

**NOTE**

The health and safety of the child are paramount.  
[R.C. 2151.417(A)] and [R.C. 2151.412(H)]

**RULE**

The agency may implement a change to the case plan without prior agreement of the parties or a court hearing if the agency has reasonable cause to believe one of the following circumstances exist:

- The child is suffering from illness or injury and is not receiving proper care and an appropriate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm

**OR**

- The child is in immediate danger from the child's surroundings and an immediate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm

**OR**

- A parent, guardian, custodian, or other member of the child's household has abused or neglected the child and the child is in danger of immediate or threatened physical or emotional harm from that person (unless the agency makes an appropriate change in the case plan). [R.C. 2151.412(F)(3)]

**NOTICE**

Determine whether the agency:

- Provided notice of the change to the court and all parties, including the guardian ad litem, before the end of the next business day after implementing the change in the case plan

**AND**

- Filed a statement with the court before the end of the third day after implementing the change in the case plan and provided notice of the filing to all parties and the guardian ad litem. [R.C. 2151.412(F)(3)]

**AND**

- Determine whether the foster parent, adoptive parent, or other person with custody of the child was notified of this hearing at which they have the opportunity to be heard. [R.C. 2151.424]

**OBJECTIONS TO EMERGENCY CASE PLAN AMENDMENTS**

All parties, including the guardian ad litem, shall have 10 days from the date the notice is sent to object to and request a hearing on the change.

[R.C. 2151.412(F)(3)]

**PROCEDURAL ISSUES**

The court should strive to schedule visitation and case plan services after the school day and ensure school stability in placement. [Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 675]

If the court receives a timely request for a hearing:

- Schedule a hearing to be held no later than 30 days after the request is received by the court

**AND**

- Provide notice of the date, time, and location of the hearing to all parties and the guardian ad litem. [R.C. 2151.412(F)(3)(a)]

If the court does not receive a timely request for a hearing, the court may:

- Approve the change without a hearing

**AND**

- Journalize the case plan with the change within 14 days after receipt of the change

**OR**

- Schedule a hearing to be held no later than 30 days after the expiration of the 14-day time period if the court does not approve the proposed change

## AND

- Give notice of the date, time, and location of the hearing to all parties, including the guardian ad litem. [R.C. 2151.412(F)(3)(b)]

## HEARING PROCEDURE

The court, based on the evidence presented at the dispositional hearing and in the best interest of the child, shall determine the contents of the case plan and journalize it as part of the dispositional order for the child. (See Dispositional Hearing Bench Card.) [Juv.R. 34(F)]

## CASE PLAN REVIEW

In the court's review of the case plan, the court shall be guided by the following general priorities:

- A child who is residing with or can be placed with the parents within a reasonable period of time should remain in their legal custody even if an order of protective supervision is required for a reasonable period of time
- A child who cannot be placed with the parents should be placed in the legal custody of a suitable extended family member
- A child who cannot be placed with the parents and has no suitable extended family members should be placed in the legal custody of a suitable non-relative
- The relative or non-relative shall be made a party to the proceedings after being given legal custody [R.C. 2151.412(H)(3)]
- A child who has no suitable family members or non-relatives who can accept legal custody and temporarily cannot or should not be placed with the parents, guardians or custodians should be placed in the temporary custody of a public children services agency or a private child-placing agency

- A child who cannot be placed with either of the parents within a reasonable period of time or should not be placed with either and has no suitable family members or non-relatives available to accept legal custody, and if the agency has a reasonable expectation of placing the child for adoption, should be committed to the permanent custody of the agency.
- A child to be placed for adoption or in foster care should not have placement delayed or denied on the basis of the race, color or national origin of the child or the adoptive or foster family. [R.C. 2151.412(H)(1) through (6)]

## FINDINGS

- Approve or modify the case plan based on the evidence presented

### OR

- Return the child home with or without protective supervision and terminate temporary custody or determine which agency shall have custody

### OR

- Determine what actions would facilitate an adoption if the child is in permanent custody

### AND

- Journalize the terms of the updated case plan. [Juv.R. 36(C)]



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



Special conditions apply when changing placement of a child in a planned permanent living arrangement. (Review, Special Provisions for Child in Planned Permanent Living Arrangement Bench Card)