

5101:2-20-13

Adult protective services third party investigation.

(A) The county department of job and family services (CDJFS) or its designee shall adhere to this rule for reports of adult abuse, neglect and/or exploitation where there is a potential conflict of interest because one or more of the following parties is a principal of the report:

- (1) Any employee, or agent of ODJFS, the CDJFS or its designee.
- (2) Any authorized person representing ODJFS, the CDJFS or its designee who provides services for payment or as a volunteer.
- (3) Any time a CDJFS or its designee determines that a conflict of interest exists. The CDJFS or its designee 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 CDJFS or its designee of its responsibility to ensure assessment/investigation activities are completed.

(C) A law enforcement agency or another CDJFS may serve as the third party to an assessment/investigation of adult abuse, neglect and/or exploitation.

- (1) The CDJFS or its designee shall request the assistance of law enforcement as the third party if the adult abuse, neglect and/or exploitation report alleges a criminal offense.
- (2) The CDJFS or its designee may request the assistance of another CDJFS or its designee as the third party if the adult abuse, neglect and/or exploitation 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 CDJFS, the CDJFS or its designee may operate an in-house unit to assess/investigate reports of adult abuse, neglect and/or exploitation 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 CDJFS or its designee 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 CDJFS.

- (E) Within twenty-four hours of the identification of a conflict of interest, the CDJFS or its designee shall request and document the assistance of a third party.
- (F) Upon acceptance of the request from the lead CDJFS or its designee, the non-lead CDJFS or its designee shall complete the assessment/investigation within the time frames established pursuant to rule 5101:2-20-12 of the Administrative Code.
- (G) In instances where law enforcement, another CDJFS or its designee declines to assist the CDJFS or its designee, the CDJFS or its designee is responsible for conducting the assessment/investigation. The CDJFS or its designee is responsible for having procedures in place to address the conflict of interest and ensure the completion of the assessment/investigation.
- (H) The CDJFS or its designee shall comply with all procedures pursuant to rule 5101:2-20-12 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 CDJFS or its designee shall be maintained in the case record.

Effective:

Five Year Review (FYR) Dates: 6/22/2021

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 5101.61
Rule Amplifies: 5101.61, 5101.65
Prior Effective Dates: 11/01/2016