

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) 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) 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 a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 04/2006) in accordance with requirements of rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code.~~
- ~~(6) Execution of a JFS 01645 "Agreement for Extension of Temporary Custody of Child" (rev. 04/2006) 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 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. 6/2006) 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 a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) in accordance with requirements of rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code.
- (6) Execution of another JFS 01645 for extension of temporary custody 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)~~(C) 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)~~(D) 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~~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)~~(E) 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: 11/09/2009

R.C. 119.032 review dates: 07/31/2009 and 08/01/2014

CERTIFIED ELECTRONICALLY

Certification

10/13/2009

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.166
Rule Amplifies: 5103.03, 5153.166
Prior Effective Dates: 1/14/83, 9/28/87 (Emer.), 12/27/87, 1/1/89, 1/1/90,
12/1/01, 10/9/06