

5101:2-36-04      PCSA requirements for conducting a specialized assessment/investigation.

(A) The public children services agency (PCSA) shall conduct a specialized assessment/investigation when the child abuse or neglect report involves an alleged perpetrator who meets one or more of the following criteria:

(1) Is a person responsible for the child's care in an out-of-home care setting as defined in rule 5101:2-1-01 of the Administrative Code.

(2) Is a person responsible for the child's care in out-of-home care as defined in section 2151.011 of the Revised Code.

(3) Has access to the child by virtue of his/her employment by or affiliation to an institution.

(B) A specialized assessment/investigation may require a third party assessment/investigation when a principal of the report or alleged perpetrator named in the child abuse and/or neglect report poses a conflict of interest for the PCSA pursuant to rule 5101:2-36-08 of the Administrative Code.

(C) When a specialized assessment/investigation of an abuse and/or neglect report involves multiple alleged child victims from multiple cases, a separate assessment/investigation is required for each case.

(D) When the PCSA screens in a child abuse or neglect report and will be conducting a specialized assessment/investigation pursuant to the requirements of paragraph (A) of this rule, the PCSA shall determine the immediacy of need for agency response to ensure the child's safety, based upon information obtained from the following sources:

(1) The referent/reporter.

(2) Child protective services records regarding principals of the case.

(E) The PCSA may request the assistance of law enforcement during the specialized assessment/investigation when 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 is being invoked pursuant to the county child abuse and neglect memorandum of understanding.
- (F) The PCSA shall consider the report an emergency when the PCSA determines that there is an immediate threat of serious harm or there is insufficient information to determine whether or not the child is safe at the time the report is screened in by the PCSA.
- (G) Upon acceptance of a child abuse and/or neglect report, the PCSA shall initiate the 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 child victim.
  - (2) For all other reports, attempt a face-to-face or telephone contact within twenty-four hours from the time the referral was screened in, with a principal of the report or collateral source, excluding the referent, who has knowledge of the alleged child victim's current condition, and can provide information about the child's safety.
    - (a) If the twenty-four hour attempt was not an attempted face-to-face contact with the alleged child victim, a face-to-face contact with the alleged child victim shall be made within seventy-two hours from the time the referral was screened in to assess child safety and interview the alleged child victim.
- (H) The PCSA shall document in the case record the date, time, and with whom the specialized assessment/investigation was initiated.
- (I) If the PCSA has attempted face-to-face contact with the alleged child victim, as specified in paragraph (G) of this rule are unsuccessful, the PCSA shall continue to make attempts at a minimum, every five working days until the child is seen or until the PCSA is required to make a report disposition pursuant to paragraph (T) of this rule.
- (J) If the child abuse and/or neglect report involves an alleged child victim who resides with his or her parent, guardian, or custodian, the PCSA shall not interview the child 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 home.

(3) There is credible information indicating that the child may be intimidated from discussing the alleged abuse or neglect in his/her home.

(4) The child requests to be interviewed at school or another location due to one of the circumstances listed above.

(K) When the PCSA conducts a specialized assessment/investigation, the PCSA shall:

(1) As applicable, immediately contact the out-of-home care setting administrative officer, director, or other chief administrative officer, or if the administrative officer, director or other chief administrative officer is alleged to be the perpetrator, the board of directors, county commissioners, or law enforcement in order to:

(a) Share information regarding the report.

(b) Determine who is responsible for informing the parent(s), guardian, or custodian of the alleged child victim of the receipt of a report.

(c) Ensure that the parent, guardian, or custodian of the alleged child victim is notified of the receipt of the report no later than the next working day.

(d) Discuss what actions have been taken to protect the alleged child victim.

(e) Provide information about the assessment/investigation activities that will follow.

(2) Contact licensing and supervising authorities, as appropriate, no later than the next working day to share information pursuant to rule 5101:2-36-12 of the Administrative Code.

(3) Attempt to coordinate the interview of the alleged child victim when another agency is required by statute or administrative rule to conduct its own assessment/investigation to address the issues other than child abuse or neglect, that is, internal management or licensure issues. An assessment conducted independently by another agency, including a third party investigation, does not relieve the PCSA of its responsibility for conducting an assessment/investigation in accordance with this rule.

(4) Conduct and document face-to-face interviews with the alleged child victim to:

(a) Evaluate the alleged child victim's condition.

(b) Determine whether the child is safe.

- (c) Obtain the alleged child victim's explanation regarding the allegations contained in the report.
- (5) The PCSA does not have to interview an alleged child victim if it is determined that:

  - (a) The child does not have sufficient verbal skills.
  - (b) Additional interviewing would be detrimental, unless requested by the lead PCSA pursuant to paragraph (P) of this rule.
- (6) Should the PCSA not interview the alleged child victim, the PCSA shall document the justification in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.
- (7) Conduct and document a face-to-face interview with the alleged perpetrator, 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 assess his/her knowledge of the allegation.
- (8) Advise the alleged perpetrator of the specific complaints or allegations made against him or her at the time of the initial contact with the person. The initial contact between the caseworker and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, when information is gathered as part of the assessment/investigation process.
- (9) 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 or out-of-home care setting's right to privacy. To protect confidentiality of the principals, person shall not be randomly interviewed. Nothing in this paragraph shall prohibit interviews with additional children or staff.
- (10) As appropriate, conduct a face-to-face interview with the parent, guardian, or custodian and/or caretaker of the alleged child victim to observe the interaction between the alleged child victim and the parent, guardian, or custodian and/or caretaker and to obtain relevant information regarding child safety.
- (11) Secure any relevant records, including but not limited to school, mental health, medical, incident reports in an out-of-home care setting.
- (L) The PCSA shall take any other actions necessary to assess safety and risk to the child

including, 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 consent of the out-of-home setting administrator.
- (3) Securing a medical and/or psychological examination/evaluation of the child with the consent of the child, parent, guardian, or custodian or with court order.

(M) At any time the PCSA determines a child is in immediate danger of serious harm, the PCSA shall engage in one or more of the following activities:

- (1) Immediately enact a plan for safety.
- (2) Contact law enforcement.
- (3) Remove the child pursuant to rule 5101:2-39-03 of the Administrative Code.

(N) The PCSA may request assistance from the county prosecutor, the PCSA's legal counsel, or the court when refused access to the alleged child victim or any records necessary to conduct the specialized assessment/investigation.

(O) The PCSA shall have an interpreter present for all interviews when the PCSA has determined that a principal of the case has a language or any other impairment that causes a barrier in communication, that is, principal is deaf or hearing impaired, has limited English proficiency or is developmentally delayed or autistic.

(P) The PCSA located within the county in which the child's parent, guardian, or custodian resides shall lead the assessment/investigation efforts when two or more Ohio PCSAs are involved. In situations of joint custody or shared parenting, the PCSA in the county in which the child's residential parent at the time of the report resides shall lead the assessment/investigation efforts.

(Q) When requested by the lead PCSA, either verbally or in writing, the non-lead PCSA shall conduct interviews with any principals of the case and collateral sources presently located within its jurisdiction and assist in the completion of the specialized assessment/investigation, unless the lead PCSA notifies the other PCSA that they will interview these parties, within a time frame that will allow the lead PCSA to fulfill their time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

(R) The PCSA shall contact other PCSA immediately but no later than the next working day to share information in accordance with rule 5101:2-33-21 of the Administrative Code and to coordinate investigative efforts.

- (S) The PCSA shall use the JFS 01403 "Specialized Assessment/Investigation" (rev. 2/2006) to document the assessment/investigation activities, including the information obtained through interviews and the case summary.
- (T) The PCSA shall complete a report disposition and arrive at a final case decision by completing the JFS 01403 no later than thirty days from the date the PCSA screens in the child abuse and neglect report. The PCSA may extend the timeframe by a maximum of fifteen days when information needed to determine the report disposition and final case decision cannot be obtained within thirty days and the reasons are documented in the case record.
- (U) If any information gathering activity cannot be completed, the PCSA shall complete a justification to waive this activity pursuant to rule 5101:2-36-11 of the Administrative Code.
- (V) Within two working days of completion of the specialized assessment/investigation, the PCSA shall:
- (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 the final case decision.
  - (2) Notify the alleged perpetrator in writing of the report disposition and the right to appeal the disposition as pursuant to rule 5101:2-33-20 of the Administrative Code.
  - (3) Refer any child under the age of three who is involved in a substantiated case of child abuse or neglect to "Help Me Grow" for early intervention services, regardless of whether or not the child was identified as the alleged child victim.
  - (4) Refer any infant who was born and identified as affected by illegal substance abuse or withdrawal symptoms resulting in prenatal drug exposure to "Help Me Grow."
  - (5) As appropriate, refer any child determined not be at risk of serious harm for services pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code.
  - (6) Document in the case record, the date and method of notification and/or referral.
- (W) No later than three working days from the date of the completion of the report disposition, the PCSA shall provide written notification of the report disposition to the following entities, as applicable, in accordance with rules 5101:2-33-21 and 5101:2-36-12 of the Administrative Code:

(1) Administrator, director, or other chief administrator.

(2) The owner or governing board of the out-of-home care entity.

(3) The appropriate licensing and supervising authorities.

(X) The PCSA shall not provide witness statements, police reports, or other investigative reports to the entities described in paragraph (W) of this rule.

(Y) The PCSA shall maintain the specialized assessment/investigation documentation and any materials obtained as a result of the assessment/investigation, including the JFS 01403, in the case record.

Replaces: 5101:2-34-34

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Certification

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