



Ohio Administrative Code

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

Effective: September 1, 2024

(A) A public children services agency (PCSA) is to 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 is to 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 is to 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, complete one of the following within twenty-four hours from the time the referral was screened-in to assess child safety:

(a) Attempt a face-to-face contact with the alleged child victim.

(b) Complete telephone contact with a parent, guardian, custodian, or collateral source who has knowledge of the alleged child victim's current condition, and can provide current information about the child's safety.

(D) If the alleged child victim is an infant or nonverbal child, who is currently in a hospital setting and is not scheduled for discharge within seventy-two hours from the time the referral is screened in, contact as described in paragraph (E) of this rule can be made virtually or by phone prior to discharge with the direct medical staff who is providing care for the infant or child and is able to



provide information regarding the alleged child victim's safety.

(E) The PCSA is to, at minimum, complete face to face contacts and interview each alleged child victim and at least one parent, guardian, custodian, or caretaker to assess child safety and complete the "Safety Assessment" pursuant to rule 5101:2-37-01 of the Administrative Code. Attempts to conduct these face-to-face interviews are to be completed as follows, until the needed face-to-face contacts and interviews are completed:

(1) The PCSA is to attempt face-to-face contact with the alleged child victim and a parent, guardian, custodian, or caretaker within the first four working days from the date the referral was screened in .

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

(3) If the attempted face-to-face contacts described in paragraphs (E)(1) and (E)(2) of this rule are unsuccessful, the PCSA is to, at minimum, continue making face-to-face attempts at least every five working days until any of the following occur:

(a) Contacts are made,

(b) The parent, guardian, or custodian refuses contact and the PCSA files a complaint in juvenile court, or

(c) The PCSA needs to make a report disposition pursuant to paragraph (Q) of this rule.

(F) The PCSA will not interview the alleged child victim or another child who resides in the home without a parent, guardian, or custodian's consent, unless one of the following exigent circumstances exists:

(1) There is credible information indicating the child is in immediate danger of serious harm or can provide information regarding 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 their home.

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

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

(G) The specific facts necessitating that investigative interviews of a child be conducted without a parent, guardian, or custodian's consent are to be documented in Ohio's CCWIS .

(H) If a child is interviewed without a parent, guardian, or custodian's consent, then during the same day, the PCSA is to 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 and provide the specific facts that necessitated the child be interviewed without a parent, guardian, or custodian's consent. If unsuccessful, an attempt to complete face-to-face contact is to occur once every five working days until contact is made with the child's parent, guardian, or custodian or until the PCSA needs to make a report disposition pursuant to paragraph (Q) of this rule.

(I) The PCSA is to 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 is to exercise discretion in the selection of collateral sources to protect the privacy of the principals of the report.

(J) The PCSA is to have an interpreter present for all interviews if the PCSA has determined that a principal of the report has any factor 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.

(K) The PCSA is to 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 physical injury 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.
- (L) If the PCSA determines a child to be in immediate danger of serious harm, the PCSA is to follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.
- (M) If the PCSA determines supportive services are necessary, supportive services are to be made available to the child, and/or their parent, guardian, or custodian pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code:
- (N) The PCSA is to advise the alleged perpetrator of the allegations made against them 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.
- (O) Prior to completion of the report disposition, the PCSA is to contact law enforcement and document information regarding the status of the criminal investigation in Ohio's CCWIS . The PCSA is to notify the prosecuting attorney if there is reason to believe the alleged perpetrator has not been investigated by law enforcement.
- (P) The PCSA is to 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.
- (Q) No later than sixty calendar days from the date the PCSA screened in the referral, the PCSA is to complete the report disposition.



(R) The PCSA will not waive the completion of the report disposition.

(S) A "Family Assessment" is to 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.

(T) No later than five business days after completion of the assessment/investigation, the PCSA is to :

(1) Notify the alleged child victim, unless the child is not of an age or developmental capacity to understand; and the child's parent(s), guardian(s), or custodian(s) of the report disposition and if applicable, the final case decision.

(2) Notify the alleged perpetrator, if known, in writing of the report disposition; the right to appeal, and the PCSA's appeal process including time frames 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) 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.

(5) Document in Ohio's CCWIS, the date and method of notification to the principals of the report of the above listed activities.

(U) The investigation documentation and any materials obtained as a result of the investigation are to be maintained in the case record. If any information gathering activity cannot be completed, justification and the approval of the director or the designee are to be documented in Ohio's CCWIS in accordance with rule 5101:2-36-11 of the Administrative Code.