

# **Q&A When a Child's Agency Legal Status of Permanent Custody is Under Appeal**



**Knowledge Base Article**

# Q&A When a Child’s Agency Legal Status of Permanent Custody is Under Appeal

## Table of Contents

Question: Does Ohio SACWIS require that I create an Adoption Case? .....3

Question: How long can I wait to create an Adoption Case in Ohio SACWIS once our Agency receives an Agency legal status of PC or PS? .....3

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? .....3

Question: Is it against the rules to work on an Adoption case when the PC is still under appeal? .....4

Question: How do I record in Ohio SACWIS that an appeal has been filed? .....5

Question: Will the Pre-Adoptive Staffing tickler and Matching Conference tickler still be created / generated when the PC Ruling is under appeal? .....6

Question: What happens if the appeal is granted and the Agency no longer holds PC? .....6

## Q&A When a Child's Agency Legal Status of Permanent Custody is Under Appeal

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

**Answer:** No. There are no rules or requirements in Ohio 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 Ohio 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 Ohio 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 Ohio 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.

## Q&A When a Child's Agency Legal Status of Permanent Custody is Under Appeal

**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.

Ohio 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.

<a href="#">view</a>	<a href="#">activate</a>	<a href="#">Test, Female</a>	Female Age 18, DOB 08/23/2006	10/13/2023
		Race: White Hispanic/Latino: No ICWA Status: No		
<a href="#">view</a>	<a href="#">activate</a>	<a href="#">Test, Female 2</a>	Female Age 15, DOB 07/28/2009	02/05/2025
		Race: White Hispanic/Latino: No ICWA Status: No		

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.

# Q&A When a Child's Agency Legal Status of Permanent Custody is Under Appeal

**Question: How do I record in Ohio 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 File a Ruling and select the **Appeal/Objection** option check box (**Ruling Information** screen) for the **Ruling Type** of **Permanent Custody** in which PC was granted.

**Ruling Information**


Date of Ruling:\*   Court Case Number:

Action Participant:\* - 04/10/2008 Court ID Number:

Court Name:  Judge/Magistrate:

Court Address:  County:

Ruling Type:\*  Last Modified Date:

Journalized Date:  

Ruling(s) Received:


Active Efforts (ICWA)
Added as a Party to Case
Adjudicated Abused
Adjudicated Delinquent
Adjudicated Dependent

Selected Rulings Received:

Permanent Custody

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.

**Ruling Information**


Date of Ruling:\*   Court Case Number:

Action Participant:\* - 04/10/2008 Court ID Number:

Court Name:  Judge/Magistrate:

Court Address:  County:

Ruling Type:\*  Last Modified Date:

Journalized Date:  

Ruling(s) Received:

TPR Father - Deserted Child/Safe Haven Baby
TPR Father - Involuntary due to CAN or Dependency
TPR Father -Voluntary due to CAN or Dependency
TPR Father -Volunteer Permanent Surrender (JFS 01666)
TPR Father-Abandoned the Child

Selected Rulings Received:

TPR Father-12/22 Months Decision

## Q&A When a Child's Agency Legal Status of Permanent Custody is Under Appeal

**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, Ohio 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.

**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 Ohio 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.

Link Activity

Additional Comments:

Spell Check Clear 2000

Validate for Approval Process for Approval

Save Cancel

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**.

## Q&A When a Child's Agency Legal Status of Permanent Custody is Under Appeal

**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 Ohio 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.

Case Detail **Members** Relationships Associated Persons

**Case Members**

**Active Member List**

Warning: Changing the Case Reference Person will change the Case Name and Case Address

CRP	Case Member	Begin Date
<a href="#">edit</a>	<a href="#">Child, Test</a> Female Age 10 DOB 7/25/2014 Race: White Hispanic/Latino:	04/22/2024

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 additional questions pertaining to this Deployment Communication, please contact the [Customer Care Center](#)

# Q&A When a Child's Agency Legal Status of Permanent Custody is Under Appeal