



Ohio Administrative Code

Rule 5180:3-13-68 Necessity for continued substitute care placement: court reviews and hearing requirements.

Effective: March 14, 2026

(A) How often are agencies to review the necessity for continued substitute care placement?

Each public children services agency (PCSA) or private child placing agency (PCPA) is to determine the necessity for continued substitute care placement of each child, whether the child's custody is by agreement or court commitment or whether the child's custody status is temporary or permanent. The agency is to conduct a case review and assess the need for continued substitute care placement no later than every six months after whichever activity occurs first as outlined in rule 5180:2-38-09 of the Administrative Code.

(B) What must agencies do for children in emergency shelter care for over thirty days? .

The PCSA or PCPA is to determine and document in the child's case record the specific efforts undertaken to achieve a more appropriate placement for the child and the anticipated time frame for achieving such a placement. The determination and documentation is to be completed promptly after each succeeding thirty-day period as long as the child remains in an emergency shelter care facility

(C) How do agencies determine whether continued substitute care is needed for children in temporary custody?

The PCSA is to consider reunification for a child in substitute care if the PCSA determines a safety threat is no longer active or is being controlled through the family's protective capacities. This determination must also take into account the child's vulnerabilities to ensure the child is no longer in immediate danger or at risk of serious harm.

(D) What actions must agencies take when continued temporary custody is needed?

Upon determining the need for continued temporary custody of a child, the PCSA or PCPA is to file a motion with the court that issued the order of disposition requesting a permanency review hearing for the court to grant any of the following:

- (1) An order for the extension of temporary custody for six months. The PCSA or PCPA is not to petition the court for more than two six-month extensions of temporary custody.
- (2) An order that the child be placed in the legal custody of a relative or non-relative.
- (3) An order that the child, sixteen years or older, be placed in a planned permanent living arrangement (PPLA) and the following is completed at both the initial PPLA hearing and any subsequent hearings regarding permanency outcomes:



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- (a) The PCSA is to document at each permanency hearing the efforts to place the child permanently with a parent, relative or in a guardianship or adoptive placement.
 - (b) The PCSA should ensure the child's attendance at the permanency hearing and is to ensure that the child is asked about their desired permanency outcome.
 - (i) If there is any significant safety concerns deterring the youth from participating in the hearing, the PCSA is to document the reason for the youth's absence in the child's case record.
 - (ii) In the youth's absence, the PCSA is to ensure a representative is present in court to address the youth's desires regarding the permanency outcome.
 - (c) The PCSA is to document the judicial determination made at each hearing that PPLA is the best permanency plan for the child and the compelling reasons why it is not in the best interest of the child to be placed permanently with a parent, relative, or in a guardianship or adoptive placement.
 - (d) The PCSA is to document the steps the agency is taking to ensure the resource family follows the reasonable and prudent parent standard, engaging the child with regular opportunities to participate in age or developmentally appropriate activities. The documentation of the activities is to be placed in the case record as outlined in rule 5180:3-1-23 of the Administrative Code.
- (4) An order permanently terminating the parental rights of the child's parents as outlined in 2151.413 of the Ohio Revised Code. The PCSA or PCPA should encourage a child to share their opinion and be included when any decisions are being made affecting their lives pursuant to 5180:2-5-35 of the Administrative Code.
- (E) When should the PCSA or PCPA file the motion prescribed by paragraph (D) of this rule?

The PCSA or PCPA is to file the motion no later than thirty days prior to the earlier of the following:

- (1) One year from the date on which the complaint in the case was filed.
- (2) One year from the date on which the child was first placed into shelter care.



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(3) The date set at the last dispositional hearing for the review hearing of the child's custody.

(F) When must an agency request a permanency hearing without requiring reasonable efforts?

The PCSA or PCPA is to request that a permanency hearing be held within thirty days of a judicial determination that reasonable efforts are not required pursuant to rule 5180:2-39-01 of the Administrative Code. This permanency hearing is not necessary if the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts are not required.

(G) When does this rule not apply?

This rule does not apply to a PCPA handling a voluntary permanent custody surrender agreement. All reviews of these cases are to comply with the provisions found in section 5103.153 of the Revised Code and rules 5180:3-13-09 and 5180:2-53-05 of the Administrative Code.