

5101:2-42-87

**Termination of substitute care and custody of a child.**

(A) Each public children services agency (PCSA) shall determine the necessity for continuing or terminating custody of ~~each~~ a child, whether the child's custody is by agreement or court order or whether the child's custody status is temporary or permanent. The agency shall assess the need for continued custody at least every three months from date of initial placement and at each semiannual administrative review. Such assessment shall be documented in the case record. In making a determination that there is no need for continued custody, the agency shall~~The agency shall determine that there is no need for continued custody when the child, if returned to his or her home, would not be vulnerable and in need of protection from child abuse or neglect. In making such a determination, the agency shall:~~

~~(1) Update the JFS 01500 "Family Risk Assessment Model: Part I; Family Risk Assessment Matrix" (rev. 1/2001) pursuant to rule 5101:2-34-33 of the Administrative Code or the JFS 01404 "Comprehensive Assessment Planning Model - I.S. Reunification Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-04 of the Administrative Code.~~

(1) Complete the JFS 01404 "Comprehensive Assessment Planning Model - I.S. Reunification Assessment" (rev.2/2006) pursuant to rule 5101:2-37-04 of the Administrative Code.

(2) Use ~~either the JFS 01500 or~~ the JFS 01404 as a guide to determine whether the child's parent, guardian, or custodian is available, able and willing to demonstrate protective capacities for the child.

(3) Consider whether supportive services can provide adequate protection for the child if he or she were returned to his or her own home under a court order of protective supervision, or the agency's involvement is no longer deemed necessary and termination is sought.

(B) The PCSA's or private child placing agency's (PCPA) custody shall automatically terminate when one of the following occur:

(1) A court of jurisdiction issues an order terminating agency custody.

(2) A JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) expires or is terminated early.

(3) A probate court issues a final decree of adoption or an interlocutory order of adoption becomes final.

(C) While in substitute care, a child may be on leave from his or her current placement

for a trial visit with his or her parent, guardian or custodian up to sixty consecutive days.

- (D) When the PCSA or PCPA plans to recommend that the court terminate custody, the agency shall give the substitute caregiver at least five days advance notice. Advance notice shall not be required if a court of jurisdiction terminates agency custody on its own accord, or the substitute caregiver agrees to a lesser advance notice. Documentation evidencing notice (written or oral) to a caregiver, including the caregiver's agreement, no less than five days advance notice of removal from substitute care placement, shall be maintained in the caregiver's record.
- (E) When termination of substitute care occurs, those services offered to and provided to the child and his or her parent, guardian, or custodian in preparation for the child's reunification, adoption or emancipation shall be noted in the child's case record. ~~Notes or other documentation evidencing notice (written or oral) to a caregiver, including the caregiver's agreement to less than five days advance notice of removal from substitute care placement, shall be maintained in the caregiver's record.~~
- (F) The agency shall provide the following services to prepare the child and his or her parent, guardian, or custodian when the child is to be returned home, which shall include, but not be limited to:
- (1) Arranging visits or other contacts as needed between the parent, guardian, or custodian and child to discuss what has transpired between the time of initial placement and the present.
  - (2) Increasing the length and number of home visits to help the child become reacquainted with his or her family, when applicable.
  - (3) Providing emotional support for feelings the child may have about leaving the substitute caregiver.
  - ~~(4) Completing the JFS 01404 and documenting in the case record requirements, pursuant to rule 5101:2-37-04 of the Administrative Code.~~
- (G) ~~Providing~~The custodial agency shall provide case planning services to emancipating youth pursuant to rules 5101:2-42-19 and ~~either 5101:2-39-08.1 or 5101:2-38-05 of the Administrative Code~~ and pursuant to rule 5101:2-38-07 of the Administrative Code, if applicable for the PCPA.
- ~~(H) All services offered and provided in preparation for custody termination shall be documented in accordance with rule 5101:2-39-08.1 or 5101:2-38-05 of the~~

~~Administrative Code, if applicable.~~

~~(H)~~ (H) ~~Informing~~ The agency shall inform the county department of job and family services (CDJFS) healthchek coordinator when the child has been returned home and custody has been terminated.

~~(I)~~ (I) The agency shall provide the parent, guardian, custodian, prefinalized adoptive parent, or a child who is emancipating with a copy of the child's health care record prepared pursuant to ~~rules 5101:2-48-14 or 5101:2-42-66.2 and 5101:2-38-08~~ of the Administrative Code upon termination of the child's custody. The agency shall provide the parent, guardian, custodian, prefinalized adoptive parent, or a child who is emancipating with information about the healthchek program, if the child was in the healthchek program during the child's stay in substitute care.

Effective:

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Certification

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Date

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