



## Ohio Administrative Code

### Rule 5101:2-36-03 PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.

Effective: June 17, 2018

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(A) A public children services agency (PCSA) shall conduct an intra-familial child abuse and/or neglect assessment/investigation in response to a child abuse and/or neglect report if one or more of the following applies:

- (1) The alleged perpetrator is a member of the alleged child victim's family.
- (2) The alleged perpetrator is known to the family or child and has had access to the alleged child victim, whether or not the access was known or authorized by the child's parent, guardian or custodian.
- (3) The alleged perpetrator is involved in daily or regular care for the alleged child victim, excluding a person responsible for the care of a child in an out-of-home care setting.

(B) An intra-familial assessment/investigation shall involve a third party if a principal named in the report poses a conflict of interest for the PCSA pursuant to rule 5101:2-36-08 of the Administrative Code.

(C) The PCSA may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist and the reason for contacting law enforcement is documented in the case record:

- (1) The agency has reason to believe that the child is in immediate danger of serious harm.
- (2) The agency has reason to believe that the worker is, or will be, in danger of harm.
- (3) The agency has reason to believe that a crime is being committed, or has been committed against a child.



(4) The assistance of law enforcement needs to be invoked in accordance with the county child abuse and neglect memorandum of understanding.

(D) The PCSA shall initiate the screened in child abuse and/or neglect report in accordance with the following:

(1) For an emergency report, attempt a face-to-face contact with the alleged child victim within one hour from the time the referral was screened in, to assess child safety and interview the alleged child victim.

(2) For all other reports, attempt a face-to-face contact or complete a telephone contact within twenty-four hours from the time the referral was screened in, with a principal of the report or collateral source who has knowledge of the alleged child victim's current condition, and can provide current information about the child's safety.

(3) If face-to-face contact with the alleged child victim was not attempted within the twenty-four hour time frame, an attempt of face-to-face contact with the alleged child victim shall be made within seventy-two hours from the time the report was screened in to assess child safety and interview the alleged child victim.

(E) The PCSA shall document in the case record the date, time, and with whom the assessment/investigation was initiated.

(F) The PCSA shall complete the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-01 of the Administrative Code.

(1) The PCSA shall attempt face-to-face contact with the alleged child victim and a parent, guardian, custodian, or caregiver within the first four working days from the date the report was screened in as an abuse or neglect report.

(2) If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (F)(1) of this rule is unsuccessful, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date the referral was screened in as a report.



(G) If the attempted face-to-face contacts with the alleged child victim, as specified in paragraphs (D) and (F) of this rule are unsuccessful, the PCSA shall, at a minimum, continue making attempts for face-to-face contact at least every five working days until the child is seen or until the PCSA is required to make a report disposition pursuant to paragraph (V) or (W) of this rule.

(H) The PCSA shall not interview the alleged child victim or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

(1) There is credible information indicating the child is in immediate danger of serious harm.

(2) There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from his or her home.

(3) There is credible information indicating that the child may be intimidated from discussing the alleged abuse or neglect in his or her home.

(4) The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.

(I) Should an alleged child victim provide information during an interview that indicates a sibling might be in immediate danger of serious harm or that the sibling could provide information regarding immediate danger of serious harm to the alleged child victim, the interview of the sibling who was not identified as an alleged child victim may commence without parental consent.

(J) The specific facts necessitating that investigative interviews of a child be conducted without parental consent must be documented in the case record.

(K) If a child is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face contact or complete a telephone contact with the child's parent, guardian, or custodian to inform them that an interview of the child occurred and provide the specific facts necessitating the child be contacted without parental consent.



(L) If the attempt to contact the child's custodian pursuant to paragraph (K) of this rule is unsuccessful, the PCSA shall continue to attempt to complete face-to-face contact with the child's parent, guardian or custodian once every five working days until contact is made with the child's parent, guardian, or custodian, or until the PCSA is required to make a case disposition pursuant to paragraphs (V) and (W) of this rule.

(M) The PCSA shall conduct and document face-to-face interviews with each child residing within the home of the alleged child victim. If possible each child should be interviewed separately and apart from the alleged perpetrator. The purpose of the interviews is to:

- (1) Evaluate each child's condition.
- (2) Determine if each child is safe.
- (3) Obtain each child's explanation regarding the allegations contained in the report.

(N) The PCSA need not interview a child if it is documented in the case record that:

- (1) The child does not have sufficient verbal skills, or
- (2) Additional interviewing would be detrimental to the child, unless requested by the lead PCSA pursuant to paragraph (BB) or (CC) of this rule.

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

- (1) Assess his or her knowledge of the allegation.
- (2) Observe the interaction between the alleged child victim and caretaker.
- (3) Obtain relevant information regarding the safety and risk to the child.



(P) The PCSA shall advise the alleged perpetrator of the allegations made against him or her at the time of the initial contact with the person. The initial contact between the PCSA and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment/investigation process.

(Q) The PCSA shall conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the assessment/investigation to obtain relevant information regarding the safety of and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy.

(R) The PCSA shall take any other actions necessary to assess safety and risk to the child. These actions may include, but are 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 parent, guardian, or custodian's consent.
- (3) Attempting to secure a medical examination or psychological evaluation or both of the child with consent of the child's parent, guardian, or custodian or with a court order.
- (4) Attempting to secure any relevant records, including but not limited to school, mental health, and medical records.

(S) For all reports involving an infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code the PCSA shall:

- (1) Ensure the plan of safe care has been developed.
- (2) Ensure the plan of safe care addresses the safety needs of the infant.
- (3) Ensure the plan of safe care addresses the health and substance use disorder treatment needs of



the affected family or caregiver.

(T) At any time the PCSA determines a child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

(U) If the PCSA determines supportive services are necessary, the supportive services shall be made available to the child, his or her parent, guardian, or custodian during all of the following pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code:

(1) The safety planning process.

(2) The assessment/investigation process.

(V) The PCSA shall complete the report disposition and arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) no later than forty-five days from the date the PCSA screened in the referral as a child abuse and/or neglect report. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition and final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(W) If the child abuse and/or neglect report involves a principal of the report who is currently receiving ongoing protective services from the PCSA, the PCSA shall complete the report disposition by completing the JFS 01402 "Comprehensive Assessment Planning Model - I.S., Ongoing Case Assessment/Investigation" (rev. 7/2006).

(1) The JFS 01402 shall be completed no later than forty-five days from the date the PCSA screened in the referral as a child abuse and/or neglect report.

(2) The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.



(X) The PCSA shall not waive the completion of the report disposition.

(Y) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, and/or the court if refused access to the alleged child victim or any records necessary to conduct the assessment/investigation.

(Z) The PCSA shall have an interpreter present for all interviews if the PCSA has determined that a principal of the report has a language or any other impairment that causes a barrier in communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

(AA) Within two working days of completion of the assessment/investigation, the PCSA shall do all of the following as applicable:

(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 report disposition and final case decision.

(2) Notify the alleged perpetrator in writing of the report disposition; the right to appeal; and the method by which the alleged perpetrator may appeal the disposition as outlined in rule 5101:2-33-20 of the Administrative Code.

(3) Refer all children under the age of three to "Help Me Grow" for early intervention services if there is a substantiated report of child abuse or neglect regardless of the child's role in the report.

(4) Refer any infant who has been born and identified as affected by legal or illegal substance abuse or withdrawal symptoms or fetal alcohol spectrum disorder resulting from prenatal drug exposure to "Help Me Grow."

(5) Notify all participants involved in the plan of safe care of the final case decision. The final decision includes whether the case will be transferred for ongoing PCSA services, closed and referral made to community services, or closed. The following plan of safe care participants shall be notified:

(a) Parents, guardians, custodians or other caregivers for the infant.



(b) Health care providers involved in the delivery or care of the infant.

(c) Collaborating professional partners and agencies involved in caring for the infant and family.

(6) Notify the child's non-custodial parent, who holds residual parental rights to the child and maintains an ongoing relationship through visitation with the child and/or payment of child support, of the receipt of the report, the report disposition, and the case decision.

(7) Document in the case record, the date and method of notification to the principals of the report of the above listed activities.

(BB) If two or more Ohio PCSAs are involved in an assessment/investigation the lead county shall be determined by the following criteria:

(1) The PCSA located within the county where a juvenile court has issued a protective supervision order.

(2) The PCSA located within the county where the custodial parent, legal guardian, legal custodian of the alleged child victim resides.

(3) If an order of shared parenting has been issued and a residential parent has not been designated by the court, the PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred.

(CC) 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 that received the report shall do one of the following:

(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 from 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 if a determination is made that the child was not brought to the shelter under an agreement with a shelter in another county. If two or more PCSAs are involved, all PCSAs shall be responsible for following procedures outlined in this rule.

(3) Commence the assessment/investigation if a determination cannot be made immediately if an agreement is in effect.

(DD) If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete the JFS 01401, JFS 01400, and/or JFS 01402 within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

(EE) The PCSA shall follow procedures set forth in rule 5101:2-36-07 of the Administrative Code if the report involves alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.

(FF) The assessment/investigation documentation and any materials 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 the written approval of the director or the designee shall be filed in the case record in accordance with rule 5101:2-36-11 of the Administrative Code.