



## Ohio Administrative Code

### Rule 5101:2-20-06 The county adult protective services memorandum of understanding.

Effective: December 1, 2019

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(A) The county adult protective services memorandum of understanding, hereinafter referred to as the memorandum, is a document that sets forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities pursuant to section 5101.621 of the Revised Code when conducting elder abuse, neglect or exploitation assessments or investigations. The purpose of the memorandum is to delineate clearly the role and responsibilities of each official or agency in assessing or investigating elder abuse, neglect or exploitation in the county. The respective duties and requirements of all involved shall be addressed in the memorandum.

(B) Each county department of job and family services (CDJFS) shall prepare a memorandum described in paragraph (A) of this rule to be signed by all of the following:

- (1) The director of the CDJFS.
- (2) The director of the designated agency if the county department has entered into an agreement or contract with another entity pursuant to section 5101.652 of the Revised Code.
- (3) The county peace officer.
- (4) The chief peace officer of the largest municipality within the county.
- (5) Other law enforcement officers handling adult abuse, neglect, and exploitation cases in the county.
- (6) The prosecuting attorney of the county.
- (7) The coroner of the county.



(C) The memorandum shall set forth the procedures to be followed by the persons listed in paragraph (B) of this rule in the execution of their respective responsibilities related to cases of adult abuse, neglect, and exploitation. The memorandum shall establish all of the following:

(1) An interdisciplinary team to coordinate efforts related to the prevention, reporting, and treatment of abuse, neglect, and exploitation of adults.

(2) The roles and responsibilities for handling cases that have been referred by the CDJFS or designated agency to another agency pursuant to section 5101.64 of the Revised Code.

(3) The roles and responsibilities for filing criminal charges against persons alleged to have abused, neglected, or exploited adults.

(D) The memorandum may, in addition, be signed by any of the following persons who are also members of the interdisciplinary team described in paragraph (C)(1) of this rule:

(1) A representative of the area agency on aging, as defined in section 173.14 of the Revised Code.

(2) A representative of the regional long-term care ombudsman program.

(3) A representative of the board of alcohol, drug addiction, and mental health services.

(4) A representative of the board of health of a city or general health district.

(5) A representative of the county board of developmental disabilities.

(6) A representative of a victim assistance program.

(7) A representative of a local housing authority.

(8) Any other person whose participation furthers the goals of the memorandum.

(E) The memorandum shall include all of the following:



(1) Signatures from participating agencies which must include, at a minimum, the individuals listed in paragraph (B) of this rule.

(2) A confidentiality statement to address how information is to be shared while protecting the privacy of the client and his/her family. The confidentiality statement shall also clearly identify the individual to be notified in the event of a breach or suspected breach of confidentiality and a provision that the terms of confidentiality remain after the termination or expiration of the agreement.

(3) A terms and conditions section that identifies the time period of the agreement and how to address modifications to the agreement.

(F) The memorandum may, in addition, include the screening procedure to be followed, in accordance with paragraph (B) of rule 5101:2-20-11 of the Administrative Code, when a written and/or oral referral is received on a day that is not a working day and after business hours on working days.

(G) Each CDJFS shall complete the memorandum no later than July 1, 2016.

(H) If an amendment to an existing memorandum is necessary for any reason, the CDJFS shall complete the amendment within ninety days of the identified need and do both of the following:

(1) Have the amendment signed by all parties affected by the amendment.

(2) Provide a written copy of the signed amendment to all signors of the memorandum.

(I) Failure to follow the guidelines set forth in the memorandum required by this rule is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from any report of abuse, neglect, or exploitation or the suppression of any evidence obtained as a result of a report of abuse, neglect, or exploitation and does not give any rights or grounds for appeal or post-conviction relief to any person.