2151.419 of the Revised Code and shall hold it no later 1042  
than thirty days after making that determination. 1043

(F) The court shall give notice of the review hearings 1044  
held pursuant to this section to every interested party, 1045  
including, but not limited to, the appropriate agency employees 1046  
who are responsible for the child's care and planning, the 1047  
child's parents, any person who had guardianship or legal 1048  
custody of the child prior to the custody order, the child's 1049  
guardian ad litem, and the child. The court shall summon every 1050  
interested party to appear at the review hearing and give them 1051  
an opportunity to testify and to present other evidence with 1052  
respect to the child's custody arrangement, including, but not 1053  
limited to, the following: the case plan for the child; the 1054  
permanency plan, if one exists; the actions taken by the child's 1055  
custodian; the need for a change in the child's custodian or 1056  
caseworker; and the need for any specific action to be taken 1057  
with respect to the child. The court shall require any 1058  
interested party to testify or present other evidence when 1059  
necessary to a proper determination of the issues presented at 1060  
the review hearing. In any review hearing that pertains to a 1061  
permanency plan for a child who will not be returned to the 1062  
parent, the court shall consider in-state and out-of-state 1063  
placement options and the court shall determine whether the in- 1064  
state or the out-of-state placement continues to be appropriate 1065  
and in the best interests of the child. In any review hearing 1066  
that pertains to a permanency plan for a child, the court or a 1067  
citizens board appointed by the court pursuant to division (H) 1068

of this section shall consult with the child, in an age- 1069  
appropriate manner, regarding the proposed permanency plan for 1070  
the child. 1071

(G) After the review hearing, the court shall take the 1072  
following actions based upon the evidence presented: 1073

(1) If an administrative review has been conducted, 1074  
determine whether the conclusions of the review are supported by 1075  
a preponderance of the evidence and approve or modify the case 1076  
plan based upon that evidence; 1077

(2) If the hearing was held under division (C) or (E) of 1078  
this section, approve a permanency plan for the child that 1079  
specifies whether and, if applicable, when the child will be 1080  
safely returned home or placed for adoption, for legal custody, 1081  
or in a planned permanent living arrangement. A permanency plan 1082  
approved after a hearing under division (E) of this section 1083  
shall not include any provision requiring the child to be 1084  
returned to the child's home. 1085

(3) If the child is in temporary custody, do all of the 1086  
following: 1087

(a) Determine whether the child can and should be returned 1088  
home with or without an order for protective supervision; 1089

(b) If the child can and should be returned home with or 1090  
without an order for protective supervision, terminate the order 1091  
for temporary custody; 1092

(c) If the child cannot or should not be returned home 1093  
with an order for protective supervision, determine whether the 1094  
agency currently with custody of the child should retain custody 1095  
or whether another public children services agency, private 1096  
child placing agency, or an individual should be given custody 1097

of the child. 1098

The court shall comply with section 2151.42 of the Revised 1099  
Code in taking any action under this division. 1100

(4) If the child is in permanent custody, determine what 1101  
actions are required by the custodial agency and of any other 1102  
organizations or persons in order to facilitate an adoption of 1103  
the child and make any appropriate orders with respect to the 1104  
custody arrangement or conditions of the child, including, but 1105  
not limited to, a transfer of permanent custody to another 1106  
public children services agency or private child placing agency; 1107

(5) Journalize the terms of the updated case plan for the 1108  
child. 1109

(H) The court may appoint a referee or a citizens review 1110  
board to conduct the review hearings that the court is required 1111  
by this section to conduct, subject to the review and approval 1112  
by the court of any determinations made by the referee or 1113  
citizens review board. If the court appoints a citizens review 1114  
board to conduct the review hearings, the board shall consist of 1115  
one member representing the general public and four members who 1116  
are trained or experienced in the care or placement of children 1117  
and have training or experience in the fields of medicine, 1118  
psychology, social work, education, or any related field. Of the 1119  
initial appointments to the board, two shall be for a term of 1120  
one year, two shall be for a term of two years, and one shall be 1121  
for a term of three years, with all the terms ending one year 1122  
after the date on which the appointment was made. Thereafter, 1123  
all terms of the board members shall be for three years and 1124  
shall end on the same day of the same month of the year as did 1125  
the term that they succeed. Any member appointed to fill a 1126  
vacancy occurring prior to the expiration of the term for which 1127

the member's predecessor was appointed shall hold office for the 1128  
remainder of the term. 1129

(I) A copy of the court's determination following any 1130  
review hearing held pursuant to this section shall be sent to 1131  
the custodial agency, the guardian ad litem of the child who is 1132  
the subject of the review hearing, and, if that child is not the 1133  
subject of a permanent commitment hearing, the parents of the 1134  
child. 1135

(J) If the hearing held under this section takes the place 1136  
of an administrative review that otherwise would have been held 1137  
under section 2151.416 of the Revised Code, the court at the 1138  
hearing held under this section shall do all of the following in 1139  
addition to any other requirements of this section: 1140

(1) Determine the continued necessity for and the safety 1141  
and appropriateness of the child's placement; 1142

(2) Determine the extent of compliance with the child's 1143  
case plan; 1144

(3) Determine the extent of progress that has been made 1145  
toward alleviating or mitigating the causes necessitating the 1146  
child's placement in foster care; 1147

(4) Project a likely date by which the child may be safely 1148  
returned home or placed for adoption or legal custody. 1149

(K) (1) Whenever the court is required to approve a 1150  
permanency plan under this section or section 2151.415 of the 1151  
Revised Code, the public children services agency or private 1152  
child placing agency that filed the complaint in the case, has 1153  
custody of the child, or will be given custody of the child 1154  
shall develop a permanency plan for the child. The agency must 1155  
file the plan with the court prior to the hearing under this 1156

section or section 2151.415 of the Revised Code. 1157

(2) The permanency plan developed by the agency must 1158  
specify whether and, if applicable, when the child will be 1159  
safely returned home or placed for adoption or legal custody. If 1160  
the agency determines that there is a compelling reason why 1161  
returning the child home or placing the child for adoption or 1162  
legal custody is not in the best interest of the child, the plan 1163  
shall provide that the child will be placed in a planned 1164  
permanent living arrangement. A permanency plan developed as a 1165  
result of a determination made under division (A)(2) of section 1166  
2151.419 of the Revised Code may not include any provision 1167  
requiring the child to be returned home. 1168

(3)(a) Whenever a court is required under this section or 1169  
section 2151.415 or 2151.419 of the Revised Code to conduct a 1170  
review hearing to approve a permanency plan, the court shall 1171  
determine whether the agency required to develop the plan has 1172  
made reasonable efforts to finalize it. In determining whether 1173  
the agency made reasonable efforts to finalize the permanency 1174  
plan, the court shall consider whether the agency complied with 1175  
sections 2151.4115 to 2151.4120 of the Revised Code. If the 1176  
court determines the agency has not made reasonable efforts to 1177  
finalize the plan, the court shall issue an order finalizing a 1178  
permanency plan requiring the agency to use reasonable efforts 1179  
to do the following: 1180

(i) Place the child in a timely manner into a permanent 1181  
placement; 1182

(ii) Complete whatever steps are necessary to finalize the 1183  
permanent placement of the child. 1184

(b) In making reasonable efforts as required in division 1185

(K) (3) (a) of this section, the agency shall consider the child's health and safety as the paramount concern.

Sec. 2151.4115. A public children services agency or private child placing agency shall, on removal of a child from the child's home, initiate a diligent search in accordance with section 2151.4116 of the Revised Code for the child's adult relatives and adult nonrelatives with a significant relationship to the child to assume temporary or legal custody of the child or otherwise provide the child a home.

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

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

(1) The child;

(2) The child's parents;

(3) Identified adult relatives;

(4) Any other person who is likely to have information about the identity or location of the person being sought.

(B) Comprehensive searches of databases available to the agency, including searches of employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records, and any other records likely to result in identifying and locating the person being sought;

(C) Appropriate inquiry made during any hearings in the case;

(D) Any other reasonable means that are likely to identify adult relatives or adult nonrelatives with a significant relationship to the child. 1213  
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**Sec. 2151.4117.** The public children services agency or private child placing agency shall continue to search for adult relatives or adult nonrelatives with a significant relationship to the child in accordance with section 2151.4115 of the Revised Code until one of the following occurs: 1216  
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(A) An adult relative or adult nonrelative with a significant relationship to the child with whom to place the child is found. 1221  
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(B) A permanency plan is approved for the child. 1224

(C) The court orders the agency to discontinue the search. 1225

**Sec. 2151.4118.** The diligent search and notification required under sections 2151.4115 and 2151.4119 of the Revised Code shall be completed, documented in writing, and filed with the court not later than thirty days after the removal of the child from the child's home, or as otherwise required by the court, and at each review hearing under section 2151.417 of the Revised Code. 1226  
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**Sec. 2151.4119.** The public children services agency or private child placing agency shall provide notice to all of the child's adult relatives and adult nonrelatives with a significant relationship to the child identified by the search under section 2151.4115 of the Revised Code, unless the agency determines that the adult identified may cause or has caused the child to be an abused, neglected, or dependent child. The notice shall include all of the following: 1233  
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(A) Notification that the child has been or is being 1241

removed from the child's home; 1242

(B) An explanation of the options the identified relative 1243  
or nonrelative has to participate in the care and placement of 1244  
the child and any options that may be lost by failing to respond 1245  
to the notice; 1246

(C) A description of the process for becoming an approved 1247  
foster home under section 5103.03 of the Revised Code and the 1248  
additional services and supports available for children placed 1249  
in approved foster homes; 1250

(D) A description of any financial assistance for which 1251  
the identified relative or nonrelative may be eligible. 1252

**Sec. 2151.4120.** A court may excuse a public children 1253  
services agency or private child placing agency from considering 1254  
an adult relative or adult nonrelative with a significant 1255  
relationship to the child for placement if the adult relative or 1256  
adult nonrelative entitled to notice under section 2151.4119 of 1257  
the Revised Code fails, within six months of receipt of the 1258  
notice, to demonstrate an interest in and willingness to assume 1259  
temporary or legal custody of the child or otherwise demonstrate 1260  
an interest in providing the child a home. 1261

**Sec. 2151.4122.** Nothing in sections 2151.4115 to ~~2151.4121~~ 1262  
2151.4120 of the Revised Code shall be construed to prevent a 1263  
public children services agency or private child placing agency 1264  
from continuing to search for or consider kinship caregivers. 1265

**Sec. 2151.424.** (A) If a child has been placed in a 1266  
certified foster home or is in the custody of, or has been 1267  
placed with, a kinship caregiver as defined in section 5180.50 1268  
of the Revised Code, a court, prior to conducting any hearing 1269  
pursuant to division (F) (2) or (3) of section 2151.412 or 1270

section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 1271  
or 2151.417 of the Revised Code with respect to the child, shall 1272  
notify, in writing, the foster caregiver or kinship caregiver of 1273  
the date, time, and place of the hearing. At the hearing, the 1274  
foster caregiver or kinship caregiver shall have the right to ~~be~~ 1275  
~~heard~~participate. 1276

(B) If a public children services agency or private child 1277  
placing agency has permanent custody of a child and a petition 1278  
to adopt the child has been filed under Chapter 3107. of the 1279  
Revised Code, the agency, prior to conducting a review under 1280  
section 2151.416 of the Revised Code, or a court, prior to 1281  
conducting a hearing under division (F) (2) or (3) of section 1282  
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 1283  
shall notify the prospective adoptive parent of the date, time, 1284  
and place of the review or hearing. At the review or hearing, 1285  
the prospective adoptive parent shall have the right to ~~be~~ 1286  
~~heard~~participate. 1287

(C) The foster caregiver or kinship caregiver shall be 1288  
encouraged to update the court about the child in the 1289  
caregiver's care, express concerns to the court that relate to 1290  
the child, ask questions about any aspect of the child's case, 1291  
and file reports and letters with the court as part of the 1292  
child's case record. 1293

(D) The notice and the opportunity to ~~be heard~~ participate 1294  
do not make the foster caregiver, kinship caregiver, or 1295  
prospective adoptive parent a party in the action or proceeding 1296  
pursuant to which the review or hearing is conducted. 1297

**Sec. 5103.161.** As used in this section, "permanent 1298  
custody" has the same meaning as in section 2151.011 of the 1299  
Revised Code. 1300

If a private child placing agency or public children services agency has placed a child in a foster home or with a relative of the child, other than a parent of the child, the agency shall notify the child's foster caregiver or relative if the agency seeks permanent custody of the child, or, if the agency already has permanent custody of the child, seeks to place the child for adoption. The notice also shall inform the foster caregiver or relative that the foster caregiver or relative can be considered for adoption. If the foster caregiver or relative informs the agency that the foster caregiver or relative wants to adopt the child, the agency shall inform the foster caregiver or relative of the process for obtaining an application to adopt the child and that the child may be placed for adoption in another home even if the foster caregiver or relative submits the application. ~~If the agency is given permanent custody of the child and the foster caregiver or relative has informed the agency of the foster caregiver's or relative's desire to adopt the child, the agency shall consider giving preference to an adult relative over a nonrelative caregiver when determining an adoptive placement for the child, provided the adult relative satisfies all relevant child protection standards and the agency determines that the placement is in the child's best interest.~~

**Section 2.** That existing sections 2151.011, 2151.411, 2151.412, 2151.416, 2151.417, 2151.4122, 2151.424, and 5103.161 of the Revised Code are hereby repealed.

**Section 3.** That sections 2151.4115, 2151.4116, 2151.4117, 2151.4118, 2151.4119, 2151.4120, and 2151.4121 of the Revised Code are hereby repealed.

**Section 4.** This act shall be known as the Fostering

Sibling Success Act.

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