

5101:2-42-04

Authority to assume and retain custody of a child.

(A) A public children services agency (PCSA) or private child placing agency (PCPA) ~~PCSA or PCPA~~ shall place a child in substitute care setting apart from his parents, guardian, or custodian only if custody of the child has first been assumed or retained by that agency. A PCSA or PCPA may provide placement services for a child through the direct placement of the child by his parent, guardian, or custodian into a facility operated by the PCSA or PCPA.

A PCSA or PCPA may assume or retain custody of a child through:

- (1) Temporary court order, including an ex parte emergency order, issued by a juvenile court.
- (2) Temporary custody issued or extended by a juvenile court exercising jurisdiction pursuant to section 2151.353, 2151.354, 2151.355, 2151.415, or 2151.417 of the Revised Code.
- (3) Execution of a JFS 01666 "Permanent Surrender of Child" (rev. 04/2006) ~~ODHS 1666~~ in accordance with requirements of rule 5101:2-42-09 of the Administrative Code.
- (4) Permanent custody issued by a juvenile court exercising jurisdiction pursuant to section 2151.353, 2151.354, 2151.414, 2151.415, or 2151.417 of the Revised Code.
- (5) Execution of ~~aan~~ JFS 01645 "Agreement for Temporary Custody of a Child" (rev. 04/2006) ~~1645~~ ~~ODHS~~ in accordance with requirements of rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code.
- (6) Execution of ~~aan~~ JFS 01645 "Agreement for Extension of Agreement for Temporary Custody of a Child" (rev. 04/2006) ~~1645~~ ~~ODHS~~ in accordance with requirements of rules 5101:2-42-07 and 5101:2-42-08 of the Administrative Code.
- (7) Planned permanent living arrangement order issued by a juvenile court exercising jurisdiction pursuant to division (A)(5) of section 2151.353 of the Revised Code.

(B) A PCSA or PCPA may place a child in substitute care upon acceptance of the child from a law enforcement officer or duly authorized officer of the court. Upon acceptance of the child the PCSA or PCPA shall request an ex parte order from the court and shall file a petition authorizing the continued placement of the child within twenty-four hours or the next working day, pursuant to rule 5101:2-39-12 of

the Administrative Code or rule 5101:2-39-01 of the Administrative Code, if applicable.

(C) A PCSA shall accept and take emergency temporary custody of a deserted child as defined in rule 5101:2-1-01 of the Administrative Code. The PCSA shall:

(1) Provide temporary emergency care for the child.

(2) The PCSA shall petition the juvenile court for an order within twenty-four hours or the next working day requesting that temporary custody be granted to the PCSA or a designated PCPA.

(D) Upon the granting of the order for temporary custody the PCSA shall perform such duties for the deserted child as required for any child in the agency's custody.

Effective: 10/09/2006

R.C. 119.032 review dates: 06/28/2006 and 10/01/2011

CERTIFIED ELECTRONICALLY

Certification

09/14/2006

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.16
Rule Amplifies: 5103.03, 5153.16
Prior Effective Dates: 1/14/83, 9/28/87 (Emer.), 12/27/87, 1/1/89, 1/1/90,
12/1/01