



Mike DeWine, Governor
Kimberly Henderson, Director

February 17, 2021

Family, Children and Adult Services Manual Transmittal Letter No. 448

TO: Family, Children and Adult Services Manual Holders

FROM: Kimberly Henderson, Director

SUBJECT: **Five Year Review of the Emergency Removal of a Child from Substitute Care Placement Rule of the Ohio Administrative Code (OAC)**

This letter transmits the review of Ohio Administrative Code (OAC) rule 5101:2-39-03 that addresses requirements for a Public Children Services Agency (PCSA) related to emergency removal of a child from substitute care placement. This rule has been reviewed under the five-year review requirement, with no resulting changes, and will retain the previous effective date of May 30, 2014.

OAC 5101:2-39-03 entitled **Emergency Removal of a Child from Substitute Care Placement** sets forth the PCSA requirements for removing a child from a substitute care setting when the child is determined to be in immediate danger of serious harm and in need of protection from child abuse or neglect or the presence of the child in the substitute care setting places another child in the setting in immediate danger of serious harm.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
SOCIAL SERVICES	5101:2-39-03	5101:2-39-03
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5101:2-39-03

Emergency removal of a child from substitute care placement.

- (A) Emergency removal of a child from a substitute care setting shall be considered necessary if it is determined the child is in immediate danger of serious harm and in need of protection from child abuse or neglect or the presence of the child in the substitute care setting places another child in the substitute care setting in immediate danger of serious harm.
- (B) If a child in the custody of a public children services agency (PCSA) is removed from a substitute care setting, the PCSA shall provide the child; if age and developmentally appropriate, and parent, guardian, or custodian; substitute caregiver; and guardian ad litem with the following information verbally and in writing within twenty-four hours.
- (1) Reason for emergency removal.
 - (2) PCSA name, telephone number, address, and name of person to contact regarding the case.
 - (3) Time and place of court hearings, as applicable.
- (C) If a PCSA determines the need for an emergency removal of a child in the custody of another PCSA; private child placing agency (PCPA); or children services agency (CSA); the PCSA shall do all of the following:
- (1) Immediately contact the PCSA, PCPA or CSA holding custody of the child and notify the agency of the circumstances necessitating the emergency removal.
 - (2) Provide the custodial PCSA, PCPA or CSA with the agency's name, telephone number, address, and name of person to contact regarding the case.
 - (3) Provide all notifications required pursuant to this paragraph in writing within three business days.
- (D) If emergency removal of a child occurs and attempts to notify the parent, guardian, or custodian; substitute caregiver; and guardian ad litem pursuant to paragraph (B) of this rule are unsuccessful, the PCSA shall provide written notice no later than the next business day.
- (E) The PCSA or PCPA holding custody of the child shall complete an amendment to the case plan in accordance with rule 5101:2-38-05 or 5101:2-38-07 of the Administrative Code upon removal of a child from a substitute care setting.
- (F) The PCSA shall document all activities and notifications required by this rule in the case record.

Five Year Review (FYR) Dates: 10/28/2020 and 10/28/2025

CERTIFIED ELECTRONICALLY

Certification

10/28/2020

Date

Promulgated Under: 119.03
Statutory Authority: 2151.412, 2151.421, 5101.02, 5103.03, 5153.16
Rule Amplifies: 2151.412, 2151.421, 5101.02, 5103.03, 5153.16
Prior Effective Dates: 01/14/1983, 01/01/1987, 01/01/1988, 01/01/1989,
03/01/2006, 10/01/2009, 05/30/2014