

5101:2-42-05

Selection of a placement setting.

- (A) When a child cannot remain in his or her own home, the public children services agency (PCSA) or private child placing agency (PCPA) shall explore both maternal and paternal relatives including a non-custodial parent regarding their willingness and ability to assume temporary custody or guardianship of the child. Unless it is not in the child's best interest, the PCSA or PCPA shall explore ~~placement with a~~the non-custodial parent before considering other relatives.
- (B) If a suitable relative is not available to assume temporary custody, guardianship, or placement, the PCSA or PCPA shall explore placement with a suitable nonrelative who has a relationship with the child and/or family.
- (C) The PCSA or PCPA shall only place children:
- (1) In homes of relative or non-relatives approved by the PCSA or PCPA in accordance with rule 5101:2-42-18 of the Administrative Code.
 - (2) In substitute care settings that are licensed, certified or approved by the agency of the state having responsibility for licensing, ~~certifying~~certifying or approving facilities of the type in which the child is placed.
- (D) The PCSA or PCPA shall attempt to place siblings in the same home unless it is not in the child's or siblings' best interest.
- (E) When the PCSA or PCPA has temporary custody of a child, it shall select a substitute care setting that is consistent with the best interest and special needs of the child and that meets the following criteria:
- (1) Is considered the least restrictive, most family-like setting available to meet the child's emotional and physical needs.
 - (2) Is in close proximity to the home from which the child was removed or the home in which the child will be permanently placed.
 - (3) Is in close proximity to the school in which the child was enrolled prior to placement.
 - (4) Is designed to enhance the likelihood of achieving permanency plan goals.
 - (5) Is able to provide a safe environment for the child.
- (F) The following allowable substitute care settings are listed in order from least restrictive to most restrictive:

- (1) ~~The home of a suitable relative as defined in rule 5101:2-1-01 of the Administrative Code.~~ With the parent in a substance use disorder (SUD) residential facility.
- (2) The home of a suitable relative, excluding the parent, as defined in rule 5101:2-1-01 of the Administrative Code.
- ~~(2)~~(3) The home of a suitable nonrelative as defined in rule 5101:2-1-01 of the Administrative Code.
- ~~(3)~~(4) A foster home.
- ~~(4)~~(5) An independent living arrangement, as appropriate for the child.
- ~~(5)~~(6) A group home.
- ~~(6)~~(7) A maternity home.
- ~~(7)~~(8) An emergency shelter care facility.
- ~~(8)~~(9) A children's residential center.
- ~~(9)~~(10) A medical or educational facility.
- (G) 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, the agency shall follow rule 5101:2-48-16 of the Administrative Code.
- (H) ~~Only when a PCSA or PCPA determines that a child's mental, physical or emotional needs indicate that a less-restrictive setting cannot address his or her needs, the PCSA or PCPA may place the child in a more restrictive setting.~~ The PCSA or PCPA may place the child in a more restrictive setting, only when the PCSA or PCPA determines that a child's mental, physical or emotional needs indicate that a less-restrictive setting cannot address the child's needs.
- (I) This rule shall not contravene the placement of a child in a secure facility or other specified setting by law enforcement or any court of jurisdiction.
- (J) The PCSA or PCPA shall document the following in the child's case plan:
- (1) Educational, medical, psychological, and social information used by the agency to select a placement setting.
 - (2) How the setting constitutes a safe and appropriate placement.

- (3) Why less-restrictive placements, if applicable, were not utilized.
- (K) The provisions of this rule do not apply to a permanent surrender agreement executed in the child's best interest by a PCPA in accordance with division (B)(2) of section 5103.15 of the Revised Code for a child less than six months of age for the purpose of adoption on the date of the execution of the agreement.
- (L) All placement activities shall be in compliance with rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code and 42 U.S.C. sections 671(a)(18), 674(d) and 1996b (collectively, the Multiethnic Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996 ~~or MEPA~~ as in effect January 1, 1997).

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Certification

Date

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