



Ohio Administrative Code

Rule 5101:2-36-08 PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report.

Effective: June 17, 2018

(A) The public children services agency (PCSA) shall adhere to this rule for reports of child abuse or neglect where there is a potential conflict of interest because one or more of the following is a principal of the report:

- (1) Any employee of an organization or facility that is licensed or certified by the Ohio department of job and family services (ODJFS) or another state agency and supervised by the PCSA.
- (2) A foster caregiver, pre-finalized adoptive parent, adoptive parent, relative, or kinship caregiver who is recommended, approved, or supervised by the PCSA.
- (3) A type B family child care home or type A family child care home licensed by Ohio department of job and family services (ODJFS) when the county department of job and family services (CDJFS) has assumed the powers and duties of the county children services function defined in Chapter 5153. of the Revised Code.
- (4) Any employee, or agent of ODJFS or the PCSA as defined in Chapter 5153. of the Revised Code.
- (5) Any authorized person representing ODJFS or the PCSA who provides services for payment or as a volunteer.
- (6) A foster caregiver or an employee of an organization or facility licensed or certified by ODJFS and the alleged child victim is in the custody of, or receiving services from, the PCSA that accepted the report.
- (7) Any time a PCSA determines that a conflict of interest exists. The PCSA 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 PCSA of its responsibility to ensure



assessment/investigation activities are completed.

(C) A law enforcement agency or another PCSA may serve as the third party to an assessment/investigation of child abuse or neglect.

(1) The PCSA shall request the assistance of law enforcement as the third party if the child abuse or neglect report alleges a criminal offense.

(2) The PCSA may request the assistance of another PCSA as the third party if the child abuse or neglect 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 PCSA, the PCSA may operate an in-house unit to assess/investigate reports of child abuse and neglect 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 PCSA 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 PCSA.

(E) Within twenty-four hours of the identification of a conflict of interest, the PCSA shall request and document the assistance of a third party.

(F) Upon acceptance of the request from the lead PCSA, the non-lead PCSA shall complete the assessment/investigation within the time frames established pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.

(G) In instances where law enforcement or another PCSA declines to assist the PCSA, the PCSA is



responsible for conducting the assessment/investigation. The PCSA is responsible for having procedures in place to address the conflict of interest and ensure the completion of the assessment/investigation.

(H) The PCSA shall comply with all procedures pursuant to rule 5101:2-36-03 or 5101:2-36-04 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 PCSA shall be maintained in the case record.