

INTRODUCTION TO ABUSE, NEGLECT, AND DEPENDENCY

1. GOAL

- a. The goal of Juvenile Court is to offer assistance and services to families, in an effort to provide a safe and stable environment for the child(ren) and/or reunify families.

2. DEFINITIONS

- a. **Clear and Convincing Evidence:** that measure of degree of proof which is more than a mere “preponderance of the evidence,” but not to the extent of such certainty as required by “beyond a reasonable doubt” in criminal cases and which will produce in the mind of the trier of fact a firm belief or conviction as to the facts sought to be established.
- b. **Preponderance of the Evidence:** the greater weight of the evidence for the trier of fact to decide in favor of one side. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.
- c. **Probable Cause:** sufficient reason based upon known facts to believe something has occurred. Requires more than mere suspicion but not an absolute certainty.
- d. **Case Plan:** a written plan addressing shortcomings within the household (e.g. unstable housing, substance abuse, mental or physical illness, etc.) that must be addressed in order for reunification of the family to safely occur.
- e. **Abused:** any child who is the victim of sexual assault; endangered; exhibits evidence of physical or mental injury or death by non-accidental means; suffers physical or mental injury threatening health and welfare due to acts of the parent(s), guardian(s), or custodian(s).
- f. **Neglect:** any child who is abandoned; lacks adequate care due to faults or habits of the parent(s), guardian(s), or custodian(s); neglected by refusing to provide special care for a child’s mental condition; placed or attempted to be placed by the parent(s), guardian(s), or custodian(s) in violation of R.C. 5103.16 and R.C. 5103.17; suffers physical or mental injury due to omissions of the parent(s), guardian(s), or custodian(s); subjected to out-of-home neglect.
- g. **Dependency:** any child who is homeless or destitute; lacks adequate parent care; lives in horrible conditions or environment; a sibling of the child or other child residing in home is an abused, neglected, or dependent child and the child is in danger of being abused or neglected by the parent(s), guardian(s), custodian(s) in the household.
- h. **Guardian Ad Litem:** a person appointed by the Court to protect and represent the best interest of the child
- i. **Planned Permanent Living Arrangement (PPLA):** an order from the Court that gives legal custody of a child age 16 or over to Jobs and Family Service (JFS) or

private child-custody agency without terminating parental rights and allows that agency to make appropriate placement with a foster care provider, agency, or another person child is placed with.

3. **PROCESS**

- a. **Removal:** child removed from household by law enforcement and placed with Jobs and Family Service (JFS)
- b. **Shelter Care:** the initial hearing to remove the child where a showing of probable cause is required.
- c. **Adjudicatory:** the trial where clear and convincing evidence of abuse, neglect, or dependency must be presented.
- d. **Disposition:** the hearing to determine what action must be taken concerning the child including custody arrangements of protective supervision, temporary custody, legal custody, permanent custody, or planned permanent living arrangements.
- e. **Annual Review:** the case is reviewed every 12 months to address the case plan, placement, agency actions, custodian actions, needed changes, need for specific actions, and any other aspect needing addressed.
- f. **Semiannual Administrative Review:** occurs every 6 months by the agency with child's parent(s), guardian(s), or custodian(s), GAL, foster(s) to discuss safety, case plan, progress, reunification, custodial rights, and to also hold a hearing.

4. **PERMANENT CUSTODY**

- a. Parents have a constitutionally protected and fundamental right concerning the care, custody, and management of their children.
- b. However, in certain circumstances, the State may terminate one's parental rights by filing a motion for permanent custody when it is in the best interest of the child(ren).
- c. Parental rights cannot be terminated without a hearing and the Court must find:
 - i. Clear and convincing evidence that one or more factors listed in R.C. 2151.414(B)(1)(a)-(e) applies.
 - ii. Granting custody to an agency is in the child(ren)'s best interest.
 - iii. Clear and convincing evidence that granting permanent custody of the child(ren) is in the best interest upon considering all relevant factors in R.C. 2151.414(D).