

5101:2-33-26

The county child abuse and neglect memorandum of understanding.

(A) The county child abuse and neglect memorandum of understanding, hereinafter referred to as memorandum, is a document that sets forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities pursuant to division (J)(2) of section 2151.421 of the Revised Code.

(B) Each public children services agency (PCSA) shall prepare a memorandum that is signed by all of the following parties:

(1) The juvenile judge of the county or the juvenile judge's representative; or if there is more than one juvenile judge in the county, a juvenile judge or the juvenile judge's representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative.

(2) The county peace officer.

(3) All chief municipal peace officers within the county.

(4) Other law enforcement officers handling child abuse and neglect cases in the county.

(5) The prosecuting attorney of the county.

(6) If the PCSA is not the county department of job and family services (CDJFS), the CDJFS .

(7) The county humane society.

(8) If the PCSA participated in the execution of a memorandum under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(C) The memorandum shall include all of the following:

(1) A statement that failure to follow procedures set forth in the memorandum by the concerned officials is not grounds for, and shall not result in the dismissal of any charges or complaints arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or neglect and does not give, and shall not be construed as giving, any rights or grounds for appeal or post-conviction relief to any person.

(2) The PCSA's system for receiving reports of child abuse and neglect twenty-four

hours per day, seven days per week. If the PCSA contracts with an outside source to receive after-hour calls, a copy of a signed agreement must be attached to the memorandum which indicates that all reports with identifying and demographic information of the reporter and principals of the report will be forwarded to a designated PCSA worker within an hour of receipt and that confidentiality requirements will be met. In addition, when the PCSA contracts with an outside source, the PCSA must include in the memorandum its system for informing the general public of the after-hours phone number.

- (3) The roles and responsibilities for handling emergency and non-emergency cases of child abuse and neglect.
- (4) A system for consultation among subscribers as it is deemed necessary to protect children. The county's system for consultation shall include at a minimum the PCSA's protocol for consulting with law enforcement, the prosecuting attorney's office, the juvenile judge, and the children's advocacy center established pursuant to section 2151.426 of the Revised Code, if applicable, for any cases which may require their intervention or assistance.
- (5) Standards and procedures for handling and coordinating investigations of reported cases of child abuse and neglect including sharing of investigative reports and procedures specific to cases which:
 - (a) Involve out-of-home care child abuse or neglect.
 - (b) Require third party involvement.
 - (c) Involve an emergency requiring immediate response.
 - (d) Involve a child death in which abuse or neglect is suspected as the cause of death.
 - (e) Involve alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions.
- (6) Methods to be used in interviewing the child who is the subject of the report.
- (7) Standards and procedures addressing the categories of persons who may interview the child who is the subject of the report.
- (8) A system for the elimination of all unnecessary interviews of a child who is the subject of the report.
- (9) A system for receiving and responding to reports involving:
 - (a) Individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court.

(i) Becoming a dependent or neglected child.

(ii) Becoming an unruly or delinquent child.

(iii) Leaving the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution.

(b) Missing children.

(10) Standards and procedures for removing and placing children on an emergency and non-emergency basis.

(11) The PCSA's system for notifying the county prosecuting attorney or city director of law when any mandated reporter of child abuse or neglect fails to report.

(12) The PCSA's system for notifying the county prosecuting attorney or city director of law when there is unauthorized dissemination of information.

(D) All PCSAs shall submit a written copy of the memorandum to the appropriate ODJFS field office within ninety days of the effective date of this rule. If at any time the PSCA amends the memorandum, then an updated copy shall be submitted to the appropriate ODJFS field office.

Replaces: 5101:2-34-71
Effective: 04/17/2006
R.C. 119.032 review dates: 11/30/2010

CERTIFIED ELECTRONICALLY

Certification

02/23/2006

Date

Promulgated Under: 119.03
Statutory Authority: 2151.421
Rule Amplifies: 2151.421
Prior Effective Dates: 4/1/83, 1/1/87, 4/1/87 (Emer.), 7/1/87, 1/1/88, 10/1/91,
10/1/95, 4/11/96, 10/1/97 (Emer.), 12/30/97, 2/1/03