



Ohio Administrative Code

Rule 5180:3-13-04 Authority to assume and retain custody of a child.

Effective: March 14, 2026

- (A) When can a public children services agency (PCSA) or private child placing agency (PCPA) place a child in substitute care?

A PCSA or PCPA may place a child in substitute care only after assuming or retaining custody of the child.

- (B) Can a PCSA or PCPA place a child with a parent in a substance use disorder (SUD) residential facility?

If the agency has custody of the child, it may place them with the parent in an SUD residential facility.

- (C) How can a PCSA or PCPA assume or retain custody of a child?

Custody can be assumed or retained through various legal processes, including:

- (1) Temporary court orders, including emergency ex parte orders, 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 DCY 01666 "Permanent Surrender of Child" in accordance with requirements of rule 5180:3-13-09 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) Agreements for temporary custody of a child and extensions of temporary custody by execution of a DCY 01645 "Agreement for Temporary Custody of Child".
 - (a) For temporary custody the agency is to follow the requirements of rules 5180:2-42-06 and 5180:3-13-08 of the Administrative Code
 - (b) For an extension of temporary custody, the agency is to follow the requirements of rules 5180:2-42-07 and 5180:3-13-08 of the Administrative Code.
- (6) 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.



5180:3-13-04

2

(D) Can a PCSA accept a child from law enforcement or a court officer?

A PCSA may accept a child from law enforcement or a court officer and file a petition for an ex parte order within 24 hours or the next working day to authorize continued placement, pursuant to rule 5180:2-39-01 of the Administrative Code.

(E) What actions is a PCSA take when accepting emergency temporary custody of a deserted child?

- (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 durties for the deserted child as required for any child in the agency's custody.