

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO  
JUVENILE DIVISION

IN RE: L.M., a Caucasian female child  
DOB: \_\_\_\_\_, SSN: xxx-xx-\_\_\_\_  
Mother: \_\_\_\_\_  
SACWIS #: \_\_\_\_\_

CASE NO. JC \_\_\_\_\_  
Judge \_\_\_\_\_ / Magistrate \_\_\_\_\_

MOTION AND AFFIDAVIT FOR  
COMMITMENT TO THE PERMANENT  
CUSTODY OF MCCS

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Montgomery County Department of Job and Family Services - Children Services Division (MCCS), by and through the office of the Montgomery County Prosecuting Attorney, respectfully moves the Court for an order committing the child to the *Permanent Custody* of MCCS, pursuant to R.C. §§ 2151.413, 2151.414(B)(1)(b)&(d) and (B)(2) and 2151.414(E)(1, 2, 3, 4, 9, 10, 11, 13, 14, 16), and the attached Affidavit.

Respectfully submitted,

MATHIAS H. HECK, JR.  
Prosecuting Attorney

By: \_\_\_\_\_  
John Amarante (0038613)  
Assistant Prosecuting Attorney  
3304 N. Main Street  
Dayton, Ohio 45405  
(937) 276-6580

Notice of the time and place of hearing of the foregoing Motion will follow.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent to the following person(s) via US Mail on the \_\_\_\_ day of \_\_\_\_\_, 2011:

Mother, \_\_\_\_\_  
Legal Father, \_\_\_\_\_  
GAL, \_\_\_\_\_  
Attorney for Mother, \_\_\_\_\_  
Attorney for Father, \_\_\_\_\_

\_\_\_\_\_  
Assistant Prosecuting Attorney

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO  
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In Re: L.M.

Case No. JC \_\_\_\_\_

A F F I D A V I T

STATE OF OHIO

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)SS:

COUNTY OF MONTGOMERY

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The Affiant, being duly sworn according to law, deposes and states the following:

1. I am a caseworker at Montgomery County Department of Job and Family Services - Children Services Division (MCCS) assigned the above-cited case.
2. This child was adjudicated dependent and temporary custody was granted to MCCS by Decision filed on \_\_\_\_\_. A First Extension of Temporary Custody was granted to MCCS by Decision filed on \_\_\_\_\_. A Second Extension of Temporary Custody was granted to MCCS by Decision filed on \_\_\_\_\_. The custody is scheduled to expire on \_\_\_\_\_.
3. On the birth certificate, the child's name is L.M. with a birth date of \_\_\_\_\_. \_\_\_\_\_ is listed as the mother and \_\_\_\_\_ is listed as the father.
4. Since the last hearing, the child has lived in foster care.
5. Mother has not been visiting the child. Mother has not visited since April, 2011. Father died April 18, 2011 as a result of ALS.
6. Permanent custody is in the child's best interest because: Mother has stopped visiting the child since father's death. Mother's original parenting and psychological assessment was completed but it was recommended that she be reassessed once she more fully engages as she did not provide sufficient information for evaluation. Mother did not complete parenting classes after sporadic attendance. Mother attended her therapy sporadically but stopped attending six months ago. MCCS has been unable to contact mother since father passed away and she moved into her new residence. Because of this, she is not visiting and a parenting and psychological reassessment cannot be scheduled. Mother was convicted of OVI in August 2011 in Dayton Municipal Court but she has not yet been sentenced. Two of mother and father's other children were placed in the permanent custody of a children services agency in another county. Three of their other children and a fourth child of mother's are in the legal custody of relatives.
7. No relatives are able, willing, and appropriate to care for the child. Relatives have been contacted, and home studies were conducted and approved as they have other children of mother's, but they are not willing to take this child.
8. Because the parents are unfit/unable to care for the child, it is in the best interest of the child for the Court to commit the child to the permanent custody of MCCS. Details of the casework plan will be presented at the hearing.
9. The situation involving this family and child has been thoroughly reviewed by me and other appropriate personnel of MCCS prior to the decision to file for permanent custody. The decision is based on such review.
10. If the Court should grant Permanent Custody to Montgomery County Department of Job and Family Services, the Agency's adoption plan for the child(ren) includes the transfer of the case to the adoptions unit and an adoption specialist, the holding of a transfer conference to discuss the child(ren)'s individual needs with the new unit and worker, the holding of a matching conference (if child is not already in a foster-to-adopt setting) to match the child's needs with a foster-to-adopt home, the listing of the child on

the OAPL website and other adoption recruiting efforts conducted regularly throughout the year. Additionally, the Agency will evaluate the eligibility of the child and a prospective adoptive home to receive adoption subsidies.

Further affiant saith naught.

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Caseworker, MCCS

Sworn to before me and subscribed in my presence this \_\_\_\_ day of \_\_\_\_\_, 2011.

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