

RULE

Any party may propose a change to a substantive part of the case plan. [R.C. 2151.412(F)(2)]

NOTICE

Determine whether the party filing the proposed change to a substantive part of the case plan provided notice of the proposed change to all parties, including the guardian ad litem, in writing and before the end of the day after the filing of the case plan amendment. [R.C. 2151.412(F)(2)]

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]



A substantive part of the case plan includes, but is not limited to, the child's placement and the visitation rights of any party. [R.C. 2151.412(E)(2)]

OBJECTIONS TO CASE PLAN AMENDMENTS

All parties, including the guardian ad litem, shall have 7 days from the date notice is sent to object to and request a hearing on the proposed change. [R.C. 2151.412(F)(2)] and [R.C. 2151.416(E)]

PROCEDURAL ISSUES

The court should strive to schedule visitation and case plan services after the school day and ensure school stability in placement. [See 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, including the guardian ad litem. [R.C. 2151.412(F)(2)(a)] and [R.C. 2151.416(E)(1)]

NOTE

The agency shall not implement the proposed change unless it is approved by the court. [R.C. 2151.412(F)(2)(a)]

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

- Approve the proposed change without a hearing

AND

- Journalize the case plan with the change no later than 14 days after the change is filed

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)(2)(b)] and [R.C. 2151.416(E)(2)]

NOTE

If the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than 15 days after the submission of the proposed change to the court. [R.C. 2151.412(E)(2)(b)]

HEARING PROCEDURE

The court, based upon the evidence presented at the dispositional hearing, shall determine the contents of the case plan it journalizes as part of the dispositional order. The court shall make this determination based upon the best interest of the child. (See Dispositional Hearing Bench Card.) [Juv.R. 34(F)]

CASE PLAN REVIEW

NOTE → The child's health and safety shall be the paramount concern. [R.C. 2151.412(H)]

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)]

NOTE → 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.)