

5101:2-42-09

**Acceptance of permanent custody by permanent surrender.**

- (A) The parents, guardian, or other persons having custody of a child may enter into an agreement with a public children services agency (PCSA) or private child placing agency (PCPA) to voluntarily surrender a child into the permanent custody of an agency when there is mutual agreement that a permanent surrender would be in the best interests of the child. The PCSA or PCPA shall use the JFS 01666 "Permanent Surrender of Child" (rev. 10/2013) when executing the agreement. The JFS 01666 shall not be executed until at least seventy-two hours after the birth of the child has elapsed.
- (B) At least seventy-two hours prior to the PCSA or PCPA execution of the JFS 01666, the assessor shall meet with the parents, guardian or ~~other persons having custody~~custodian of the child to do the following:
- (1) Discuss with the parents, guardian, or ~~persons having custody~~custodian of the child other options available in lieu of surrendering the child.
  - (2) Advise the parents, guardian, or ~~persons having custody~~custodian of the child that execution of a JFS 01666 will sever all parental rights to the child and will terminate all residual parental rights, privileges and responsibilities as defined in section 2151.011 of the Revised Code.
  - (3) Advise the parents, guardian or ~~persons having custody~~custodian of the child that execution of a permanent surrender must be approved by the juvenile court unless the JFS 01666 is executed by a PCPA solely for the purpose of obtaining an adoption of a child who is less than six months of age on the date that the agreement is executed.
  - (4) Advise the parents, guardian or ~~persons having custody~~custodian of the child of Ohio law regarding open adoption and Ohio adoption procedures.
  - (5) Review, discuss and complete the JFS 01693 "Ohio Law and Adoption Materials" (rev. 5/2009). Only sections "I", "II", and "III" need to be completed for a child over six months of age on the date the JFS 01666 is executed.
- (C) The PCSA or PCPA shall not execute the JFS 01666 until:
- (1) All activities outlined in paragraph (B) of this rule have occurred.
  - (2) The social and medical histories and any releases of information have been obtained from the parents, guardian or ~~persons having custody~~custodian of the child in accordance with the requirements contained in rule 5101:2-48-03 of the Administrative Code.

- (D) Except as provided in paragraph (F) of this rule, each PCSA or PCPA that executes a JFS 01666 shall seek approval of the permanent surrender by the juvenile court of the county in which the child has a residence or legal settlement. At the time the PCSA or PCPA files its request for approval of the permanent surrender with the court:
- (1) The PCSA shall file a case plan prepared in accordance with rule 5101:2-38-05 of the Administrative Code and shall submit the JFS 01693.
  - (2) The PCPA shall file a case plan prepared in accordance with rules ~~5101:2-38-07~~5101:2-38-06 and ~~5101:2-38-06~~5101:2-38-07 of the Administrative Code and shall submit the JFS 01693.
- (E) Except as provided in paragraph (F) of this rule, permanent custody of the child through execution of a JFS 01666, is not established until the juvenile court approves the permanent surrender.
- (F) When a PCPA executes a JFS 01666 involving a child under six months of age where the agreement is executed solely for obtaining the adoption of the child and the parents(s) consent to the permanent surrender, approval by the juvenile court is not required. The PCPA shall notify the court no later than two business days after entering into the agreement that the JFS 01666 has been executed. At the time the PCPA notifies the court that an agreement has been executed, the JFS 01693 shall be submitted. The PCPA shall also notify the court no later than two business days after the child is physically placed for adoption.
- (G) If a child has not been placed for adoption within six months after the JFS 01666 is executed without juvenile court approval for any child in the custody of a PCPA who was under the age of six months at the time a JFS 01666 was executed, the PCPA shall:
- (1) Request the juvenile court with continuing jurisdiction hold a review hearing as outlined in section 2151.417 of the Revised Code.
  - (2) Submit a case plan prepared in accordance with rules ~~5101:2-38-07~~5101:2-38-06 and ~~5101:2-38-06~~5101:2-38-07 of the Administrative Code at the time of the review hearing.
- (H) If a final decree of adoption or an interlocutory order of adoption is not issued or does not become final within seven months after the JFS 01666 has been approved by the juvenile court, the PCSA or PCPA shall request the juvenile court with continuing jurisdiction hold a review hearing as outlined in section 2151.417 of the Revised Code.

- (I) The PCSA or PCPA shall follow placement requirements pursuant to rule 5101:2-48-16 of the Administrative Code.
- (J) A PCSA or PCPA shall not attempt to collect support payments from a biological parent, or legal guardian, for the cost of care incurred while a child is in the PCSA's or PCPA's permanent custody.
- (K) A PCSA or PCPA shall not secure or attempt to secure the permanent surrender of a child by the parent, guardian, or custodian through threats, intimidation, or offers of gain or reward.
- (L) The PCSA or PCPA shall document in the child's case record:
  - (1) The date, time, place and circumstances under which the activities listed in paragraph (B) of this rule occurred.
  - (2) The date, time, place and circumstances under which the JFS 01666 was executed.

Effective:

Five Year Review (FYR) Dates: 7/2/2019

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5101.03, 5153.166, 3107.083  
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