

temporary custody ordered results from a motion filed by an agency pursuant to R.C. 2151.415(A), seeking an extension of temporary custody for up to six months. If the court grants the motion, a reunification case plan is then required. That's not what happened here. Essentially, the court continued proceedings on the pending motion for permanent custody, which operated to continue the existing temporary custody the court had previously ordered. The court's articulation that "temporary custody" would continue was superfluous. Further, it didn't amount to an extension ordered by the court that requires a new reunification plan.

{¶4} Applications for reconsideration properly involve an obvious error in the court's decision or a material issue the court should have considered but didn't. *Columbus v. Hodge* (1987), 37 Ohio St.3d 68. This issue was not presented, at least directly. Our resolution of the issue in our decision is an error, but one that only now has become obvious. Much of the confusion is attributable to the dense and complex procedures in cases of this kind now required by statute. This serves to point out why the General Assembly should avoid procedural requirements in the laws it enacts.

{¶5} The motion for reconsideration is granted. Our decision of September 6, 2002, is modified to hold that the third assignment of error is overruled. Having overruled the other assignments, we therefore Affirm the judgment from which the appeal was taken.

3
So Ordered.

WILLIAM H. WOLFF, JR., PRESIDING AND
ADMINISTRATIVE JUDGE

JAMES A. BROGAN, JUDGE

THOMAS J. GRADY, JUDGE

Copies mailed to:

Johnna M. Shia
Asst. Pros. Attorney
P.O. Box 972
Dayton, Ohio 45422

Kay Rosario, Esq.
117 South Main Street
Suite 400
Dayton, Ohio 45422

Hon. Nick Kuntz