

LCCS POLICY 620

Agreement for Temporary Custody (ATC)

Original Issue Date:	2/27/1985
Revision Dates:	10/23/1987, 2/2/1990, 11/24/1998, 9/10/1999, 8/6/2013, 12/15/15
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Current Effective Date:	12/15/15
Obsolete/Combined Date:	
Reason for Obsoleting/Combining:	
See new Policy #:	

Scope:	This policy applies to the professional staff of the LCCS Services Division, Case Review, and Legal Departments.
Responsibility:	Supervisors and Managers within LCCS Services Division, Facilitators and Manager within LCCS Case Review Department, Attorneys and Manager within LCCS Legal Department, Secretary to Associate Director of Services
Purpose:	To ensure that acceptance of custody through an ATC does not jeopardize the agency's ability to protect and provide appropriate services to the child or deny parents of their legal rights.
Legal Cite:	O.R.C. §§ 5103.03, 5153.15, 5153.16, O.A.C. 5101:2-42-04, 5101:2-42-06, 5101:2-42-07, 5101:2-42-08

POLICY STATEMENT

Lucas County Children Services may receive temporary custody of children by Agreement for Temporary Custody (ATC) from the legal custodian when the agency determines that an ATC will support agency intervention with the family and enable protection of the children.

Such Agreement shall be executed in the county in which the legal custodian has residence or legal settlement.

PROCEDURE

The determination to enter into an ATC is made, in accordance with LCCS Policy #600, at a Placement / Custody Family Case Conference.

If the decision at the Family Case Conference is to accept/extend an ATC, the Case Review facilitator will ensure that the Associate Director of Services has been contacted and given

preliminary approval to the plan. This must occur prior to the parent(s), guardian or custodian signing the JFS 01645 (Agreement for Temporary Custody of Child).

The parent(s), guardian or custodian must be advised of their right to consult with an attorney through the use of the following statement: “If you have any questions about signing this agreement or about the results of signing it, you should talk with your attorney.”

Timeframes for Initial ATC’s are as follows:

- Where the sole purpose is adoptive planning, and the child is less than six (6) months of age on the date of execution of the JFS 01645, the Agreement may be for up to 60 days.
- Where the sole purpose is adoptive planning, and the child is six (6) months of age or older on the date of execution of the JFS 01645, the Agreement may not exceed 30 days.
- Where the sole purpose is not adoptive planning, regardless of the child’s age, the Agreement may not exceed 30 days.

The following must be attached to the ATC and sent by the supervisor, to the Associate Director of Services for approval and signature:

- Family Case Conference Form #5611 (completed by Case Review facilitator)
- ATC Checklist Form #4124 (completed by Services Division worker of record)

If any of the above are not attached, the Associate Director of Services’ secretary will send the ATC back to the supervisor, and ask that the missing documents be attached and sent back to the Associate Director for signature.

Parents will receive their copy without the Associate Director’s signature. After the Associate Director of Services has signed the ATC, the secretary should witness and date the document and send it to the following departments:

- Data Entry – Operations Manager
- Legal – (only if this is an extension of the first ATC)
- Entitlements Programs –Supervisor
- Worker of Record (original copy)

In the absence of the Associate Director of Services, the Associate Director of Quality Improvement or the Executive Director shall give preliminary approval and/or sign the ATC, in the order of their availability.

[Once signed by the Associate Director of Services, the WOR is responsible for ensuring that parents, guardians, or custodians receive a signed copy of the ATC.](#)

Initial ATC’s may be extended as follows:

- Where the sole purpose is adoptive planning, and the child was less than six (6) months of age on the initial date of execution of the JFS 01645, a 30 day extension may be sought by means of the original 30-day extension section of JFS 01645_Part II.

- Where the sole purpose is adoptive planning, and the child was six (6) months of age or older on the initial date of execution of the JFS 01645, an original 30-day extension, as well as an additional 30-day extension may be sought by means of JFS 01645 Part II.
- Where the sole purpose is not adoptive planning, an original 30-day extension, as well as an additional 30-day extension may be sought by means of JFS 01645 Part II.

Prior to an extension being requested, a Family Case Conference (FCC) is required.

Extensions of Agreements must be approved by the court and should be requested only in the likelihood of resolution within a maximum of 90 days. A case plan must accompany the request.

Prior to an ATC being unilaterally terminated, a LCCS Family Case Conference is required to address protection issues and other case plan issues.

CASE PRACTICE GUIDES

In home services to prevent placement must first be exhausted or determined inappropriate before consideration of an ATC.

Prior to entering into an ATC, all reasonable, less restrictive alternatives must be explored. These include care of the child by a parent, non-custodial parent, guardian, relative or interested non-relative. The JFS 01645 must have been reviewed with the parent, guardian or custodian, and it must have been determined that appropriate placement resources are available for the child.

The parent should be demonstrating cooperation by:

- Providing information needed to complete an investigation, family history, family assessment and any other information needed to provide service.
- A willingness to participate in needed services.
- Expressing an interest in visiting the child.
- Providing financial information (for the caseworker) to determine the amount of child support due to the agency or to determine the child's eligibility for other financial resources.
- Expressing willingness to pay child's support
- Provision/continuation of parental sponsored medical care.
- Provision of clothing/medication and any other essentials.

RELATED POLICIES and FORMS

LCCS Policy 600 (Family Case Conference)
LCCS Policy 621 (Permanent Surrenders)
LCCS Form #5611 (Family Case Conference Report)
LCCS Form #1420 (Signature Request)
LCCS Form #4124 (ATC Checklist)
JFS 01645 (Agreement for Temporary Care of Child)