

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 a 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 with custody of a child may place the child(ren) with the parent in a substance use disorder residential facility (SUD). 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, 2151.415, or 2151.417 of the Revised Code.
 - (3) Execution of a JFS 01666 "Permanent Surrender of Child" (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 with the court for an ex parte order 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.

Effective: 11/1/2019
Five Year Review (FYR) Dates: 7/2/2019 and 11/01/2024

CERTIFIED ELECTRONICALLY

Certification

09/12/2019

Date

Promulgated Under: 119.03
Statutory Authority: 5153.166, 5103.03
Rule Amplifies: 2151.421, 5153.16, 5103.03
Prior Effective Dates: 01/14/1983, 09/28/1987 (Emer.), 12/27/1987,
01/01/1989, 01/01/1990, 12/01/2001, 10/09/2006,
11/09/2009, 08/11/2014