



## Ohio Administrative Code

### Rule 5101:2-36-05 PCSA requirements for conducting stranger danger investigations.

Effective: June 17, 2018

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- (A) A public children services agency (PCSA) shall conduct a stranger danger investigation in response to a child abuse report alleging a criminal act against a child of assault or sexual activity as defined under Chapter 2907. of the Revised Code, if the alleged perpetrator was unknown to the alleged child victim and the alleged child victim's family prior to the incident(s).
- (B) The PCSA shall refer the report to the appropriate law enforcement authority pursuant to rule 5101:2-36-12 of the Administrative Code within twenty-four hours of the time the report was screened in, unless the report was received from the law enforcement agency with jurisdiction.
- (C) The PCSA shall initiate the stranger danger 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, the PCSA shall 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 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.
- (D) The PCSA shall document in the case record the date, time and with whom the assessment/investigation was initiated.



(E) 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 (E)(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 that the referral was screened in as a report.

(F) If the attempted face-to-face contacts with the alleged child victim, as specified in paragraphs (C) and (E) 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 (S) of this rule.

(G) 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 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.

(H) 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.

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

(J) If a child is interviewed without parental consent, then during the same day, the PCSA shall attempt a face-to-face contact or complete telephone contact with the child's parent, guardian, or custodian to inform them that an interview of their child occurred. If unsuccessful, an attempt to complete face-to-face contact shall occur 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 report disposition pursuant to paragraph (S) of this rule.

(K) The PCSA shall conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the 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.

(L) 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.

(M) 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.

(N) If 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.

(O) 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.

(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 investigation process.

(Q) Prior to completion of the report disposition, the PCSA shall contact law enforcement and document information regarding the status of the criminal investigation in the case record. The PCSA shall notify the prosecuting attorney if there is reason to believe the alleged perpetrator has not been investigated by law enforcement.

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

(S) The PCSA shall complete the report disposition no later than forty-five days from the date the PCSA determines that the referral is screened in as a family in need of services stranger danger report. 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.



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

(U) A JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006), shall be completed pursuant to rule 5101:2-37-03 of the Administrative Code at any time the PCSA determines that the family of the alleged child victim is unable or unwilling to protect the child. The PCSA shall assess and determine whether the family and/or child is in need of supportive services by the PCSA or the community.

(V) 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 the custodial parent, legal guardian, legal custodian of the alleged child victim resides. 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.

(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.

(W) 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 report disposition and if applicable, the final case decision.

(2) Notify the alleged perpetrator, if known, in writing of the report disposition; and their 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 case of child abuse or neglect regardless of the child's role in the report.
  - (4) Document in the case record, the date and method of notification to the principals of the report.
  - (5) 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 case decision.
  - (6) Document in the case record, the date and method of notification to the principals of the report of the above listed activities.
- (X) 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.
- (Y) 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 investigation within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.



(Z) The investigation documentation and any materials obtained as a result of the 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.