



Ohio Administrative Code

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

Effective: October 17, 2026

The purpose of this rule is to outline the procedures for third-party investigations of adult maltreatment cases when a potential conflict of interest exists.

(A) When is the county department of job and family services (CDJFS) to request a third-party investigation?

A third-party investigation is to be requested for reports of adult maltreatment when a potential conflict of interest exists due to one or more of the following parties being a principal of the report:

- (1) Any employee or agent of the Ohio department of job and family services (ODJFS) or the CDJFS.
- (2) Any authorized person representing ODJFS or the CDJFS who provides services for payment or as a volunteer.
- (3) Any time a CDJFS determines a conflict of interest exists.

(B) Does the involvement of a third party relieve the CDJFS of its responsibilities?

The involvement of a third party does not relieve the lead CDJFS of its responsibility to ensure assessment and investigation activities are completed.

(C) What agencies may conduct third-party assessments and investigations of adult maltreatment?

A law enforcement agency or another CDJFS may serve as the third party to assessments or investigations of adult maltreatment.

- (1) The CDJFS is to request the assistance of law enforcement as the third party if the adult maltreatment report alleges a criminal offense.
- (2) The CDJFS may request the assistance of another CDJFS as the third party if the adult maltreatment report does not allege a criminal offense and both agencies agree to participate in the assessment and investigation.

(D) Can the CDJFS operate an in-house unit for third-party assessments and investigations?

In lieu of law enforcement or another CDJFS, the CDJFS may operate an in-house unit to assess and investigate reports of adult maltreatment requiring a third party if all of the following apply:

- (1) An agency employee is not named as a principal in the report.



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- (2) The report does not allege a criminal offense.
- (3) The CDJFS maintains written internal policies and procedures for the review and approval of assessments and investigations conducted by the in-house unit.
- (4) The in-house unit works independently of all other units within the CDJFS.

(E) What is the CDJFS to do when a conflict of interest is identified?

Within twenty-four hours of identifying a conflict of interest, the CDJFS is to request and document the assistance of a third party.

(F) What are the responsibilities of the non-lead CDJFS upon accepting the request for assistance?

Upon accepting the request from the lead CDJFS, the non-lead CDJFS is to complete the assessment and investigation.

(G) What is the CDJFS to do if the requested agency declines to assist?

If the requested agency declines to assist as a third party to the assessment and investigation, the CDJFS is responsible for conducting the assessment and investigation. The CDJFS is responsible for having procedures in place to address the conflict of interest and ensure the completion of the assessment and investigation.

(H) Is a dual relationship considered a conflict of interest?

The CDJFS should not permit dual relationships and ensure safeguards are established should a dual relationship be unavoidable. In the case of the CDJFS petitioning for or serving as guardian, it is an unavoidable dual relationship only if all less restrictive alternatives to guardianship have been considered and either:

- (1) The court has instructed the APS program to petition for or serve as guardian.
- (2) There is no other qualified individual or entity available to petition for or serve as a guardian.

(I) How is the documentation of third-party assessments and investigations to be maintained?

All documentation obtained as a result of the third-party assessment and investigation is to be maintained in the case record. For all dual relationships, the CDJFS is to indicate the mitigation strategies taken to address the conflict of interest.