

5101:2-39-03

Emergency removal of a child from substitute care placement.

- (A) Emergency removal of a child from a substitute care setting shall be considered necessary if it is determined the child is in immediate danger of serious harm and in need of protection from child abuse or neglect or the presence of the child in the substitute care setting places another child in the substitute care setting in immediate danger of serious harm.
- (B) If a child in the custody of a public children services agency (PCSA) is removed from a substitute care setting, the PCSA shall provide the child; if age and developmentally appropriate, and parent, guardian, or custodian; substitute caregiver; and guardian ad litem with the following information verbally and in writing within twenty-four hours.
- (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, as applicable.
- (C) If a PCSA determines the need for an emergency 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 necessitating the emergency 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) Provide all notifications required pursuant to this paragraph in writing within three business days.
- (D) If emergency removal of a child occurs and attempts to notify the parent, guardian, or custodian; substitute caregiver; and guardian ad litem pursuant to paragraph (B) of this rule are unsuccessful, the PCSA shall provide written notice no later than the next business day.
- (E) The PCSA or PCPA holding custody of the child shall complete an amendment to the case plan in accordance with rule 5101:2-38-05 or 5101:2-38-07 of the Administrative Code upon removal of a child from a substitute care setting.
- (F) The PCSA shall document all activities and notifications required by this rule in the case record.

Five Year Review (FYR) Dates: 10/28/2020 and 10/28/2025

CERTIFIED ELECTRONICALLY

Certification

10/28/2020

Date

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