

**BUTLER COUNTY CHILDREN SERVICES**

POLICY NO.: 9.2	SUBJECT: <b>AGREEMENTS FOR TEMPORARY CUSTODY</b>
OAC: 5101: 2-42-06, 07, 08	EFFECTIVE DATE: 9/30/02
	REVISION DATE: 8/23/05, 4/08
	REVIEW DATE: 8/23/05, 11/28/06, 4/08, 10/09

**PURPOSE:**

To ensure children are provided for in the event the parent, guardian, or custodian is unable to care for them short term and requests assistance from the agency.

**POLICY:**

1. Agreements for Temporary Custody of a child shall be used when a caseworker feels that short term care is needed and the custodian is in agreement. Temporary custody may be accepted by the agency only by proper execution of the "Agreement for Temporary Custody of a Child" JFS 01645.
2. If the agency is already court involved, a VAC is not appropriate and the worker shall file in juvenile court for custody.
3. When the child is less than six months of age on the date of the execution of the JFS-1645 and the purpose is adoption, the agreement for temporary custody shall be for a specified period of not more than sixty days.
4. When the agreement for temporary custody is not for the purpose of adoption, the agreement for temporary custody shall be for a specified period of not more than thirty days.
5. In the event of an emergency after office hours, the supervisor on-call may give permission for the social worker on-call to sign the agreement for care.
6. The agreement for temporary custody may be terminated at the request of either party prior to expiration of the specified time period.
7. If the caseworker determines that continued temporary custody beyond thirty days through an agreement for temporary custody is appropriate, and the child's parent, guardian, or custodian concur, the caseworker shall file a request with the juvenile court for an original thirty-day extension of the agreement for temporary custody. (JFS 1645 page 2). The caseworker shall file a copy of the case plan with the request for an extension in sufficient advance of the

expiration date of the agreement, to allow the court to determine whether the extension is in the best interest of the child.

8. If the caseworker determines that continued temporary custody beyond an original thirty-day extension approved by the juvenile court is appropriate, and the child's parent, guardian, or custodian concur, the caseworker shall seek approval from the juvenile court for an additional thirty-day extension of the agreement. The worker shall file an amended case plan with the additional extension.
9. An extension of the temporary custody by agreement may be terminated at the request of either party prior to expiration of the specified time period. The caseworker shall notify the court of such termination within seven days.
10. If the agency does not request an original thirty-day extension or an additional thirty-day extension the agency shall:
  - a. Return the child to his parent, guardian, or custodian; or
  - b. File a complaint with juvenile court.

#### PROCEDURES:

The JFS 01645 shall not be executed until the caseworker has completed all of the following:

- a. Evaluated the reason for the transfer of temporary custody
- b. Explored all reasonable less drastic alternatives for the care of the child by his parent, guardian, custodian, relative or other interested non-relative.
- c. Determined that appropriate placement resources are available for the child.  
(See policy 4.1 Selection of a Placement Setting).
- d. Reviewed JFS 1645 with the parent, guardian, or custodian.

The worker shall complete all portions of the JFS 1645 and request the signature of the Director or his/her designee and then the parent, guardian, or custodian.

The VAC shall be recorded in SACWIS by submitting a copy to the court unit and the Administrative Assistant responsible for the custody list.



Approval Date:

Jeff Centers, Executive Director