



Ohio Administrative Code

Rule 5180:3-13-08 Acceptance of temporary custody by agreement and court-approved extensions.

Effective: March 14, 2026

- (A) How can a public children services agency (PCSA) or private child placing agency (PCPA) accept temporary custody of a child by agreement from a child's parent, guardian or custodian?

The DCY 01645 "Agreement for Temporary Custody of Child" is to be properly executed, and all conditions stated are to be complied with.

- (B) Where must the agreement be executed?

The DCY 01645 is to be executed in the county where the child's parent, guardian, or custodian has legal residence or settlement.

- (C) Who can transfer temporary custody of a child?

Only the child's parent, guardian, or custodian can transfer temporary custody through an agreement.

- (D) What is a PCSA or PCPA to do before executing the DCY 01645?

- (1) Evaluate the reason for transferring temporary custody.
- (2) Explore less drastic alternatives, including placement with the child's parent, guardian, custodian, relative, or interested nonrelative pursuant to 5180:3-13-05 of the Administrative Code.
- (3) Confirm the availability of suitable placement resources for the child.
- (4) Review the DCY 01645 with the parent, guardian, or custodian.

- (E) What is the time limit for temporary custody agreements involving children under six months old for adoption purposes?

If the child is under six months of age, the agreement lasts up to sixty days. If temporary custody needs to continue, the agency is to request a thirty day extension with the consent of the child's parent, guardian or custodian. The thirty day extension is to be requested from the juvenile court in the county where the child's parent, guardian, or custodian has legal residence or settlement.

- (F) How long can temporary custody agreements last when not for adoption purposes?

The initial agreement can last up to thirty days. If an extension is needed, the agency is to request an original thirty day extension, and, if necessary, seek one additional thirty day extension from the court.



5180:3-13-08

2

(G) What is a PCSA or PCPA to do when requesting a court-approved extension?

- (1) File the request in sufficient advance of the expiration date of the agreement, as directed by the court, to allow the court to determine whether the extension is in the best interest of the child; and
- (2) If the request is for an original extension, file a copy of the family case plan prepared in accordance with rule 5180:2-38-05 of the Administrative Code for PCSAs, and rules 5180:2-38-06 and 5180:2-38-07 of the Administrative Code for PCPAs; or
- (3) If the request is for an additional extension, file a copy of the amended family case plan prepared in accordance with rule 5180:2-38-05 of the Administrative Code for PCSAs, and rules 5180:2-38-06 and 5180:2-38-07 of the Administrative Code for PCPAs.
- (4) Document in the case record the reasons why an original or additional extension is necessary and efforts to be made during the extension period to fulfill the family case plan.

(H) What happens if an extension is not requested?

- (1) Return the child to the parent, guardian, or custodian; or
- (2) File a complaint with the juvenile court pursuant to section 2151.27 of the Revised Code requesting temporary or permanent custody.

(I) What is to accompany a juvenile court complaint for custody?

The complaint is to be accompanied by a family case plan prepared in accordance with rule 5180:2-38-05 of the Administrative Code for PCSAs, and rules 5180:2-38-06 and 5180:2-38-07 of the Administrative Code for PCPAs.

(J) What is a PCSA or PCPA to do if an extension request is denied?

The agency is to return the child unless a court order permits otherwise. If necessary, the agency may file a complaint and seek an emergency order to retain custody pursuant to section 2151.33 of the Revised Code.