

5101:2-39-03 Emergency removal of a child from an out-of-home care setting.

(A) Removal of a child from an out-of-home care setting shall be considered necessary when it has been determined that the child is in immediate danger of serious harm and in need of protection from child abuse or neglect or that the presence of the child in the out-of-home care setting places another child in the out-of-home setting in immediate danger of serious harm.

(B) When emergency removal of the child occurs the PCSA shall contact the parent, guardian, or custodian; out-of-home setting caretaker; and guardian ad litem and provide the following information within twenty-four hours. Notification shall be given verbally and in writing.

(1) Reason for emergency removal.

(2) PCSA name, telephone number, address, and name of person to contact regarding the case.

(3) Time and place of court hearings, if applicable.

(C) When emergency removal of a child occurs and attempts to notify the parent, guardian, or custodian; out-of-home setting caretaker; and guardian ad litem pursuant to paragraph (B) of this rule are unsuccessful, the PCSA shall provide written notice of the information listed in paragraph (B) of this rule within twenty-four hours.

(D) The PCSA who has custody of the child shall complete an amendment to the case plan in accordance with rule 5101:2-38-05 of the Administrative Code upon removal of a child from an out-of-home care setting.

(E) When the PCSA determines pursuant to paragraph (A) of this rule that circumstances indicate the need for removal of a child in the custody of another PCSA, private child placing agency (PCPA), or children services agency (CSA), the PCSA shall do all of the following:

(1) Immediately contact the PCSA, PCPA or CSA holding custody of the child and notify the agency of the circumstances that necessitate the removal.

(2) Provide the custodial PCSA, PCPA or CSA with the agency's name, telephone number, address, and name of person to contact regarding the case.

(3) Follow up the notifications provided pursuant to this paragraph in writing within three working days.

(F) The PCSA may request the assistance of law enforcement during an assessment/investigation when one or more of the following situations exist and the reason for contacting law enforcement is documented in the case record:

- (1) The PCSA is unable, due to the immediacy of the situation, to obtain a court order authorizing the emergency removal of a child.
 - (2) The PCSA is denied entry into the out-of-home care setting, or is denied access to the child.
 - (3) The caretaker or child offers physical resistance to the emergency removal.
 - (4) The agency has reason to believe that the personal safety of the child or PCSA employee is jeopardized.
 - (5) The agency has reason to believe that a crime is being committed, or has been committed against a child.
 - (6) The assistance of law enforcement is being invoked in accordance with the county child abuse and neglect memorandum of understanding.
- (G) The PCSA shall document in the case record the following information:
- (1) Attempts to provide the parent, guardian or custodian, guardian ad litem and caretaker with notification of the child's emergency removal.
 - (2) Attempts to provide the parent, guardian or custodian, guardian ad litem and caretaker with notification of any court hearings.
 - (3) Copies of ex parte emergency orders.

Replaces: Part of 5101:2-34-52, 5101:2-39-12.1, Part of 5101:2-42-04

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Certification

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