

NOTICE

Determine whether:

- ☑ reasonable efforts were made to notify the child's mother and father, *R.C. 2151.31(D)*; *Juv. R. 6(A)(3)(g)* and *7(F)(1)*

OR

- ☑ there were reasonable grounds to believe that notifying the parent would:
 - ☑ jeopardize the physical or emotional safety of the child,

OR

- ☑ result in the removal of the child from the jurisdiction.

HEARING PROCEDURE

- ☑ Standard of Proof: Probable Cause. *Juv. R. 6(B)*

FINDINGS

Determine whether there are **reasonable grounds** to believe that:

- ☑ the child is in immediate danger from the child's surroundings;

AND

- ☑ the removal of the child is necessary to prevent the child's physical or emotional harm.

OR

- ☑ the child has been abused or neglected (or another member of that household has been abused or neglected);

AND

- ☑ the child is in danger of immediate or threatened physical or emotional harm from that abusive or neglectful person.

OR

- ☑ the child is suffering from illness or injury;

AND

- ☑ there is no one available to care for the child;

AND

- ☑ the removal of the child is necessary to prevent the child's physical or emotional harm;

OR

- ☑ the child may abscond or be removed from the jurisdiction of the court or not be brought to court. *R.C. 2151.31(A)*; *Juv. R. 6(A)(3)(a)* through (f)

Determine whether:

- ☑ the agency made or failed to make reasonable efforts to prevent the removal, to eliminate the continued removal of the child from the home or to make it possible for the child to return home safely, with a brief description of the services and why those services did not prevent removal or enable the child to return home. If removal occurred under emergency circumstances and the agency had no prior contact, the court is not prohibited from finding the agency made reasonable efforts. *R.C. 2151.31(E)(2)*; *R.C. 2151.419(A)(1)*; *Juv. R. 27(B)(1)*

OR

- ☑ the agency is not required to make reasonable efforts to prevent the removal, to eliminate the continued removal of the child from the home or to make it possible for the child to return home safely as the facts fall within one of the factors contained in *R.C. 2151.419(A)(2)*. *R.C. 2151.31(E)(2)*; *Juv. R. 27(B)(1)*

AND

- ☑ it would be contrary to the welfare and best interest of the child to continue in the home. *R.C. 2151.33(E)*; *42 U.S.C. 672 § 472*

INDIAN CHILD WELFARE ACT (ICWA) CONSIDERATIONS

- ✓ Inquire as to whether the child or parents may be of Native American heritage. 25 U.S.C. 1903, 1912 and 1922 If such heritage is a possibility, until such a determination is made, proceed as if ICWA applies.



ICWA issues should be identified early in the case to avoid delays in caseflow timeframes. Refer to the Indian Child Welfare Act Checklists and Native American Directory published by the National Council of Juvenile and Family Court Judges.

CASEFLOW TIME FRAMES



Magistrates can issue orders. Juv. R. 40

- ✓ Set this matter for a shelter care hearing before the end of the next business day (and not later than 72 hours) after the emergency order is issued. R.C. 2151.31(E); Juv. R. 6(B); Juv. R. 7(F)(1)
- ✓ If a motion for an ex parte Order is denied by the Court, the matter must be set for hearing on that motion within 10 days after it was filed. Juv. R. 13(B)(5)
- ✓ Journalize the Order. R.C. 2151.31(D)

ADDITIONAL CONSIDERATIONS FOR AN ORDER WITH COMPLAINT

NOTICE

- ✓ Because the court may issue the Orders summarily, without notice, or upon a motion by a party, determine whether notice was given to the parties in a manner in which they were likely to get actual notice of the subsequent review hearing to be held within 24 hours but not later than 72 hours of granting an ex parte Order. R.C. 2151.33(D); Juv. R. 13(D) and (E)

FINDINGS

In addition to the findings outlined above, determine whether:

- ✓ the best interest and welfare of the child appear to require that the Order be immediately issued. R.C. 2151.33 (D)