



## Ohio Administrative Code

### Rule 5101:2-42-04 Authority to assume and retain custody of a child.

Effective: November 1, 2019

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(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 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.