

Sample Motion for Permanent Custody

JUVENILE COURT
_____ COUNTY, OHIO

IN RE:

Case No. _____
MOTION FOR
PERMANENT
CUSTODY

The undersigned, counsel for the _____ *County Public Children Services Agency/Private Child Placing Agency/Department of Human Services [or Guardian ad Litem for _____ CHILD'S NAME _____]*, hereby moves this Court to enter an order awarding permanent custody of CHILD'S NAME, who has been adjudicated as an *neglected, dependent, and/or abused child*, to the _____ *Agency/Department*.

In support of this motion, the movant states that said child was adjudicated to be a *neglected, dependent, or abused child* on _____, _____, and a journal entry of disposition was entered on _____, _____, in which the following disposition was ordered:

Specify terms and conditions of the dispositional order, and any extensions thereto, including:

- *Disposition options:*
 - *Protective supervision*
 - *Temporary custody with a public children services agency, a private child placing agency, either parent, a relative residing within or outside the state, or placement in a certified foster home, or in any other home approved by the court*
 - *Legal custody of the child with either parent or another person*
 - *Planned permanent living arrangement with a public children services agency or private child placing agency*
 - *Removal from the child's home until further order of the court of the person who committed the alleged abuse or allowed alleged neglect, or who is the parent, guardian, or custodian of a child who is adjudicated dependent child; in addition, the court may order any person not to have contact with the child or the child's siblings.*
- *Additional conditions of disposition, including:*
 - *Reasonable restrictions upon the child, the child's parents, guardian, or custodian, or any other person ordered as part of an order of protective supervision, including, but not limited to:*
 - *Vacation of a party from the child's home indefinitely or for a specified period of time;*
 - *An order to a parent of the child, or a physical custodian of the child to prevent any particular person from having contact with the child;*
 - *An order restraining or otherwise controlling the conduct of any person which would not be in the best interest of the child.*

Movant states further in support of this motion that a grant of permanent custody to _____ is in the child's best interest, based on the following:

Specify additional relevant grounds that would support that an order of permanent custody is in the best interest of the child, including, as appropriate:

- *The child is orphaned and no relative of the child is able to take legal custody of the child; or*
- *The child is abandoned; or*
- *The child is not abandoned or orphaned, has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period if, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state, and the child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents; or*
- *The child has been in temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period in Ohio or in another State.*

Summarize additional facts that support that permanent custody is in the best interest of the child, including, as appropriate:

- *If applicable, reasonable efforts, as outlined in the child's case plan, have been made to prevent the removal of the child from the child's home, to eliminate the continued removal of the child from the child's home, or to make it possible for the child to return safely home; or*
- *If applicable, the court has made a determination that the agency is not required to make reasonable efforts to prevent the removal of the child from the child's home, eliminate the continued removal of the child from the child's home, and return the child to the child's home;*
- *Permanent custody is in the best interest of the child, pursuant to ORC Ann. 2151.414(D)(1), as (LIST FACTS SUPPORTING RELEVANT FACTORS);*
- *Permanent custody is in the best interest of the child pursuant to ORC Ann. 2151.414(D)(2), as (LIST FACTS SUPPORTING RELEVANT FACTORS);*
- *The child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, pursuant to ORC Ann. 2151.414(E), as (LIST RELEVANT FACTORS) and any other factors the Court finds applicable.*

The child's case plan, which was journalized and made part of the order of disposition, is attached hereto and made a part hereof.

Based on the foregoing, movant requests that this case be set for a hearing, and asks this Court to enter an order granting permanent custody to _____.

Counsel for _____ or
Guardian ad Litem for _____

THESE PROCEEDINGS CAN AFFECT IMPORTANT LEGAL RIGHTS. IF PERMANENT CUSTODY IS AWARDED AS SOUGHT BY THIS MOTION, THE PARENTS OF THE CHILD WHO IS THE SUBJECT OF THESE PROCEEDINGS WILL BE PERMANENTLY DIVESTED OF THEIR PARENTAL RIGHTS, AND SAID PARENTS WILL NO LONGER HAVE ANY RIGHT TO THE CUSTODY, CARE, OR CONTROL OF SAID CHILD.

ALL PARTIES TO THIS PROCEEDING SHOULD OBTAIN LEGAL COUNSEL. THE PARENTS OF THE CHILD WHO IS THE SUBJECT OF THIS PROCEEDING HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL AND TO HAVE COUNSEL APPOINTED BY THE COURT IN THE EVENT THAT THE PARENTS ARE UNABLE TO AFFORD COUNSEL. ANY PARTY DESIRING LEGAL ASSISTANCE IN THIS MATTER SHOULD CONTACT _____ (*NAME OF DESIGNATED COURT EMPLOYEE*), AT _____ (*TELEPHONE NUMBER*).

Proof of Service

To be served on all parties to the action and the child's guardian ad litem.