



Ohio Administrative Code Rule 5101:2-20-13 Adult protective services third party investigation.

Effective: October 1, 2021

(A) The county department of job and family services (CDJFS) or its designee shall adhere to this rule for reports of adult abuse, neglect and/or exploitation where there is a potential conflict of interest because one or more of the following parties is a principal of the report:

- (1) Any employee, or agent of ODJFS, the CDJFS or its designee.
- (2) Any authorized person representing ODJFS, the CDJFS or its designee who provides services for payment or as a volunteer.
- (3) Any time a CDJFS or its designee determines that a conflict of interest exists. The CDJFS or its designee shall document in the case record if a conflict of interest is identified.

(B) The involvement of a third party does not relieve the lead CDJFS or its designee of its responsibility to ensure assessment/investigation activities are completed.

(C) A law enforcement agency or another CDJFS may serve as the third party to an assessment/investigation of adult abuse, neglect and/or exploitation.

- (1) The CDJFS or its designee shall request the assistance of law enforcement as the third party if the adult abuse, neglect and/or exploitation report alleges a criminal offense.
- (2) The CDJFS or its designee may request the assistance of another CDJFS or its designee as the third party if the adult abuse, neglect and/or exploitation report does not allege a criminal offense and both agencies agree to participate in the assessment/investigation including the delegation of investigatory responsibilities.

(D) In lieu of law enforcement or another CDJFS, the CDJFS or its designee may operate an in-house unit to assess/investigate reports of adult abuse, neglect and/or exploitation requiring a third



party if all of the following apply:

- (1) An agency employee is not named as a principal in the report.
- (2) The report does not allege a criminal offense.
- (3) The CDJFS or its designee maintains written internal policies and procedures for the review and approval of assessments/investigations conducted by the in-house unit.
- (4) The in-house unit works independently of all other units within the CDJFS.
- (E) Within twenty-four hours of the identification of a conflict of interest, the CDJFS or its designee shall request and document the assistance of a third party.
- (F) Upon acceptance of the request from the lead CDJFS or its designee, the non-lead CDJFS or its designee shall complete the assessment/investigation within the time frames established pursuant to rule 5101:2-20-12 of the Administrative Code.
- (G) In instances where law enforcement, another CDJFS or its designee declines to assist the CDJFS or its designee, the CDJFS or its designee is responsible for conducting the assessment/investigation. The CDJFS or its designee is responsible for having procedures in place to address the conflict of interest and ensure the completion of the assessment/investigation.
- (H) The CDJFS or its designee shall comply with all procedures pursuant to rule 5101:2-20-12 of the Administrative Code.
- (I) The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation including the third party assessment/investigation report from law enforcement or the non-lead CDJFS or its designee shall be maintained in the case record.