

5101:2-36-03

PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.

- (A) A public children services agency (PCSA) shall conduct an intra-familial child abuse and/or neglect assessment/investigation in response to a child abuse and/or neglect report if one or more of the following ~~apply~~applies:
- (1) The alleged perpetrator is a member of the alleged child victim's family.
 - (2) The alleged perpetrator is known to the family or child and has had sanctioned or continued access to the alleged child victim, whether or not the access was known or authorized by the child's parent, guardian or custodian.
 - (3) The alleged perpetrator is involved in daily or regular care for the alleged child victim, excluding a person responsible for the care of a child in an out-of-home care setting.
- (B) An intra-familial assessment/investigation shall ~~require the involvement of~~involve a third party if a principal named in the report poses a conflict of interest for the PCSA pursuant to rule 5101:2-36-08 of the Administrative Code.
- (C) The PCSA may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist and the reason for contacting law enforcement is documented in the case record:
- (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.
- (D) The PCSA shall initiate the screened in child abuse and/or neglect 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, attempt 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 alleged child victim's current condition, and can provide current information about the child's safety.
 - (3) If face-to-face contact with the alleged child victim was not attempted within the twenty-four hour ~~time frame~~ time frame, an attempt of face-to-face contact with the alleged child victim shall be made within seventy-two hours from the time the report was screened in to assess child safety and interview the alleged child victim.
- (E) The PCSA shall document in the case record the date, time, and with whom the assessment/investigation was initiated.
- ~~(F) If the PCSA has attempted to make face-to-face contact with the alleged child victim and at a minimum one parent, guardian, or custodian and one or more of the parties was unavailable, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date that the referral was screened in as a child abuse and/or neglect report, in order to complete the JFS 01401 "Comprehensive Assessment and Planning Model - I.S., Safety Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-01 of the Administrative Code.~~
- (F) The PCSA shall complete the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-01 of the Administrative Code.
- (1) The PCSA shall attempt face-to-face contact with the alleged child victim and a parent, guardian, custodian, or caregiver within the first four working days from the date the report was screened in as an abuse or neglect report.
 - (2) If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (F)(1) of this rule is unsuccessful, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date the referral was screened in as a report.
- ~~(G) If the JFS 01401 is completed with the alleged child victim and his/her caretaker, who is not the child's custodian, the PCSA shall attempt to complete face-to-face contact with the alleged child victim's parent, guardian, or custodian no later than the next working day to inform that an assessment of safety of the child occurred.~~
- ~~(1) If unsuccessful, the PCSA shall attempt to complete face-to-face contact with the child's parent, guardian, or custodian once every five working days until~~

~~contact is made or until the PCSA is required to make a report disposition pursuant to paragraph (T) of this rule.~~

~~(2) The PCSA shall document in the case record the date and time of the contact, or attempted contacts.~~

~~(H)~~(G) If the attempted face-to-face contacts with the alleged child victim, as specified in paragraphs (D) and (F) of this rule are unsuccessful, the PCSA shall, at a minimum, continue making attempts for face-to-face contact at least every five working days until the child is seen or until the PCSA is required to make a report disposition pursuant to paragraph ~~(U)~~(F) or ~~(V)~~(U) of this rule.

~~(H)~~(H) The PCSA shall not interview the alleged child victim or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

- (1) There is credible information indicating the child is in 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 his or her home.
- (3) There is credible information indicating that the child may be intimidated from discussing the alleged abuse or neglect in his or her home.
- (4) The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.

~~(J)~~(I) ~~The PCSA shall not interview the siblings of an alleged child victim, who themselves were not named as alleged child victims, at school or other locations away from their home, without parental consent or the existence of exigent circumstances as outlined in paragraph (I) of this rule.~~ Should an alleged child victim provide information during an interview that indicates a sibling might be in immediate danger of serious harm or that the sibling could provide information regarding immediate danger of serious harm to the alleged child victim, the interview of the sibling who was not identified as an alleged child victim may commence.

(J) The specific facts necessitating that investigative interviews of a child be conducted without parental consent must be documented in the case record.

(K) If ~~an alleged child victim~~ a child is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face contact or complete a telephone

~~contact with the alleged child victim's~~ child's parent, guardian, or custodian to inform them that an interview of the child occurred and provide the specific facts necessitating the child be contacted without parental consent. ~~If unsuccessful, an attempt to complete face-to-face contact shall occur once every five working days until contact is made with the child's parent, guardian, or custodian or until the PCSA is required to make a report disposition pursuant to paragraph (T) or (U) of this rule.~~

(L) If the attempt to contact the child's custodian pursuant to paragraph (K) of this rule is unsuccessful, the PCSA shall continue to attempt to complete face-to-face contact with the child's parent, guardian or custodian once every five working days until contact is made with the child's parent, guardian, or custodian, or until the PCSA is required to make a case disposition pursuant to paragraphs (U) and (V) of this rule.

~~(L) The specific facts necessitating that assessment/investigative interviews of a child be conducted without parental consent must be documented in the case record.~~

(M) The PCSA shall conduct and document face-to-face interviews with each child residing within the home of the alleged child victim. ~~When~~If possible each child should be interviewed separately and apart from the alleged perpetrator. The purpose of the interviews is to:

- (1) Evaluate each child's condition.
- (2) Determine if each child is safe.
- (3) Obtain each child's explanation regarding the allegations contained in the report.

(N) The PCSA need not interview a child if it is determined that:

- (1) The child does not have sufficient verbal skills.
- (2) Additional interviewing would be detrimental to the child, unless requested by the lead PCSA pursuant to paragraph (AA) or (BB) of this rule.

(O) The PCSA shall conduct and document face-to-face interviews with the alleged perpetrator and all adults residing in the home of the alleged child victim, unless law enforcement or the county prosecutor will interview the alleged perpetrator pursuant to the procedures delineated in the county child abuse and neglect memorandum of understanding, in order to:

- (1) Assess his or her knowledge of the allegation.

- (2) Observe the interaction between the alleged child victim and caretaker.
 - (3) Obtain relevant information regarding the child safety and risk to the child.
- (P) The PCSA shall advise the alleged perpetrator of the allegations made against him or her 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, ~~when~~if information is gathered as part of the assessment/investigation process.
- (Q) The PCSA shall conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the assessment/investigation to obtain relevant information regarding the safety of and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy.
- ~~(1) The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy.~~
 - ~~(2) To protect the confidentiality of the principals of the case, people shall not be randomly interviewed.~~
- (R) The PCSA shall 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 trauma 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~~Securing~~ 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~~Securing~~ any relevant records, including but not limited to school, mental health, and medical records.
- (S) At any time the PCSA determines a child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

(T) If the PCSA determines supportive services are necessary, the supportive services shall be made available to the child, his or her parent, guardian, or custodian during all of the following pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code:

(1) The safety planning process.

(2) The assessment/investigation process.

~~(F)~~(U) The PCSA shall complete the report disposition and arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment ~~and~~ Planning Model - I.S., Family Assessment" (rev. 7/2006) no later than ~~thirty~~thirty-four days from the date the PCSA screened in the referral as a child abuse and/or neglect report. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition and final case decision cannot be obtained within ~~thirty~~thirty-four days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

~~(U)~~(V) If the child abuse and/or neglect report involves a principal of the report who is currently receiving ongoing protective services from the PCSA, the PCSA shall complete the report disposition by completing the JFS 01402 "Comprehensive Assessment ~~and~~ Planning Model - I.S., Ongoing Case Assessment/Investigation" (rev. 7/2006).

(1) The JFS 01402 shall be completed no later than ~~thirty~~thirty-four days from the date the PCSA screened in the referral as a child abuse and/or neglect report.

(2) The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition cannot be obtained within ~~thirty~~thirty-four days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

~~(V)~~(W) The PCSA shall not waive the completion of the report disposition.

~~(W)~~(X) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, and/or the court ~~when~~if refused access to the alleged child victim or any records necessary to conduct the assessment/investigation.

~~(X)~~(Y) The PCSA shall have an interpreter present for all interviews ~~when~~if the PCSA has determined that a principal of the report has a language or any other impairment 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.

~~(Y)~~(Z) Within two working days of completion of the assessment/investigation, the PCSA shall do all of the following:

- (1) Notify the child, unless the child is not of an age or developmental capacity to understand; and the child's parent, guardian, or custodian of the report disposition and final case decision.
- (2) Notify the alleged perpetrator in writing of the report disposition; the right to appeal; 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 report of child abuse or neglect regardless of the child's role in the report.
- (4) Refer any infant who has been born and identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure to "Help Me Grow."
- ~~(5) As appropriate, refer any child determined not to be at risk of imminent harm for services pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code.~~
- ~~(6)~~(5) 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 the case decision.
- ~~(7)~~(6) Document in the case record, the date and method of notification to the principals of the report of the above listed activities.

~~(Z)~~(AA) If two or more Ohio PCSAs are involved in an assessment/investigation the lead county shall be determined by the following criteria:

- (1) The PCSA located within the county where a juvenile court has issued a protective supervision order.
- (2) The PCSA located within the county where the custodial parent, legal guardian, legal custodian of the alleged child victim resides. ~~If an order of shared parenting has been issued, the PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time~~

~~the referral information is received, unless the court order identifies a designated custodian of the alleged child victim.~~

(3) If an order of shared parenting has been issued and a residential parent has not been designated by the court, the PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred.

~~(AA)~~(BB) If a report of child abuse and neglect involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA that received the report shall do one of the following:

(1) Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA from the county from which the child was brought shall lead the assessment/investigation and provide the required supportive services or petition the court for custody of the child, if necessary.

(2) Lead the assessment/investigation if a determination is made that the child was not brought to the shelter under an agreement with a shelter in another county. ~~When~~If two or more PCSAs are involved, all PCSAs shall be responsible for following procedures outlined in this rule.

(3) Commence the assessment/investigation if a determination cannot be made immediately if an agreement is in effect. ~~The PCSA shall continue to determine if an agreement is in effect and follow procedures outlined in this rule.~~

~~(BB)~~(CC) If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete and assist in the completion of the JFS 01401, JFS 01400, and/or JFS 01402 within a time frame that will allow the lead PCSA to meet the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

~~(CC)~~ The Ohio PCSA shall cooperate with the children services agency, and if necessary, ~~lead the assessment/investigative efforts if the child is located within Ohio or when the abuse or neglect is alleged to have occurred within Ohio.~~

~~(DD)~~ If applicable, the PCSA shall contact other PCSAs immediately, but no later than the next working day from receipt of the report, to share information in accordance with ~~rule 5101:2-33-21 of the Administrative Code and to coordinate assessment/investigative efforts in accordance with rules 5101:2-36-03 to~~

~~5101:2-36-05 of the Administrative Code.~~

~~(EE)~~(DD) The PCSA shall follow procedures set forth in rule 5101:2-36-07 of the Administrative Code if the report of ~~neglect~~ involves alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.

~~(FF)~~(EE) The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation shall be maintained in the case record. If any information gathering activity cannot be completed, justification and the written approval of the director or the designee shall be filed in the case record in accordance with rule 5101:2-36-11 of the Administrative Code.

Effective: 03/01/2014

R.C. 119.032 review dates: 01/01/2017

CERTIFIED ELECTRONICALLY

Certification

01/30/2014

Date

Promulgated Under: 119.03
Statutory Authority: 2151.421, 5153.16.
Rule Amplifies: 2151.3518, 2151.421, 5153.16
Prior Effective Dates: 2/1/82, 10/1/82, 1/1/87, 1/1/88, 3/15/88, 1/1/90,
10/1/95, 6/1/96, 6/1/97, 10/1/97 (Emer.), 12/30/97;
4/1/01, 12/1/01, 6/25/04, 03/01/06, 10/01/09, 03/01/12