

**CHILD ABUSE & NEGLECT  
MEMORANDUM OF  
UNDERSTANDING**

**HAMILTON COUNTY, OHIO**

**Revised 3/31/05**

# Table of Contents

<b>Overview</b>	<b>Page 3-6</b>
<b>Statement of Exception</b>	<b>Page 7</b>
<b>System for Receiving Reports of Child Abuse &amp; Neglect</b>	<b>Page 8</b>
<b>Roles &amp; Responsibilities for Handling Emergency &amp; Non-Emergency Cases</b>	<b>Page 9-10</b>
<b>Consultation with Required Participants</b>	<b>Page 11-12</b>
<b>Standards &amp; Procedures for Handling &amp; Coordinating Investigations Including Sharing of Investigative Reports &amp; Procedures Involving Specialized Reports</b>	<b>Page 13-17</b>
<b>Interviewing Children who are Subjects of Reports</b>	<b>Page 18</b>
<b>Central Registry</b>	<b>Page 19</b>
<b>Emergency &amp; Non-Emergency Removal of Children</b>	<b>Page 20</b>
<b>Failure of a Mandated Reporter to Make a Report</b>	<b>Page 21</b>
<b>Unauthorized Dissemination of Information</b>	<b>Page 22</b>
<b>Appendices</b>	<b>Page 23-38</b>

# Overview

---

**Authority** The child abuse and neglect memorandum of understanding is required by section 2151.421 of the Ohio Revised Code and section 5101:2-34-71 of the Ohio Administrative Code.

---

**Purpose** The memorandum of understanding sets forth the normal operating procedure employed by concerned officials in the execution of their respective responsibilities with respect to the following sections of the Ohio Revised Code:

- A. ORC 2151.421: Reporting of child abuse and neglect; investigation; memorandum of understanding
  - B. ORC 2919.21 (C): Nonsupport or contributing to the nonsupport of dependents
  - C. ORC 2919.22 (B)(1): Endangering children
  - D. ORC 2919.23 (B): Interference with custody, and
  - E. ORC 2919.24: Contributing to unruliness or delinquency of a child.
- 

**Required Participants** The prepared memorandum of understanding shall be signed by all of the following parties:

- A. The administrative Juvenile Court judge or the administrative judge's representative;
  - B. The county sheriff;
  - C. All municipal peace officers within the county;
  - D. Other law enforcement officers handling child abuse and neglect cases;
  - E. The prosecuting attorney of the county;
  - F. The city solicitor;
  - G. The county humane society.
- 

*Continued on next page*

## Overview, *continued*

---

### Goals

The goals of the memorandum of understanding are as follows:

- A. To conduct comprehensive and coordinated investigations of suspected child abuse and neglect.
- B. To eliminate all unnecessary interviews of children who are the subject of a report of suspected child abuse or neglect.
- C. To provide, when feasible, for only one interview of a child who is the subject of a report of suspected child abuse or neglect.

The intent of the interview of the child is to gather sufficient information to use in criminal prosecution as warranted; to identify risk to the child; and to determine any service needs of the family.

---

### Role of Mandated & Voluntary Subscribers

#### 1) **Hamilton County Juvenile Court**

The juvenile court provides for the care, protection, health, safety, and mental as well as physical development of children. The juvenile court must protect the rights of the parties before the court and ensure the provision of a timely, safe and permanent home for children. The health and safety of the children shall be paramount; however, children should remain in or return to their family environment whenever possible.

The juvenile court has exclusive jurisdiction to hear and decide cases concerning any child who is the subject of a complaint alleging abuse, neglect or dependency pursuant to Ohio Revised Code Chapter 2151. If the court decides a child is abused, neglected or dependent at an adjudicatory hearing, the court shall proceed to hear evidence as to the proper disposition that should be issued. The juvenile court may make any of the following dispositional orders: dismiss the complaint; award legal custody to either parent or any other appropriate person; place the child in protective supervision; commit the child to the temporary custody of the Hamilton County Department of Job & Family Services (HCJFS); commit the child to the permanent custody of the HCJFS; or place the child in the planned permanent living arrangement with HCJFS.

The juvenile court has jurisdiction over adults to hear and decide matters related to support and nonsupport of children, endangering of children, interference with custody, failing to send children to school, custody/visitation between unmarried parents or interested third parties, and contributing to the unruliness or delinquency of children.

---

*Continued on next page*

## Overview, *continued*

**Role of  
Mandated &  
Voluntary  
Subscribers**

**2) Hamilton County Sheriff & Cincinnati Police Department  
Municipal Law Enforcement**

The Juvenile Squad, Criminal Investigation Section of the Hamilton County Sheriff's Office is charged with the responsibility for initial investigation and follow-up investigation of suspected cases of child abuse and neglect occurring in the unincorporated areas of Hamilton County. The Hamilton County Sheriff's Office, Criminal Investigation Section will also assist agencies within Hamilton County upon request of said agency.

The Personal Crimes Unit (PCU) of the Cincinnati Police Department is charged with the responsibility for the follow up investigations of suspected cases of child abuse and neglect occurring within the City of Cincinnati.

**3) Prosecutor's Office**

**a) Criminal Division**

The Hamilton County Prosecutor's Office Criminal Division will review cases for possible criminal prosecution in the appropriate Court of Hamilton County.

**b) Family Law Division**

A unit within the Family Law Division of the Hamilton County Prosecutor's Office represents HCJFS in regard to child abuse, neglect and dependency cases filed in Hamilton County Juvenile Court. Assistant prosecutors are available 24 hours a day, 7 days a week to consult with HCJFS about initiating legal proceedings.

**4) City Solicitor's Office – Prosecutor's Division**

The Prosecutor's Division of the City of Cincinnati Law Department works with the Cincinnati Police Department in the prosecution of misdemeanor violations brought against adult perpetrators in child abuse and neglect cases. The Division may also work with the Police Department in the preliminary aspects of felony child abuse cases.

---

*Continued on next page*

## Overview, *continued*

### **Role of Voluntary & Mandated Subscribers, continued**

**5) Hamilton County Department of Job & Family Services (HCJFS)**  
HCJFS is the local organization legally responsible for taking reports of child abuse, neglect, and dependency; investigating those reports; assessing the safety of children; and acting to protect child victims and children at risk. When necessary, HCJFS caseworkers, with consultation and representation from the Hamilton County Prosecutor's Office, initiate action in Juvenile Court to order participation in services or out-of-home placement for a child. HCJFS caseworkers also make reports to the appropriate law enforcement agency whenever the level of evidence suggests the possibility of a criminal offense.

**6) Hamilton County Society for the Prevention of Cruelty to Animals (SPCA)**  
The Hamilton County Humane Society investigates reports of animal abuse and neglect within the county. In addition, under O.R.C. 2151.421 agents of the SPCA are required to report suspected cases of child abuse and neglect that they may observe, during the commission of their duties, to the proper authorities.

**7) Cincinnati Children's Hospital Medical Center (CCHMC)/  
Mayerson Center for Safe and Healthy Children**  
The Mayerson Center for Safe and Healthy Children is a co-located, hospital based child advocacy center striving to evaluate child victims of abuse and neglect in a way that minimizes trauma to the child and maximizes positive outcomes for the child victim and his or her family. Housed in the Mayerson Center is the CCHMC Child Abuse Team consisting of physicians, nurses and social workers as well representatives from HCJFS, Hamilton County Sheriff's Office (HCSO), Cincinnati Police Department (CPD)/Personal Crimes Unit (PCU), and the Hamilton County Prosecutor's Office.

The Mayerson Center hosts a weekly team meeting where cases are discussed in order to insure proper identification and referral of cases to mandated agencies as well as to provide problem solving, support and education to the multidisciplinary team.

## Statement of Exception

---

**Statement of Exception**

Failure to follow procedures set forth in this memorandum by the concerned officials is not grounds for, and shall not result in the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

---

## **System for Receiving Reports of Child Abuse & Neglect Twenty-Four Hours Per Day, Seven Days Per Week**

---

**System for  
Receiving  
Reports**

The Hamilton County Department of Job and Family Services (HCJFS) receives reports of suspected child abuse and neglect twenty-four hours a day, seven days a week. Reports may be made by telephone to HCJFS at 241-KIDS (241-5437). In addition reports of suspected child abuse and neglect as well as suspected crimes against a child may be made by calling the law enforcement agency with jurisdiction. Jurisdiction exists where the incident is alleged to have occurred. Persons needing the name of the appropriate law enforcement agency should call the Hamilton County Communications Center at 825-2280 and give the address where the incident allegedly occurred.

---

**Law  
Enforcement**

Sheriff's Patrol Deputies respond initially to all calls of potential child abuse or neglect on a 24-hour basis. Sheriff's Deputies will conduct a preliminary investigation into any reported allegations. Sheriff's Deputies will then notify their supervisors of any reported incidents. These incidents will be reported to the Juvenile Squad, Criminal Investigation Section via a NIBRS report as soon as possible or if the circumstances dictate by notifying the on-call Criminal Investigation Section supervisor immediately.

The Cincinnati Police Department patrol officers respond initially to all calls of potential child abuse or neglect 24 hours, 7 days per week. Patrol officers will conduct a preliminary investigation of the allegation. The patrol officer will notify the Personal Crimes Unit on all incidents identified as suspected child abuse or neglect encountered during patrol activities via a NIBRS report or a Personal Crimes Unit Memorandum.

---

## **Roles & Responsibilities for Handling Emergency & Non-Emergency Cases of Child Abuse & Neglect**

---

**Background** HCJFS is required by the OAC section 5101:2-34-32 to investigate all allegations of child abuse, neglect, and dependency. Upon receipt of a report of alleged child abuse and neglect, an investigation must initiate within timeframes specified by the designated priority. All abuse and neglect cases are prioritized according to the information received and the potential imminent risk of abuse and/or neglect. HCJFS follows the OAC mandates. Procedures for prioritizing reports and conducting investigations are set out in Appendix 1.

---

**Emergency** A child abuse report assessed to be emergent will result in the initiation of investigation within one (1) hour of receipt of the report. “Emergency” is defined as a situation where there is reason to believe that a child is threatened or alleged to be abused, neglected, or dependent to an extent that there is imminent risk to a child’s life, physical or mental health, or safety (OAC section 5101:2-34-01). The initiation of investigation includes attempted face to face contact (interview/observation) with the alleged child victim.

When removal of the child from the care and control of his parents or other person appears necessary, the case worker will solicit the cooperation of the parents toward a plan for the child’s admission to the hospital or other appropriate facility, or will seek custody when necessary in accordance with Ohio law and HCJFS protocol.

---

**Non-Emergency** When there is information sufficient to create a suspicion that a child may be abused, neglected, or dependent, but absent a reason to believe that the child is at imminent risk to life, physical or mental health, or safety, an investigation and assessment of the circumstance will begin within twenty-four (24) hours of receipt of the report in accordance with ORC 2151.421 and OAC section 5101:2-34-32.

---

**Cooperation between Law Enforcement & HCJFS** HCJFS makes an immediate report to law enforcement when the level of evidence suggests the possibility of a criminal offense. When a municipal or county law enforcement officer receives a report concerning the possible abuse or neglect of a child or possible threat of abuse or neglect of a child, the officer who receives the report will refer the report to HCJFS.

---

*Continued on next page*

## **Roles & Responsibilities for Handling Emergency & Non-Emergency Cases of Child Abuse & Neglect, *continued***

---

**Response of  
Law  
Enforcement**

Detectives from the Hamilton County Sheriff's Criminal Investigation Section, Juvenile Squad are available 24 hours a day for emergency calls with the approval of the Criminal Investigation Section on-call supervisor or the Juvenile Squad Supervisor. All non-emergency cases will be referred to the Juvenile Squad for follow-up the next day.

The Cincinnati Police Department's Personal Crimes Unit is also notified by HCJFS of cases involving suspected child abuse and neglect in their jurisdiction.

The Personal Crimes officers are available 24 hours per day, seven days a week, for recall on emergency cases with prior approval from a Personal Crimes Unit supervisor. All non-emergency cases will be referred to the Personal Crimes Unit by 8:00 A.M. on the next day for follow up.

---

## Consultation with Required Participants

---

### **General**

Cases of child abuse and neglect are routinely and continually evaluated to determine the need for collaboration and consultation with the parties to this memorandum. Consultations with regard to circumstances that may cause harm or risk to a child shall occur whenever deemed necessary by the parties. Consultations will be directed to accomplishing interventions that protect children and maintain families whenever possible.

---

### **Law Enforcement**

Contact with the law enforcement agency of proper jurisdiction will occur with each report alleging child sexual abuse and when a young child is found alone. In addition, a referral will be made to the appropriate law enforcement agency anytime a case of child abuse and neglect appears to require the fact finding expertise of law enforcement for the purpose of criminal investigation. Consultation for the purpose of determining the need for law enforcement assistance will occur when any of the following conditions exist:

1. The social worker's safety is threatened;
2. There is a history of violence in the home;
3. Firearms are known to be in the home;
4. The home is known (or there is information to reasonably believe) to be involved in illegal drug or alcohol activities.
5. A joint investigation is indicated because of the serious nature of the child abuse and neglect report, or whenever prosecution of a perpetrator appears necessary;
6. Initiating criminal prosecution of a child abuse or neglect perpetrator with the consulting guidance of the prosecuting attorney's office;
7. Filing charges against a perpetrator in which plans for the care of children may be needed;
8. The report involves any institution, facility, or family foster home which is licensed, approved, or certified by HCJFS; or involves an employee or volunteer working with HCJFS.

---

*Continued on next page*

## **Consultation with Required Participants,** *continued*

---

**Prosecuting  
Attorney's  
Office/City  
Solicitor's  
Office**

Consultation with regard to the legal issues relating to HCJFS' legal responsibilities occurs between HCJFS and the Prosecuting Attorney for Hamilton County, Ohio. HCJFS caseworkers seek legal consultation with the prosecutor's office in all cases in which a parent, guardian, or custodian has been charged with child endangerment, domestic violence against a child, or any crime involving a sexual offense against a child. In addition, caseworkers consult with the prosecutor's office whenever child abuse, neglect, and dependency proceedings in Juvenile Court are being considered. Caseworkers also consult with attorneys in the prosecutor's division of the City Solicitor's Office on cases of misdemeanor violations brought against adult perpetrators of child abuse and neglect.

---

**Juvenile  
Court**

The intervention of Juvenile Court is necessitated whenever a child's circumstance is such as to warrant state intervention on behalf of the child.

---

**Hamilton  
County SPCA**

Should the need arise, HCJFS caseworkers consult with the SPCA regarding any concerns identified during contact with the family or in the home.

---

# Standards & Procedures for Handling & Coordinating Investigations of Reported Cases of Child Abuse & Neglect

**General Investigation Protocol** HCJFS follows the requirements for conducting investigations of child abuse and neglect that are described in OAC section 5101:2-34-32. For more information on these mandates please see Appendix 1.

## **Contact with Alleged Perpetrator**

- When there is a concurrent criminal investigation, HCJFS will delay contact with the alleged perpetrator until law enforcement has completed their interview. However, this does not prohibit contact with the alleged perpetrator who is the sole custodial parent in order to assure the child's immediate safety. The alleged perpetrator must be advised of the allegations made against him or her at the time of the initial contact with that individual.
- Information presented to the alleged perpetrator/sole custodial parent is to be coordinated with law enforcement. Specific details of the allegation may be delayed to reduce the opportunity of an alleged perpetrator to prepare a response or alibi.
- Patrol officers are not precluded from obtaining sufficient specifics on the scene to make proper dispositions of the initial police report.

## **Securing a Medical Examination/Evaluation**

A medical examination/evaluation of the alleged child victim (ACV) can be secured with consent of the child, parent, guardian, or custodian; or with a court order. For urgent evaluation of injuries or need for sexual assault examination, the ACV should be sent to the Emergency Department of CCHMC. Non-urgent medical exams can be obtained through the Mayerson Center or the child's primary care physician. Consultation regarding the most appropriate place to receive medical evaluation can be obtained by paging the CCHMC Child Abuse Team social worker.

## **Coordination between Law Enforcement, Children's Hospital Medical Center, & HCJFS**

The Hamilton County Sheriff Juvenile Squad and the Cincinnati Police Department Personal Crimes Unit have each assigned two investigators to work directly at the Mayerson Center for Safe and Healthy Children (CAC). These investigators receive notification of case investigations through the Hospital staff, Social Workers, and HCJFS workers assigned at the CAC. Investigators will review and investigate cases received directly by Children's Hospital Staff and HCJFS caseworkers and work jointly with staff to resolve any such reported incidents.

All other municipal police jurisdictions in Hamilton County are encouraged to utilize the Mayerson Center procedures for sexual abuse investigations in their jurisdictions.

*Continued on next page*

## Standards & Procedures for Handling & Coordinating Investigations of Reported Cases of Child Abuse & Neglect, *continued*

**Specific  
Investigations  
--  
Out of Home  
Care**

HCJFS follows the procedures described in OAC section 5101:2-34-34 for conducting child abuse and neglect investigations in Out of Home Care settings. See Appendix 2. Out of home care settings are defined in OAC section 5101:2-1-01 as detention facilities, shelter facilities, foster homes, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child-day care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

HCJFS has a special unit, known as the ‘Out of Home Care Unit’ which investigates reports of alleged abuse or neglect in out of home care settings. HCJFS shares information about these investigations with subscribers to the memorandum of understanding and others with a need to know pursuant to OAC section 5101:2-34-38. See Appendix 3.

**Specific  
Investigations  
--  
Third Party**

HCJFS conducts third party investigations in accordance with the procedures set out in OAC section 5101:2-34-34. HCJFS’ ‘Out of Home Care Unit’ conducts the third party investigation.

- A.** HCJFS shall conduct a third party investigation when the following parties are involved as principals:
  - 1.** Any institution, facility, or family foster home which is licensed, or certified by the Ohio Department of Job & Family Services (ODJFS) and operated or supervised by HCJFS;
  - 2.** Any employee, or agent of ODJFS or HCJFS; or
  - 3.** Any authorized person who is representing ODJFS or HCJFS and who is providing services for payment or as a volunteer.
- B.** HCJFS will contact the appropriate law enforcement agency of jurisdiction within twenty-four hours of the report to share information. Requests for a third party investigation by law enforcement will be followed up with a written request within three days of the report.

*Continued on next page*

# **Standards & Procedures for Handling & Coordinating Investigations of Reported Cases of Child Abuse & Neglect, *continued***

**Specific  
Investigations**  
--  
**Emergency  
Requiring  
Immediate  
Response**

---

Whenever an emergency exists requiring immediate response HCJFS takes all necessary action in collaboration with law enforcement, the prosecutor's office, Juvenile Court and medical providers to secure the child's immediate safety. If there is a need to obtain an emergency order of custody, to protect a child from imminent risk of serious physical or emotional harm, HCJFS follows the procedures described below.

**A. During Business Hours**

1. Consult with Assistant Prosecuting Attorney;
2. Meet with a prosecutor to prepare a complaint for filing in Juvenile Court;
3. Prepare to present emergency circumstances to Court;
4. Notify parents of time and place of hearing unless reasonable grounds to believe notification would seriously endanger the child or that family would abscond;
5. Complaint and motion are filed. The court will provide an opportunity for a hearing on a Motion for Temporary Orders during normal business hours. The party requesting the temporary order must make diligent efforts to notify the parents, guardian or custodian of the emergency hearing and the opportunity to be heard at that hearing. The parties will be served with a summons and the complaint at the time of the hearing. Any party to a juvenile court proceeding has the right to be represented by counsel and to have appointed counsel if the person is indigent. The court will appoint a guardian ad litem for a child who is the subject of a complaint alleging abuse, neglect and dependency.

**B. During Non-Business Hours – Telephone Ex Parte Orders**

1. Consult with Assistant Prosecuting Attorney.
2. Proceed to contact Juvenile Court through the Juvenile Detention Center.
3. The on-call Magistrate will call back; the phone call is recorded; a written order is available at the Juvenile Detention Center. An ex parte order may be granted when the court determines that immediate action is required to protect the child's best interest and welfare. If the court issues an ex parte emergency order, a hearing shall be held the next business day or within 72 hours, whichever is earlier.

---

*Continued on next page*

<p><b>Standards &amp; Procedures for Handling &amp; Coordinating Investigations of Reported Cases of Child Abuse &amp; Neglect, <i>continued</i></b></p>
--

**Specific Investigations**  
--  
**Emergency Requiring Immediate Response**  
*(continued)*

---

**Pending a hearing or complaint, Juvenile Court may issue temporary emergency orders that include:**

1. Placing the child in the temporary custody of a public children services agency after finding the child's continued residence in the home is contrary to the child's best interest or after finding that the child may abscond or be removed from the jurisdiction or not brought to court;
2. Placing the child in the temporary custody of another appropriate party or person;
3. Orders with respect to the relation or conduct of a person toward a child if such relation or conduct is not in the child's best interest. This may include issues related to visitation, vacating a residence occupied by a child, court ordered counseling, restraints on conduct, or any other order necessary to protect the child's best interest; and
4. Orders regarding emergency medical and surgical treatment, which are immediately necessary to preserve the health and well-being of a child upon the certificate of one or more reputable practicing physicians.

**Specific Investigations**  
--  
**Child Death Investigations**

---

Upon notification of the death of a child due to child abuse or neglect, HCJFS will perform its investigative duties pursuant to rules of OAC section 5101:2-34-32 through 5101:2-34-35 as appropriate. Generally, fatality reports are received by 241-KIDS or the Out-of-Home Care unit. Notification is initiated with all appropriate parties, including law enforcement. An action plan is then developed to provide for an assessment of the need for protection of siblings, review of the case record, funeral arrangements if necessary, and other supportive services to the family.

The Hamilton County Child Fatality Review Team also screens all deaths of children age 17 years or younger who are Hamilton County residents at the time of death. The Team collects basic demographic data about all Hamilton County child deaths. The following categories qualify for full team review: child in custody of HCJFS or under the jurisdiction of Juvenile Court; homicides; suicides; accident; undetermined; unexpected outcome; unexpected clusters; current or previous history with HCJFS; death was investigated by law enforcement. Any Team member can request a full review of any child death if they feel a review would be beneficial.

---

*Continued on next page*

## Standards & Procedures for Handling & Coordinating Investigations of Reported Cases of Child Abuse & Neglect, *continued*

---

<p><b>Specific Investigations</b> -- <b>Investigations of Alleged Withholding</b></p>	<p>The OAC section 5101:2-35-77 cites specialized procedures for handling allegations involving withholding of appropriate nutrition, hydration, medication, or medically indicated treatment from disabled infants with life-threatening conditions. These cases require particular response due to the lethality of the circumstances. HCJFS follows the procedures described in OAC section 5101:2-35-77 for responding to such reports. The procedures are described in Appendix 4.</p>
---	---

---

<p><b>Specific Investigations</b> -- <b>Aiding, Abetting a Child or Ward of the Juvenile Court</b></p>	<p>HCJFS responds to reports involving individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court to:</p> <ul style="list-style-type: none"> <li>(a) become a dependent or neglected child;</li> <li>(b) become an unruly or delinquent child; or</li> <li>(c) leave the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution;</li> </ul> <p>Information will be obtained to allow for a reasonable determination of risk to the child involved and to ascertain whether or not a suspicion of child abuse and neglect is present. Depending on the circumstances surrounding the reported case, referrals may be made to: law enforcement, juvenile court, the prosecuting attorney, or other legal office of proper jurisdiction. Law enforcement investigates these reports as appropriate.</p>
--	---

---

<p><b>Specific Investigations</b> -- <b>Missing Children</b></p>	<p>Missing child reports will be referred to the law enforcement agency of proper jurisdiction. Consultation and information sharing with law enforcement, the prosecutor's office, and HCJFS will occur on behalf of the missing child as it relates to the child's well-being and best interests.</p>
--	---

---

## Interviewing Children who are Subjects of Reports

**Joint Interviews**

Primary goals of the memorandum of understanding are to eliminate unnecessary interviews of children who are the subject of a report of suspected child abuse or neglect; and to provide, when feasible, for only one interview of a child who is the subject of a report. Joint interviews need to be facilitated in a safe, neutral, child-appropriate setting. Specific steps are initiated by the caseworker to arrange joint interviews:

Step	Action
1	Contact police jurisdiction in which the alleged abuse and/or neglect occurred. Note: <b>Personal Crimes is to be contacted rather than the districts for crimes committed in the city of Cincinnati. Contact Hamilton County Sheriff's Office, Criminal Investigations Section, Juvenile Squad for crimes committed in unincorporated areas of Hamilton County.</b>
2	Arrange a timely, joint interview of the child with the assigned detective.
3	Decide prior to the joint interview who will take the lead in the interview.

In cases which the caseworker has made a referral to law enforcement prior to meeting with the alleged child victim (ACV) **and** a joint interview cannot be convened timely, the priority mandate **must** be met by the caseworker in order to determine the potential risk of abuse/neglect. The caseworker and law enforcement entity can make arrangements to corroborate their interviews.

**Mayerson Center for Safe & Healthy Children**

Whenever possible, child victims of sexual abuse should be interviewed at the Mayerson Center by forensically trained social workers, caseworkers or law enforcement personnel. All personnel assigned to the case should be present, if possible, for the interview/evaluation process. The multidisciplinary response to child abuse evaluation is designed to have children interviewed in a child-friendly setting by trained professionals and allows children to have access to trained physicians and nurses for medical evaluation and treatment. Quality of services is monitored through case review and peer review processes.

# Central Registry

---

**Procedure for Central Registry** HCJFS reports child abuse and neglect incidents to the state Central Registry as required by OAC section 5101:2-35-16. The Central Registry provides a tracking system for incidents involving the same child(ren) or other principals of the case in a prior investigation of child abuse and neglect in the state of Ohio. Information transmitted to the Ohio Department of Job & Family Services (ODJFS) includes initial report information; dispositional finding and related dispositional information; updates and modified information and; changes in original disposition/resolution resulting from the hearing of an appeal.

---

## Emergency and Non-Emergency Removal of Children

---

**Emergency  
and Non-  
Emergency  
Removal of  
Children**

For information concerning Hamilton County's protocols regarding removal of children from the home, please refer to the section on *Specific Investigations – Emergency Requiring Immediate Response* on pages 15-16 of this MOU.

---

## **Failure of a Mandated Reporter to Make a Report of Suspected Child Abuse or Neglect**

**Procedure for Failure to Report**

---

When circumstances lead to a concern that a mandated reporter has failed to report, HCJFS shall give written notification of such failure to the County Prosecutor or City Solicitor. Failing to report child abuse and neglect, when required to do so as defined in Section 2151.421 of the Ohio Revised Code is a misdemeanor of the fourth degree.

---

# Unauthorized Dissemination of Information

---

**Procedure for  
Unauthorized  
Dissemination  
of Information**

When any person commits, causes, permits or encourages the unauthorized dissemination of information concerning reports and investigations of child abuse or neglect, HCJFS shall give written notification of such unauthorized dissemination to the County Prosecutor or City Solicitor. The reporter's identity is confidential and is not to be confirmed or denied, except as permitted by law.

---

# Appendices

---

Appendix 1 – OAC 5101:2-34-32	Page 24-27
Appendix 2 – OAC 5101:2-34-34	Page 28-30
Appendix 3 – OAC 5101:2-34-38	Page 31-35
Appendix 4 – OAC 5101:2-35-77	Page 36-38

---

# Appendix 1

## OAC Section 5101:2-34-32

### **5101:2-34-32 Public Children Services Agency (PCSA) requirements for assessments and investigations.**

(A) Upon receipt of a report of a child at risk of abuse and neglect, the PCSA shall determine the immediacy of need for agency response based on information from the following sources:

- (1) The referent;
- (2) Agency records for the family; and
- (3) Collateral sources.

(B) The PCSA may request assistance of law enforcement at any time during an assessment/investigation for any reason including, but not limited to, worker safety.

(C) The PCSA shall consider the report an emergency when it is determined that there is an imminent threat to the child's safety or there is insufficient information to determine whether or not the child is safe at the time of the report.

(D) For emergency reports, the PCSA shall attempt a face-to-face contact with the alleged child victim within one hour of the receipt of the report.

(E) For all other reports, the PCSA shall attempt face-to-face or telephone contact within twenty-four hours with a principal or collateral source to ensure that the child is safe, and attempt face-to-face contact with the alleged child victim within three calendar days of receipt of the report.

(F) For any report alleging that an infant has been born and identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, the PCSA shall assess safety and risk pursuant to rule 5101:2-34-33 of the Administrative Code and develop a plan of safe care for the infant as needed.

(G) If the PCSA has attempted to make face-to-face contact with the alleged child victim and the child was unavailable, the PCSA shall continue making attempts at least every five working days until the child is seen or until the PCSA is required to make a case resolution and disposition pursuant to paragraphs (V) and (W) of this rule.

(H) The PCSA shall:

(1) Conduct and document face-to-face interviews with all adults residing in the home of the alleged child victim and the alleged perpetrator (unless law enforcement or the county prosecutor will interview the alleged perpetrator pursuant to the procedures delineated in the child abuse and neglect memorandum of understanding) in order to:

- (a) Assess their knowledge of the allegation;
- (b) Observe the interaction between the alleged child victim and caretaker; and
- (c) Obtain relevant information regarding the risk to the child.

(2) Advise the alleged perpetrator of the allegations made against him or her at the time of the initial contact with the individual. The initial contact between the caseworker beginning to investigate an abuse or neglect report and the adult subject(s) of such investigation may include the first face-to-face contact as well as telephone contacts with those adults when information is gathered as part of the investigation process.

- (3) Conduct and document face-to-face interviews with each child residing within the home.
- (a) The purpose of the interviews is to:
- (i) Evaluate each child's condition and safety; and
  - (ii) Obtain each child's explanation of the allegations contained in the report.
- (b) When possible, each child should be interviewed separately from the alleged perpetrator.
- (c) The PCSA need not interview a child if it is determined:
- (i) That the child does not have sufficient verbal skill; or
  - (ii) That additional interviewing would be detrimental, unless requested by lead PCSA pursuant to paragraph (Q) of this rule.
- (d) Should the PCSA not interview a child residing in the home, the PCSA must document the justification in the case record.
- (4) Conduct and document face-to-face interviews or telephone contacts with any persons identified as possible sources of information during the assessment/investigation to obtain relevant information regarding the risk to the children. Discretion shall be exercised in the selection of collateral sources to protect the family or out-of-home care setting's right to privacy. To protect the confidentiality of the principals, persons shall not be randomly interviewed.
- (I) The PCSA shall take any other actions necessary to assess the risk to the child including, but not limited to:
- (1) Taking photographs of areas of trauma on the child's body;
  - (2) Taking photographs of the child's environment (with the caretaker's consent);
  - (3) Securing a medical, and/or psychological examination/evaluation of the child (with consent of the child, parent, guardian, or custodian; or with a court order); or
  - (4) Securing any relevant records (including but not limited to school, mental health, medical, incident reports in an out-of-home care setting).
- (J) At any time the PCSA determines a child to be at imminent risk of harm, the PCSA shall:
- (1) Immediately enact a safety plan, pursuant to rule 5101:2-34-37 of the Administrative Code, utilizing the JFS 01510, "Family Decision Making Model, Safety Plan for Children"; and/or
  - (2) Contact law enforcement; and/or
  - (3) Remove the child pursuant to rule 5101:2-39-12 of the Administrative Code.
- (K) The PCSA shall request assistance from law enforcement, the county prosecutor, the PCSA's legal counsel, or the court when refused access to the alleged child victim or any records required to conduct the assessment/investigation.
- (L) The PCSA shall have an interpreter present for all interviews when the PCSA has determined that a principal of the case has a language or any other impairment that causes a barrier in communication (i.e., principal is deaf or hearing impaired, speaks a language other than English or is developmentally delayed or autistic).
- (M) Within two working days of completion of the assessment/investigation, the PCSA shall:
- (1) Notify the child (unless the child is not of an age or developmental capacity to understand) and the child's parent, guardian or custodian of the case resolution and disposition;
  - (2) Notify the alleged perpetrator in writing of the case disposition and the right to appeal as described in 5101:2-33-04 of the Administrative Code;

- (3) Refer any child under the age of three who is involved in a substantiated case of child abuse or neglect to "Help Me Grow" for early intervention services;
- (4) As appropriate, refer any child determined not to be at risk of imminent harm for services pursuant to procedures established in rule 5101:2-39-07 (F); and
- (5) Document in the case record, the date and method of notification and/or referral.
- (N) The PCSA located within the county in which the child's parent, guardian, or custodian resides shall lead assessment/investigation efforts when two or more Ohio PCSAs are involved. In situations of joint custody or shared parenting, the PCSA in the county in which the child's residential parent at the time of the referral resides shall lead the assessment efforts.
- (O) If a report of child abuse and neglect involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA who received the report shall:
- (1) Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA in the county from which the child was brought shall lead the assessment/investigation and provide the required supportive services or petition the court for custody of the child, if necessary.
- (2) Lead the assessment/investigation when a determination was made that the child was not brought to the shelter under an agreement with a shelter in another county. When two or more PCSAs are involved the non-lead PCSA shall be responsible for following procedures outlined in paragraph (P) of this rule.
- (3) Commence the assessment/investigation if a determination cannot be made immediately if an agreement is in effect. The PCSA shall continue to determine if an agreement is in effect and then follow procedures outlined in paragraph (P)(1) [sic] or (P)(2) [sic] of this rule.
- (P) When requested by the lead PCSA (either verbally or in writing), the non-lead PCSA shall conduct interviews of any principals and collateral sources presently located within its jurisdiction and assist in the completion of a family risk assessment (unless the lead PCSA notifies the other PCSA that they will interview these parties) within a time frame that will allow the lead PCSA to fulfill their time frames outlined in this rule. All PCSAs involved shall document the request in the case record.
- (Q) The Ohio PCSA shall cooperate with the out-of-state CSA, including, when necessary, leading investigative efforts when the child is located within Ohio or when the abuse or neglect is alleged to have occurred within Ohio.
- (R) The PCSA shall contact other PCSAs immediately but no later than the next working day to share information in accordance with rule 5101:2-34-38 of the Administrative Code and to coordinate investigative efforts in accordance with rules 5101:2-34-33 to 5101:2-34-36 of the Administrative Code.
- (S) The PCSA shall follow procedures set forth in rule 5101:2-35-77 of the Administrative Code when the report of neglect involves alleged withholding of appropriate nutrition, hydration, medication, or medically indicated treatment from a disabled infant with a life-threatening condition.
- (T) The PCSA shall follow procedures set forth in rule 5101:2-34-32.1 of the Administrative Code when the report involves a deserted child.
- (U) The PCSA shall reach a case resolution which includes the case disposition by completing the structured decision making steps at the completion of the family risk assessment, but no later than thirty days from the receipt of the report (forty-five days when information needed to determine the case resolution cannot be completed within thirty days and the reasons are documented in the case record).

(V) The PCSA shall complete a case disposition at the conclusion of the out-of-home care or third party investigation, but no later than thirty days from the receipt of the report (forty-five days when information needed to determine the case disposition cannot be compiled within thirty days and the reasons are documented in the case record).

(W) The PCSA shall enter into the central registry, pursuant to rule 5101:2-35-16 of the Administrative Code, the case resolution/disposition upon completion of the assessment/investigation.

(X) The assessment/investigation documentation and any material obtained as a result of the assessment/investigation, shall be maintained in the case record. If any information gathering activity cannot be completed, justification and written approval of the executive director or his designee shall be filed in the case record. The PCSA may not waive completion of the case resolution/disposition. The PCSA shall document in the case record the date, time, and with whom the assessment/investigation began.

**HISTORY: Eff. 2-1-82; 10-1-82; 1-1-87; 1-1-88; 3-15-88; 1-1-90; 10-1-95; 6-1-96; 6-1-97; 10-1-97 (Emer.); 12-30-97; 4-1-01; 12-1-01; 6-25-04**

**Rule promulgated under: RC 119.03**

Rule authorized by: RC 2151.421, 5153.16

Rule amplifies: RC 2151.3518, 2151.421, 5153.16

R.C. 119.032 review dates: 04/09/2004 and 12/01/2006

### **CASE NOTES AND OAG**

1. (1992) When a public children services agency receives a report of the spanking of a student by a school administrator, the agency must assign the report a priority rating in accordance with 9 Ohio Admin. Code 5101:2-34-08. A report that is rated Priority 1, II, or III must be investigated as required by RC § 2151.42.1, in accordance with the procedures prescribed in 9 Ohio Admin. Code **5101-2-34-32**, **5101-2-34-33**, and **5101-2-34-34**. A report that is rated Priority IV may be resolved by termination pursuant to 9 Ohio Admin. Code 5101:2-34-08 if it is determined that the report alleges only action that is permitted under RC §§ 3319.31 and 2919.22, for then the report does not constitute an allegation of abuse or neglect: OAG No. 92-082.

## Appendix 2

### OAC Section 5101:2-34-34

#### **5101:2-34-34 PCSA requirements for conducting out-of-home care and third party investigations.**

(A) The PCSA when conducting an investigation of a report of out-of-home care child abuse or neglect shall:

(1) Immediately contact the out-of-home care setting administrative **officer**, director or other chief administrative officer (or the board of directors, county commissioners, or law enforcement if the administrative officer, director or other chief administrative officer is alleged to be the perpetrator) in order to:

- (a) Share information regarding the report;
- (b) Determine responsibility for informing the parents, guardian, or custodian of the alleged child victim;
- (c) Discuss what actions have been taken to protect the alleged child victim; and
- (d) Provide information about the investigative activities that will follow.

(2) Attempt to coordinate the interview of the alleged child victim when another agency is required by statute or administrative rule to conduct its own assessment to address issues other than child abuse or neglect (i.e., internal management or licensure issues), when at all possible. An assessment conducted independently by another agency (including a third party investigation conducted by law enforcement) does not relieve a PCSA of its responsibility for conducting an investigation in accordance with this rule.

(3) Interview but not exclusively:

- (a) The alleged child victim(s);
- (b) All children or adults who are witnesses of the abuse and neglect; and
- (c) Children or adults who are collateral sources of significant information. Discretion shall be exercised in the selection of collateral sources to protect the out-of-home care setting's right to privacy. Nothing in this paragraph shall prohibit interviews of additional children or staff.

(4) Comply with rule **5101:2-34-32** of the Administrative

(5) Contact the administrator or designee of the out-of-home care setting and the appropriate licensing and supervising authorities, pursuant to paragraph (C) of rule **5101:2-34-35** of the Administrative Code, to share information in accordance with rule **5101:2-34-38** of the Administrative Code upon completion of the investigation.

(B) At the completion of the investigation, but no later than thirty days after receipt of the report (forty-five days when a component of the investigation cannot be completed within thirty days and the reasons are documented in the case record), the PCSA shall complete a case disposition pursuant to paragraph (T) of rule **5101:2-34-32** of the of the Administrative Code. The CASE summary shall include at a minimum:

- (1) Statements that support the case
- (2) The nature, extent, and circumstances surrounding the alleged abuse or neglect;
- (3) The alleged child victim's ability and need to protect himself;
- (4) The caretaker's ability and willingness to protect the alleged child victim;
- (5) The access of the alleged perpetrator to the alleged child victim;

- (6) The nature of the interaction of the alleged child victim with the caretaker and, if appropriate, the alleged perpetrator;
- (7) The strengths and concerns of the family or out-of-home care setting pertaining to the care of children; and,
- (8) The condition of the alleged child victim and, when applicable, other children residing in or participating in activities in the out-of-home care setting;
- (C) For foster and pre-finalized adoptive home settings, the PCSA may complete a risk assessment pursuant to rule **5101:2-34-33** of the Administrative Code.
- (D) The PCSA shall conduct a third-party investigation when the following parties are involved as principals:
- (1) Any institution, facility, foster or pre-finalized adoptive home which is licensed, or certified by ODJFS and operated or supervised by the PCSA;
  - (2) Any employee, or agent of ODJFS or the PCSA; or
  - (3) Any authorized person who is representing ODJFS or the PCSA and who is providing services for payment or as a volunteer.
- (E) No later than seventy-two hours from completion of the investigation, the PCSA shall enter the following information into the family and children services information system (FACISIS):
- (1) Type of initial contact with law enforcement (either verbal or written); and
  - (2) Type of third party.
- (F) The PCSA shall maintain copies of the PCSA's investigation (and law enforcement's third party investigation) in the case record.
- (G) When an investigative activity cannot be completed, justification and written approval of the executive director or designee shall be filed in the case record no later than the time frame specified in paragraph (B) of this rule for making a case disposition. The PCSA may not waive the case disposition or the time frame for making the case disposition.
- (H) No later than three working days after the completion of the case disposition pursuant to paragraph (T) of rule **5101:2-34-32** of the Administrative Code, the PCSA shall provide written notification of the case disposition to the administrator, director, or other chief administrator and the owner or governing board of the out-of-home care entity and the appropriate licensing and supervising authorities -to share information in accordance with rule **5101:2-34-38** of the Administrative Code. The PCSA shall not provide witness statements or police or other investigative reports.

**HISTORY: Eff 2-1-82; 10-1-82; 1-1-87; 1-1-88; 3-15-88; 1-1-90; 10-1-95; 6-1-96; 6-1-97; 4-1-01**

Rule promulgated under: RC Chapter **119**.

Rule authorized by: RC **2151-421**

Rule amplifies: RC **2151.421**

Review Date: 11/2/00, 11/2/05

## **CASE NOTES AND OAG**

(1992) When a public children services agency receives a report of the spanking of a student by a school administrator, the agency must assign the report a priority rating in accordance with 9 Ohio Admin. Code **5101:2-34-08**. A report that is rated **Priority I, II, or III** must be investigated as required by RC § **2151.42.1**, in accordance with the procedures prescribed in 9 Ohio Admin. Code **5101:2-34-32, 5101:2-34-33, and 5101:2-34-34**. A report that is rated Priority IV may be resolved by termination pursuant to 9 Ohio Admin. Code **5101:2-34-08** if it is determined that the report alleges only action that is permitted under RC §§ **3319.31** and **2919.22**, for then the report does not constitute an allegation of abuse or neglect: OAG No. 92-082.

## Appendix 3

### OAC Section 5101:2-34-38

#### **5101:2-34-38 Confidentiality and dissemination of information relating to child abuse or neglect.**

(A) Each report and investigation of alleged child abuse or neglect is confidential and may be shared only when dissemination is authorized by this rule.

(B) The identities of the reporter and any person providing information during the course of a child abuse or neglect investigation shall remain confidential. The identities of these individuals shall not be released or affirmed by the PCSA to any party except for those listed in paragraphs (B)(1) to (B)(4) of this rule, without the written consent of the individuals involved. The PCSA shall inform the reporter and any person providing information that a subpoena for judicial testimony may be issued if court intervention is deemed necessary. The PCSA shall release identities only to the following:

- (1) ODJFS staff with supervisory responsibility for children's protective services;
- (2) Law enforcement officials who are investigating a report of child abuse or neglect or a report that a person violated section 2921.14 of the Revised Code (knowingly making or causing another person to make a false report);
- (3) The county prosecutor who is investigating a report of child abuse or neglect or a report that a person violated section 2921.14 of the Revised Code (knowingly making or causing another to make a false report); and
- (4) Any PCSA (in-state or out-of-state) investigating a child abuse or neglect report involving a principal of the case.

(C) The PCSA shall promptly disseminate any information requested by ODJFS staff with supervisory responsibility for child protective services or children services licensing.

(D) The PCSA shall disseminate information to the central registry on child abuse and neglect as required by rule 5101:2-35-16 of the Administrative Code.

(E) The PCSA shall promptly disseminate all information it determines to be relevant to the following:

- (1) Any federal, state, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect including but not limited to:
  - (a) Law enforcement officials, as set forth in the child abuse and neglect memorandum of understanding, to investigate a report of child abuse or neglect, a report of a missing child, or a report that a person has violated section 2921.14 of the Revised Code (knowingly making or causing another person to make a false report of child abuse or neglect).
  - (b) The county prosecutor, to provide legal advice or initiate legal action on behalf of an alleged child victim; and to prosecute any person who has violated section 2921.14 of the Revised Code (knowingly making or causing another person to make a false report of child abuse or neglect).
  - (c) A guardian ad litem or court appointed special advocate.
  - (d) Any PCSA (in-state or out-of-state) which is currently investigating a report of child abuse or neglect involving a principal of the case or providing services to a principal of the case.
  - (e) A coroner, to assist in the evaluation of a child's death due to alleged child abuse or neglect.

- (f) Child abuse and neglect multidisciplinary team members, for consultation regarding investigative findings or the case plan.
- (g) Public service providers working with caretakers or children of the family about whom the information is being provided, including but not limited to:
  - (i) Probation officers and caseworkers employed with the court, adult parole authority, rehabilitation and corrections, or the department of youth services.
  - (ii) Casemanagers employed with the local boards of mental retardation and developmental disabilities or the local boards of alcohol drug addiction and mental health.
- (h) A school administrator or designee when a PCSA intends to place a child in a foster home in a county other than the county in which the child resided at the time of being removed from the home.
- (i) The licensing and supervising authorities of a public or non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred.
- (j) Administrators of public out-of-home care settings in which child abuse or neglect is alleged to have occurred including but not limited to:
  - (i) Psychiatric hospitals managed by the Ohio department of mental health;
  - (ii) Institutions managed by county courts for unruly or delinquent children;
  - (iii) Institutions managed by the Ohio department of youth services;
  - (iv) Institutions or programs managed by the Ohio department of mental retardation and developmental disabilities or local boards of mental retardation and developmental disabilities.
- (k) Child abuse citizen review panels recognized by ODJFS, upon request.
- (l) A child fatality review board recognized by the Ohio department of health (ODH), upon request except when a county prosecutor intends to prosecute or a judge prohibits release according to procedures contained in sections 5153.171, 5153.172 and 5153.173 of the Revised Code.
- (m) A grand jury or court, as ordered.
- (2) Any of the following individuals or non-public agencies with a need for information:
  - (a) A mandated reporter who makes a report of child abuse or neglect. The reporter shall be informed of the following:
    - (i) Whether the PCSA has initiated an investigation;
    - (ii) Whether the PCSA is continuing to investigate;
    - (iii) Whether the PCSA is otherwise involved with the child who is the subject of the report;
    - (iv) The general status of the health and safety of the child who is the subject of the report;
    - (v) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.
  - (b) Principals of the case, in accordance with rule 5101:2-34-32 of the Administrative Code, to inform them of-
    - (i) The allegation contained in the report, and
    - (ii) The resolution/disposition of the assessment/investigation.
  - (c) A non-custodial parent of the alleged child victim when the PCSA believes such sharing to be in the best interest of the child.
  - (d) A physician, for the diagnostic assessment of a child where there is reason to believe the child may be a victim of abuse or neglect.

(e) Private service providers, for diagnostic evaluations of and service provision to the alleged child victim and the family or the caretaker.

(f) The administrator of a non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred.

(g) An individual, agency, or organization conducting research in the area of child welfare. The PCSA shall determine what information is appropriate to make available to the researcher. Prior to disseminating information to the researcher, the PCSA shall require the researcher to sign an agreement which addresses the following:

(i) Information provided by the PCSA shall remain the property of the PCSA;

(ii) The researcher shall not disseminate confidential information containing names or data by which any individual or out-of-home care setting could be identified or deductively disclosed;

(iii) The PCSA shall review the research prior to its dissemination or publication to ensure that the research is void of names or data by which any individual or out-of-home care setting could be identified or deductively disclosed; and

(iv) The researcher shall accept liability for unauthorized dissemination of information. (h) A foster caregiver as required by rule 5101:2-42-90 of the Administrative Code.

(3) With written authorization from the PCSA director, any individual or agency when it is believed to be in the best interest of-

(a) An alleged child victim, the family, or the caretaker;

(b) Any child residing within, or participating in an activity conducted by an out-of-home care setting when necessary to protect children in that setting; or

(c) A child who is an alleged perpetrator.

(4) CDJFS pursuant to rule 5101:2-39-51 of the Administrative

(5) With written authorization from the PCSA director, public disclosure of the findings or information about the case of child abuse or neglect which has resulted in:

(a) A child fatality; or

(b) Near fatality that, as certified by a physician, places the child in serious or critical

(F) The PCSA may share agency information with another PCSA who is not currently providing services to a specified individual when:

(1) The PCSA receives a signed release of information from the individual who received services or is currently receiving services from the PCSA; and

(2) Written authorization is given by the PCSA director.

(G) When any information is disseminated, the PCSA shall notify the receiver of the information that:

(1) The information is confidential;

(2) Unauthorized dissemination of the contents of this information is in violation of section 2151.421 of the Revised Code; and

(3) Anyone who permits or encourages unauthorized dissemination of the contents of this information is in violation of section 2151.99 of the Revised Code. Such a violation is a misdemeanor of the fourth degree.

(H) The PCSA shall document any information that is shared in the case record.

Documentation shall include:

(1) Specific information disseminated;

(2) Date the information was disseminated;

(3) Agency, organization, or individual to whom the information was disseminated;

- (4) Reason for the dissemination of information; and
- (5) If required, written authorization to disseminate information pursuant to paragraphs (E)(3), (E)(5) and (F) of this rule.
- (I) When any person commits, causes, permits, or encourages unauthorized dissemination of information, the PCSA shall give written notification of such unauthorized dissemination to the county prosecutor or city director of law. A copy of the written notification shall be retained in the case record.

**HISTORY: Eff 1-1-87; 1-1-88; 10-1-82; 9-1-94; 6-30-97 (Emer.); 9-28-97; 10-1-97 (Emer.); 12-30-97; 4-1-01**

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 2151.421

Rule amplifies: RC 2151.421

Review Date: 11/2/00, 1/2/05

### **CASE NOTES AND OAG**

**I. (I 990)** There is no duty to allow inspection of reports of alleged child abuse under RC §§ 149.43, 1347.08 or 5153.17: State ex rel Renfro, v. Cuyahoga Cty. Dept. of Human Serv., 54 OS3d 25, 560 NE2d 230.

**2.** (1992) Each report and investigation of alleged child abuse or neglect made under RC § 2151.42.1 is confidential and, pursuant to 9 Ohio Admin. Code 5101:2-34-38, the dissemination of such confidential information to an agency or organization is permitted only if the agency or organization has rules or policies governing the dissemination of confidential information that are consistent with those of rule 5101:2-34-38: OAG No. 92-046.

**3.** (1992) A public children services agency may disclose child abuse and neglect investigation materials to the Air Force Office of Special Investigations when such disclosure is in compliance with RC § 2151.42.1, RC § 5153.17, and 9 Ohio Admin. Code 5101:2-34-38 and is for purposes authorized by those provisions; the agency is not required to obtain assurance that the Office will not use the materials for purposes other than criminal prosecution: OAG No. 92-046.

**4.** (1992) A public children services agency may, pursuant to [1991-1992 Monthly Record, vol. 1] Ohio Admin. Code 5101:2-34-71, at 280 include the Air Force Office of Special Investigations as a voluntary subscriber to a county plan of cooperation prepared pursuant to RC § 2151.42.1(J), if the Office wishes to be a voluntary subscriber and if the agency determines that the participation of the Office would be appropriate. If the Office has suitable rules or policies governing the use and dissemination of confidential information, the Office may receive investigatory materials as provided in the county plan of cooperation and in 9 Ohio Admin. Code 5101:2-34-38 (D)(4): OAG No. 92-046.

**5.** (1992) 9 Ohio Admin. Code 5101:2-34-38(F) permits disclosure of child abuse and neglect investigation information when the dissemination of information is believed to be in the best interest of an alleged child victim, his family, or caretaker; a child residing or participating in an activity at an out-of-home care setting where alleged abuse or neglect has been reported; or a child who is an alleged perpetrator. Disclosure to the Air Force Office of Special Investigations may be permitted under this provision if confidentiality is assured and the best interest standard is satisfied on the basis of particular facts: OAG No. 92-046.

6. If a county plan of cooperation so provides, child abuse and neglect investigation materials may, pursuant to 9 Ohio Admin. Code 5101:2-34-38(D)(4), be disclosed to the Air Force Office of Special Investigations to assist in a current investigation of a report of alleged child abuse or neglect involving a principal of the case or a report of a missing child: OAG No. 92-046.

7. (1992) 9 Ohio Admin. Code 5101:2-34-38(D) defines circumstances in which the disclosure of child abuse and neglect investigation information is permitted as a matter of routine. Disclosure to the Air Force Office of Special Investigations may be permitted under these or similar provisions if confidentiality is assured and applicable requirements are satisfied: OAG No. 92-046.

## Appendix 4

### OAC Section 5101:2-35-77

**5101:2-35-77 Procedures for intervening in cases involving alleged withholding of appropriate nutrition, hydration, medication, or medically indicated treatment from disabled infants with life-threatening conditions.**

(A) The PCSA shall maintain current information regarding the name, address, and telephone number of each health care facility within its jurisdiction; the name, title and telephone number of each facility's contact person for allegations involving alleged withholding of appropriate nutrition, hydration, medication, or medically indicated treatment from disabled infants with life-threatening conditions (hereinafter referred to as alleged withholding); the name of the chairperson of the health care facility's review committee, if such a committee exists; and the PCSA's internal procedures for intervening in cases involving alleged withholding.

(B) Within one hour of receipt of an allegation involving alleged withholding, the PCSA shall:

(1) Contact the health care facility's administrator or designee (if not the original referent) to obtain information regarding the condition of the infant; and

(2) Review the information received from the referral source and the health care facility designee to determine if there is a need for initiation of an assessment/investigation. This evaluation should be done by the PCSA caseworker in conjunction with the supervisor and/or other administrative staff.

(C) Depending on the particular case, the PCSA may decide to seek the assistance of a qualified medical consultant to evaluate the child's medical information, including medical records, obtained during the preliminary assessment.

(D) When a determination is made that the information does not constitute alleged withholding (nor any other form of abuse or neglect), the PCSA shall cease assessment/investigative activities.

(E) When a determination is made that the information constitutes alleged withholding, within twenty-four hours of receipt of the information, the PCSA shall:

(1) Provide oral notification to the disabled infant's parents, guardian, or custodian that the PCSA received information alleging that a disabled infant with a life-threatening condition has not received adequate nutrition, hydration, medication, or medically indicated treatment

(2) In cooperation with the medical consultant, if applicable, conduct interviews of the attending physician and health care facility staff to obtain the following information:

(a) The measures that the health care facility has taken to provide appropriate nutrition, hydration, medication, or medically indicated treatment to the disabled infant;

(b) Whether the disabled infant's attending physician, with the consent of the disabled infant's parents, guardian, or custodian will sustain needed life-supporting care for twenty-four hours while the PCSA continues the assessment/investigation;

(c) The condition of and risk to the infant including whether the infant is chronically and irreversibly comatose; whether the provision of medical treatment would merely prolong dying, not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions; or otherwise be futile in terms of the survival of the disabled infant; and whether

the provision of medical treatment would be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances would be inhumane; and

(d) Plans made to convene a meeting of the health care facility review committee or to adopt the recommendations of the health care facility committee, if a meeting was held.

(F) In cooperation with the medical consultant, if applicable, the PCSA shall review the disabled infant's medical records, if indicated.

(G) If the disabled infant is receiving appropriate nutrition, hydration, medication, or medically indicated treatment with or without court intervention and there is sufficient documentation that the treatment will continue to be provided, the PCSA shall terminate assessment/investigative activities.

(H) If after reviewing the information obtained from the health care facility, a determination is made that the disabled infant is a neglected child as defined in division (C) of section **2151.03** of the Revised Code due to the withholding of appropriate nutrition, hydration, or medication, the PCSA shall immediately:

(1) Conduct face-to-face interviews with the infant's parents, guardian, or custodian to discuss the purpose of and complete an assessment/investigation and seek consent to provide appropriate nutrition, hydration, or medication.

(2) If consent is not obtained, request assistance from the county prosecutor or the city director of law in order to obtain an emergency court order granting authorization to provide medical care and treatment;

(1) Within fifteen calendar days of completion of the assessment/investigation, the PCSA shall submit a written summary to ODJFS' central office which administers child protective services. The summary shall include:

(1) The date the allegation was received;

(2) The allegations;

(3) The names of the principals of the case, their dates of birth, their sex, and their relationship to each other;

(4) The names of the persons interviewed, the dates interviewed, and a summary of the interviews;

(5) A copy of the medical consultant's findings, if applicable;

(6) A copy of the health care facility review committee's report, (if one exists and the committee met);

(7) The date the assessment/investigation was completed,

(8) The case resolution and disposition; and

(9) The agency's plan for provision of services.

(J) The PCSA shall monitor the case through regular contact with the health care facility designee to determine whether appropriate nutrition, hydration, medication and medically indicated treatment is being provided. The prosecuting attorney or city director of law shall immediately be notified when there is failure to provide care and treatment to the disabled infant.

(K) The PCSA shall assist the parents, guardian, or custodian in contacting agencies that provide services for infants with disabilities and their families including agencies that provide financial support or reimbursement of costs for medical and rehabilitative services.

(L) The PCSA shall document in the case record all activities performed in compliance with this rule.

**HISTORY:** Eff **4-1-86 (Emer.); 6-19-86 (Emer.); 8-1-86; 1-1-89; 10-1-95; 1-1-00; 4-1-01**

Rule promulgated under: RC Chapter **119**.

Rule authorized by: RC **2151-421**

Rule amplifies: RC **2151.421**

Review Date: 11/2/00, 11/2/05