

NOTICE

- ☑ Determine whether the summons for the Complaint seeking planned permanent living arrangement contains the required definition and a full explanation of the effects of an order and parents' right to counsel. *R.C. 2151.353(B)*
- ☑ Determine whether the service of the summons and complaint was properly made. *R.C. 2151.353(B)*

HEARING PROCEDURE

Standard of Proof: Clear and Convincing Evidence. *R.C. 2151.353(A)(5)* and *R.C. 2151.415(C)(1)*

The agency must prove that:

- ☑ the child, because of physical, mental, or psychological needs, is **unable to function in a family-like setting and must remain in residential care**;

OR

- ☑ the parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with *R.C. 2151.414(D)*, and the child retains a positive relationship with a parent or relative;

OR

- ☑ the child is 16 years old, has been counseled on the permanent options available, is unwilling to accept or unable to adapt to a permanent placement, and is in an agency program preparing for independent living. *R.C. 2151.353(A)(5)* and *2151.415(C)(1)(a)* through (c)

AND

- ☑ Set out these findings, and the facts upon which they are based, in the Entry. *R.C. 2151.415(C)(2)*

RESULTING RESTRICTIONS *R.C. 2151.415(G)*

If planned permanent living arrangement is granted, the child's placement cannot be changed unless:

- ☑ the court and the guardian ad litem have received notice of the intended removal;

AND

- ☑ it is necessary for the protection of the child;

AND

- ☑ the agency gives the court notice of the reasons why the removal is necessary;

AND

- ☑ the court approves the change.