

TO BE RESCINDED

5101:2-42-05 **Selection of a placement setting.**

- (A) The PCSA or PCPA shall attempt to locate a suitable relative to assume temporary or legal custody of the child when a child cannot remain in his own home.
- (B) The PCSA or PCPA shall attempt to locate a suitable nonrelative to assume temporary custody, legal custody, or guardianship of the child when a child cannot remain in his own home and no suitable relative is available to assume custody.
- (C) When the court places a child in the temporary custody of the PCSA or PCPA, the PCSA or PCPA shall select a substitute care placement setting which is consistent with the best interest and special needs of the child and which is also:
- (1) The least-restrictive, most family-like setting available which meets the child's emotional and physical needs;
 - (2) In close proximity to the home from which the child was removed or the home in which the child will be permanently placed;
 - (3) In close proximity to the school in which the child was enrolled prior to placement;
 - (4) Designed to enhance the likelihood of reunification, when appropriate; and
 - (5) Able to protect the child and provide a safe environment for the child.
- (D) A PCSA or PCPA shall determine and make placements only in substitute care settings listed in this rule. The home of a suitable relative that is not licensed, certified or approved by the agency of the state having authority for licensing, certifying or approving relative homes or foster homes shall be approved by the PCSA or PCPA pursuant to rule 5101:2-42-18 of the Administrative Code. No child shall be placed in any other substitute care setting that is not licensed, certified or approved by the agency of the state with authority for licensing, certifying or approving facilities of the type in which the child is placed. The following listing represents the order of least-restrictive to most-restrictive settings for a child in the temporary custody of a PCSA or PCPA:
- (1) The home of a suitable relative as defined in rule 5101:2-1-01 of the Administrative Code.
 - (2) The home of a suitable nonrelative, as defined in rule 5101:2-1-01 of the

Administrative Code.

- (3) A foster home.
 - (4) Agency independent living, as appropriate for the child.
 - (5) A group home.
 - (6) A maternity home.
 - (7) An emergency shelter care facility.
 - (8) A children's residential center.
 - (9) Any medical or educational facility.
- (E)
- (1) Prior to placing a child in a foster home which has been recommended for certification by another agency, the agency wishing to use the home shall obtain a written agreement signed by the recommending agency stating how the home is to be used and that all parties affected by the agreement approve of it. The recommending agency shall also provide written notification to any other agencies currently using the home.
 - (2) Prior to placing a child into a substitute care setting, the PCSA or PCPA having custody of the child shall provide the substitute caregiver with the information required to be provided by rule 5101:2-42-90 of the Administrative Code.
 - (3) If a child of school age is being placed in a foster home in a county other than the county in which the child resided at the time of being removed from his home, the PCSA or PCPA having custody of the child shall provide the school district in which the child will be placed with the information required to be provided by rule 5101:2-42-90 of the Administrative Code. The placing agency shall also notify the PCSA in the county in which the child is being placed.
 - (4) If a child is an adjudicated unruly or delinquent child being placed in a foster home in a county other than the county in which the child resided at the time of being removed from his home, the PCSA or PCPA having custody of the

child shall provide the juvenile court in the county in which the child is being placed with the information required to be provided by rule 5101:2-42-90 of the Administrative Code. The placing agency shall also notify the PCSA in the county in which the child is being placed.

- (F) For a child in the permanent custody of a PCSA or PCPA, an adoptive placement shall be considered the least-restrictive setting. When selecting an adoptive placement, primary consideration shall be given to placing a child with a family who is able to meet the child's best interest and individual needs. The agency shall not deny consideration of a family based upon geographic boundaries. The custodial agency shall consider giving preference to:
- (1) All adult relatives of the child who have expressed interest in adopting the child and meet all relevant state child protection standards, unless the agency determines that the placement is not in the child's best interest.
 - (2) The substitute caregiver of the child who has expressed an interest in adopting the child.
 - (3) Approved adoptive families.
- (G) Only when a PCSA or PCPA determines that a child's mental, physical or emotional needs indicate that a less-restrictive placement setting cannot address the child's needs, may the PCSA or PCPA choose a more-restrictive setting to place the child.
- (H) Nothing in this rule shall contravene any court of jurisdiction or law enforcement placement of a child in a secure facility or a specified setting.
- (I) The PCSA or PCPA shall document in the child's case record:
- (1) Educational, medical, psychological, and social information used by the agency to select a placement setting which meets the identified educational, emotional, and physical needs of the child.
 - (2) Why less-restrictive placements were not utilized, if applicable.
- (J) The PCSA or PCPA shall discuss the appropriateness of the placement selection in the child's case plan as required by rule 5101:2-39-08.1 of the Administrative Code for a PCSA and rules 5101:2-39-10 and 5101:2-39-11 of the Administrative Code for a PCPA.

(K) The provisions of this rule do not apply to a PCPA which provides placement services to a child who is the subject of a voluntary permanent custody surrender agreement.

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CERTIFIED ELECTRONICALLY

Certification

08/30/2004

Date

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