

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.

(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~~)(rev. 10/2013) 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.

(C) A PCSA 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 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 5101:2-39-01 of the Administrative Code,

if applicable.

(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) 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.

(3) Perform such duties for the deserted child as required for any child in the agency's custody.

~~(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.~~

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CERTIFIED ELECTRONICALLY

Certification

07/09/2014

Date

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