



Ohio Administrative Code

Rule 5101:2-36-09 Requirements for dependent child assessments.

Effective: September 1, 2024

(A) A public children services agency (PCSA) is to conduct a dependency assessment in response to a report alleging that a child is dependent pursuant to section 2151.04 of the Revised Code absent allegations of abuse or neglect.

(B) The PCSA may request the assistance of law enforcement during an assessment if the following situations exist and the reason for contacting law enforcement is documented in Ohio's comprehensive child welfare information system (CCWIS):

(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.

(C) The PCSA is to initiate the screened in dependency report in accordance with the following:

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

(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 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 child subject of the report's current condition,



and can provide current information about the child's safety.

(a) Attempt a face-to-face contact with the child subject of the report.

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

(D) If the child subject of the report 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 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 child subject of the report's current condition and can provide current information about the child subject of the report's safety.

(E) The PCSA is to, at minimum, complete face-to-face contacts and interview each child subject of the report 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 child subject of the report 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 that 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 a 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 complete a final case decision pursuant to paragraph (O)(2) of this rule.

- (F) The PCSA will not interview the child subject of the report or another child who resides in the home without the child's 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 dependency 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) If a child is interviewed without the child's parent, guardian, or custodian's consent, then the same day, the PCSA is to 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 their child occurred. 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 the time frame for completion of the assessment expires.

- (H) The specific facts necessitating the assessment interviews of a child be conducted without the child's parent, guardian, or custodian's consent is to be documented in Ohio's CCWIS.



(I) The PCSA need not interview a child if it is documented in Ohio's CCWIS that the child does not have sufficient verbal skills, or additional interviewing would be detrimental to the child.

(J) At the time of the initial contact with the parent, guardian, or custodian, the PCSA is to advise the parent, guardian, or custodian of the specific concerns. The initial contact between the caseworker assessing a dependent child report and the parent, guardian, or custodian includes, whichever occurs first, face-to-face or telephone contact with the person if information is gathered as part of the assessment process.

(K) The PCSA is to conduct and document face-to-face interviews or telephone interviews with anyone identified as possible sources of information during the assessment to obtain relevant information regarding the safety 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.

(L) 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 the child's environment with the parent, guardian, or custodian's consent.

(2) 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.

(3) Attempting to secure any relevant records, including but not limited to school, mental health, and medical records.

(M) At any time 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.

(N) If the PCSA determines supportive services are necessary, the supportive services are to be made available to the child and/or the child's parent, guardian, or custodian pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code.

(O) No later than sixty calendar days from the date the PCSA screened in the referral, the PCSA is



to:

(1) At minimum, complete face-to-face contact and interview the family of the child subject of the report residing in the home. Family includes all individuals described in rule 5101:2-37-03 of the Administrative Code.

(2) Arrive at a final case decision by completing either:

(a) The "Family Assessment" pursuant to rule 5101:2-37-03 of the Administrative Code or,

(b) The "Ongoing Case Assessment/Investigation" if the dependency report involves a principal of the report who is currently receiving ongoing protective services from the PCSA.

(P) The PCSA will not waive the completion of the final case decision.

(Q) The PCSA will request assistance from the county prosecutor, the PCSA's legal counsel, or the court if refused access to the child or any records needed to conduct the assessment.

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

(S) No later than five business days after completion of the assessment, the PCSA is to do all of the following:

(1) Notify the child subject of the report, 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 final case decision.

(2) Notify the caretaker in writing of the final case decision.

(3) Refer any child zero to three years of age to "Help Me Grow" if a developmental delay is suspected.



- (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 and the final 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 completed.
- (T) The assessment documentation and any materials obtained as a result of the assessment are to be maintained in the case record. If any information gathering activity cannot be completed, justification and 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.