

Questions and Answers: When a Child's Agency Legal Status of Permanent Custody is Under Appeal

Question: Does SACWIS require that I create an Adoption Case?

Answer: No. There are no rules or requirements in SACWIS that require a user to create an Adoption Case. However, when the child's legal status is **Permanent Custody (PC)** or **Permanent Surrender (PS)**, the Agency is required to move toward reaching the goal of Adoption Finalization.

Question: How long can I wait to create an Adoption Case in SACWIS once our Agency receives an Agency legal status of PC or PS?

Answer: Since there are no rules or requirements that force a user to create an Adoption Case, it is the Agency's decision on when to create the Adoption Case.

The decision should be made on a case-by-case basis and by taking into consideration the likelihood of the PC legal status being appealed.

Another factor to consider is that the timeframes for adoption-related work items begin when the Agency receives PC or PS. However, the following work items can only be accessed from the Adoption Case in SACWIS: pre-adoptive staffing, matching conferences, potential adoptive family searches, recruiting effort documentation, pre-finalization adoption assessment, etc.

Question: If our Agency believes that the PC legal status will be appealed, should we wait to create the adoption case? What are the consequences of waiting to create vs. creating the adoption case immediately?

Answer: At this time, Ohio Administrative Code (OAC) 5101:2-48-16 states that the Initial Pre-Adoptive Staffing is due forty-five (45) days after PC has been granted to the Agency, regardless of the legal status being under appeal.

This rule has been revised to change the Pre-Adoptive Staffing mandate to be in accordance with the Matching Conference mandate which states: "If the order is under appeal, the Matching Conference is due within forty-five (45) days of the issuance of the final decision."

If your Agency wants to record in SACWIS that this staffing has occurred, an adoption case must be created to access the **Pre-Adoptive Staffing** link. If your Agency wants to wait to create the Adoption case, then the Pre-Adoptive Staffing should be created on paper and placed in the child's file.

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Question: Is it against the rules to work on an Adoption case when the PC is still under appeal?

Answer: While rules dictate what case activities can and cannot be worked (or completed) when the legal status is under appeal, a "case" is still being worked, services are still being provided, and visits are still taking place, regardless of whether your agency refers to the case as an ongoing case or an adoption case.

Each Agency has the ability to determine on a case-by-case basis whether an adoption case will be created or whether they will continue to work on the ongoing case during the appeal process.

SACWIS functionality allows for a child to be reactivated in their ongoing case after the child's adoption case has been created. This is accomplished by navigating to the ongoing case's **Member** tab, locating the **Member History** screen (also called **View Member History** screen), and then clicking the **Activate** link for the relevant child.

	Person ID	Name	DOB	Age	Gender	Status	Begin Date	End Date
view activate					Female	INACTIVE		
view					Female	ACTIVE		01/13/2012
view activate					Male	INACTIVE		
view					Male	ACTIVE		01/13/2012
view activate					Female	INACTIVE		
view					Female	ACTIVE		11/03/2011

By doing this, your Agency is opting to have the child appear as an active case member in both the adoption case and in the ongoing case simultaneously. However, this does not mean that duplicate work items will need to be created. It is simply a way for workers to record any work items, activity logs, etc, in the appropriate case.

Example: When completing adoption related work items, the items are recorded in the adoption case. Any work items related to the parent (such as a visitation plan or services for the parents) can then be documented in the ongoing case. While it is each agency's decision on how to proceed, it is recommended that each agency be consistent in the way that they enter information between the cases.

Additionally, each agency is encouraged to collaborate with their court to determine what the expectations for provision of services are during the appeals process.

Example: If there is no expectation that your Agency will continue visits or provide services to the biological parents, then it is reasonable to include information only in the adoption case.

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Question: How do I record in SACWIS that an appeal has been filed?

Answer: There are several ways to record that a child's legal status is under appeal. One option is to check mark the **Appeal/Objection to Ruling** check box (**Ruling Information** screen) for the **Ruling Type of Permanent Custody** in which PC was granted.

The screenshot shows two sections of a form. The top section, 'Legal Status Information', contains a table with columns for 'Legal Status', 'Effective Date', 'Termination Date', and 'Termination Reason', along with an 'Add Legal Status' button. The bottom section, 'Appeal Information', features a checkbox labeled 'Appeal/Objection to Ruling' which is checked and highlighted with a red box. To its right is a text field for 'Appeal Filed On Behalf Of:' and a 'Search Person' button. A 'Stay Issued' checkbox is also present.

A second option is to record the appeal(s) of **TPR of Father** and/or **TPR of Mother** in the **Ruling Type** field (**Ruling Information** screen). This option assists you in knowing which parent (or if both parents) filed an appeal.

The screenshot displays the 'Ruling Information' section of a form. It includes fields for 'Date of Ruling:*' (01/19/2010), 'Action Participant:*', 'Ruling Type:*' (set to 'TPR of Father' and highlighted with a red box), 'Court Case Number:', 'Court ID Number:', 'Last Modified Date:', and 'Journalized Date:'. Below these fields are two lists: 'Ruling(s) Received:' and 'Selected Rulings Received:'. The 'Selected Rulings Received:' list contains 'TPR Father-12/22'. There are 'Add >>' and '<< Remove' buttons between the lists.

Question: Will the Pre-Adoptive Staffing tickler and Matching Conference tickler still be created / generated when the PC Ruling is under appeal?

Answer: Yes. At this time, SACWIS does not have the functionality to withhold the creation/generation of the Pre-Adoptive Staffing tickler while the PC ruling is under appeal. However, the supervisor has the ability to manually dispose of this ticker while the PC Ruling is under appeal.

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Question: What happens if the appeal is granted and the Agency no longer holds PC?

Answer: In this situation, the worker will need to complete the following actions.

1. Enter the termination of Agency Legal Status of PC in SACWIS (with the appropriate reason, except for Adoption Finalized).
2. Record the new legal status, if one has been received.
3. If an adoption case was opened, end date all case services in the adoption case (case plans, visitation plans, etc).
4. Process the **Validate Adoption Case Closure** and **Submit for Approval** of the adoption case.
5. Once approved, the adoption case will be closed.

Members	Placement/Finalization/Case Closure								
Case ID: [redacted] Case Name: [redacted]	Case Status: Open (05/10/2010) Case Category: Adoption								
Adoption Placement/Finalization Information									
Validate Adoption Case Closure									
view edit	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Child Name</th> <th style="width: 30%;">Placement Information Completed</th> <th style="width: 30%;">Finalization Checklist Completed</th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td>[redacted]</td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">security approval</td> </tr> </tbody> </table>	Child Name	Placement Information Completed	Finalization Checklist Completed		[redacted]	Yes	Yes	security approval
Child Name	Placement Information Completed	Finalization Checklist Completed							
[redacted]	Yes	Yes	security approval						
Add Finalization Checklist Info									

Case ID: [redacted] Case Name: [redacted]	Case Status: Open (05/10/2010) Case Category: Adoption
Adoption Case Security Approval Validation Details	
The adoption information for [redacted] cannot be secured until the following has been completed	
All open services and service authorizations, except for adoption subsidy must be closed.	
The child's last placement record must be end dated.	
A discharge date and discharge reason must be entered on the child's placement record	
The child is an active member of an open Case Plan. Must amend Case Plan for removal of Case Plan participants or amend for Case Closure.	
All ticklers associated to the child must be disposed.	
Mother married at the child's birth must be entered.	

Then, the worker can either:

1. Edit the PC and/or TPR rulings in the ongoing case by removing the check mark in the **Appeal/Objection to Ruling** checkbox, or
2. Leave the **Appeal/Objection to Ruling** checkbox checked. Then record a new ruling in the ongoing case using the appropriate date of the final ruling and selecting the **Ruling Type** of **Appeal – Permanent Custody**. Next, in the **Ruling(s) Received** field, choose the new ruling received of **Custody Objections / Appeal Sustained**.

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Important: An adoption case that is closed for any reason other than **Adoption Finalized** should not be sealed or secured. If the ongoing case was previously closed and needs to be reopened as the agency received new court orders, contact the SACWIS Help Desk for guidance on how to proceed.

Question: What happens if the appeal is denied and the Agency maintains PC?

Answer: In this situation, the worker has the following two options:

1. Edit the PC and/or TPR rulings by removing the check mark in the **Appeal / Objection to Ruling** checkbox, or
2. Leave the **Appeal/Objection to Ruling** checkbox checked. Then record a new ruling in the ongoing case using the appropriate date of the final ruling and selecting the **Ruling Type** of **Appeal – Permanent Custody**. Next, in the **Ruling(s) Received** field, choose the new ruling received of **Custody Objections / Appeal Sustained**.

If the ongoing case is still open and the child is an active member of both cases, the worker will need to deactivate the child in the ongoing case. To do so, click the **Edit** link on the **Members** tab (**Case Members** screen) in the ongoing case.

CRP	Person ID	Name	DOB	Age	Gender	Begin Date	delete
edit					Male	01/04/2011	delete
edit					Female	11/03/2010	delete

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Once the child has been deactivated, the ongoing case can be closed. The worker will then continue to work the Adoption case and adhere to the Ohio Administrative Code (OAC) due dates regarding completion of work items in the Adoption case in the situation of an appeal being denied.

If you have any additional questions regarding how to record the appeal in SACWIS, please contact the SACWIS Help Desk.