



# *ENACTMENT NEWS*

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## **House Bill 213 Child Custody**

On June 17, 2014 the Governor signed House Bill 213 (Pelanda, Celebrezze), which adopts several changes to child custody law as recommended by a task force initiated by the Office of the Attorney General. The bill will go into effect on September 17, 2014.

### **Guardians Ad Litem**

The bill clarifies that a court must appoint a guardian ad litem in all proceedings where:

- 1) The parent is under 18 or appears to be mentally incompetent;
- 2) There is a conflict of interest between child & child's parent/guardian/custodian; or
- 3) The court believes that the parent is incapable of representing the best interests of the child<sup>1</sup>

Additionally, the bill clarifies that the court has the discretion to appoint a guardian ad litem in dependency cases.

These requirements do not apply in cases for permanent custody of an infant younger than six months old for the purposes of adoption by a private child placing agency and the bill prohibits the appointment of a GAL under such circumstances.<sup>2</sup>

Finally, the bill adds "court appointed special advocate[s]" and guardian ad litem to the list of those who must immediately report instances or threats of abuse or neglect if known or if the person has reasonable cause to suspect such behavior.<sup>3</sup>

### **Normalizing the Experience for Youth in Foster Care**

The bill clarifies that children subject to out-of-home care may participate in age-appropriate extracurricular, enrichment and social activities and provides immunity to caregivers and foster parents if a child is injured while participating in these activities so long as the caregiver gives the child permission to participate based upon factors listed in the bill.<sup>4</sup> To qualify for the immunity, the bill requires that foster caregivers follow a "reasonable and prudent parent" standard.

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<sup>1</sup> R.C. § 2151.281(B)(2)

<sup>2</sup> R.C. § 2151.281(K)

<sup>3</sup> R.C. § 2151.421(A)(1)(b)

<sup>4</sup> R.C. § 2151.315

### **Planned Permanent Living Arrangement (PPLA)**

The bill prohibits a court from placing a child in a PPLA under R.C. 2151.353(A)(5)(b) unless the court finds, in addition to what it must find under current law, that the child is sixteen years of age or older. The bill additionally alters the law governing Planned Permanent Living Arrangements (PPLA) to require a court to consider all relevant information when determining to place a child into a PPLA.

### **Permanent Custody**

The bill further permits a juvenile court to grant a motion for permanent custody of a child to a movant if the court determines, by clear and convincing evidence, that the child or another child in the custody of the parent from whose custody the child has been removed has been adjudicated an abused, neglected, or dependent child on three separate occasions.<sup>5</sup>

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<sup>5</sup> R.C. § 2151.414(B)(1)(e)