

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 if 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 alleged child victim'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 alleged child victim's care in out-of-home care as defined in section 2151.011 of the Revised Code.
 - (3) Has access to the alleged child victim by virtue of his/her employment by or affiliation to an ~~institution~~ organization as defined in section 2151.011 of the Revised Code.
 - (4) Has access to the alleged child victim through placement in an out of home care setting.
- (B) A specialized assessment/investigation shall require 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) If a specialized assessment/investigation of an abuse and/or neglect report involves multiple alleged child victims from multiple cases, the PCSA shall complete a separate assessment/investigation for each case. The completion of the JFS 01403, "Specialized Assessment and Investigation" (rev. 2/2006) is required for each case.
- (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.
- (E) If face-to-face contact with the alleged child victim was not completed within the twenty-four hour 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.

- (F) The PCSA shall document in the case record the date, time, and with whom the specialized assessment/investigation was initiated.
- (G) If the attempted face-to-face contact with the alleged child victim, as specified in paragraphs (D) and (E) of this rule is unsuccessful, the PCSA shall continue to make attempts for face-to-face contact, every five working days until the child is seen or until the PCSA is required to make a report disposition pursuant to paragraph ~~(F)~~(U) of this rule.
- (H) If a child abuse and/or neglect report involves an alleged child victim, or the sibling of an alleged child victim who was not named as an alleged child victim, who is not in the custody of a PCSA or PCPA, 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 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.
- (I) 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 without parental consent.
- (J) The specific facts necessitating that assessment/investigative interviews of a child be conducted without parental consent must be documented in the case record.
- (K) If an alleged child victim or sibling is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face or complete a telephone contact with the alleged child victim's parent, guardian, or custodian to inform them that an interview of their child occurred.

- (1) If the attempt to contact the child's custodian pursuant to this paragraph ~~(K)~~ of ~~this rule~~ is unsuccessful, the PCSA shall continue to attempt to contact 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 makes a report disposition pursuant to paragraph ~~(T)~~ (U) of this rule.
 - (2) The PCSA shall document in the case record the date and time of the contact, or attempted contacts.
- (L) If the PCSA conducts a specialized assessment/investigation, the PCSA shall:
- (1) Within twenty-four hours of the screening decision contact the out-of-home care setting or organization 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 as applicable in order to:
 - (a) Share information regarding the report.
 - (b) Discuss what actions have been taken to protect the alleged child victim.
 - (c) Provide information about the assessment/investigation activities that will follow.
 - (2) No later than the next working day; from the date the referral was screened in as a child abuse and/or neglect report, inform the parent(s), guardian, or custodian of the alleged child victim that a report of abuse and/or neglect involving his or her child is being assessed/investigated and of the allegations contained within the report.
 - (3) No later than the next working day; from the date the referral was screened in as a child abuse and/or neglect report, contact licensing and supervising authorities, as appropriate, to share information.
 - (4) Attempt to coordinate the interview of the alleged child victim if another agency is required by statute or administrative rule to conduct its own assessment/investigation to minimize the number of interviews of the child.
 - (5) 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.
- (6) Conduct and document all face-to-face interviews 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 or her knowledge of the allegation.
 - (7) 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, if information is gathered as part of the assessment/investigation process.
 - (8) 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 privacy of the principals of the report.
 - (9) As appropriate, conduct and document all face-to-face interviews with the parent, guardian, or custodian and/or caretaker of the alleged child victim to gather relevant information regarding the parent, guardian, or custodian and/or caretaker's ability to keep the child safe and identify what, if any, services are needed by the family.
 - (10) Attempt to secure any relevant records necessary to assess safety and risk to the child, including but not limited to school, mental health, medical, incident reports in an out-of-home care setting.
 - (11) Take any other actions necessary to assess safety and risk to the child. These actions may include, but are not limited to:
 - (a) Taking photographs of areas of trauma on the child's body.
 - (b) Taking photographs of the child's environment with the consent of the out-of-home setting administrator.
 - (c) Securing a medical examination or psychological evaluation, or both, of the child with the consent of the child's parent, guardian, or custodian or with a court order.

- (M) The PCSA need not interview a child if it is documented in the case record that does not have to interview an alleged child victim if the PCSA determines that:
- (1) The child does not have sufficient verbal skills; or
 - (2) Additional interviewing would be detrimental to the child, unless requested by the lead PCSA pursuant to paragraphs (R) and ~~(Y)~~ (Z) of this rule.
- (N) At any time the PCSA determines a child is in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 or 5101:2-39-03 of the Administrative Code.
- (O) 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.
- (P) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, or the court if refused access to the alleged child victim or any records necessary to conduct the specialized assessment/investigation.
- (Q) The PCSA shall have an interpreter present for all interviews 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, has limited English proficiency or is developmentally delayed.
- (R) 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.
 - (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.

(S) 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 the JFS 01403 within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

(T) For all reports involving an infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code the PCSA shall:

(1) Ensure the plan of safe care has been developed.

(2) Ensure the plan of safe care addresses the safety needs of the infant.

(3) Ensure the plan of safe care addresses the health and substance use disorder treatment needs of the affected family or caregiver.

~~(U)~~(U) The PCSA shall complete the report disposition and arrive at a final case decision by completing the JFS 01403 no later than forty-five days from the date the PCSA screened in the referral as a child abuse and 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 forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

~~(V)~~(V) Investigative activities conducted independently by other agencies; ~~does do~~ not relieve the PCSA of its responsibility for concluding an assessment/investigation in accordance with this rule. The PCSA shall not waive the completion of the report disposition.

~~(W)~~(W) Within two working days of completion of the JFS 01403, the PCSA shall do all of the following as applicable:

(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; 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 legal or illegal substance abuse or withdrawal symptoms or fetal alcohol spectrum disorder resulting from prenatal drug exposure to "Help Me Grow."
- (5) Notify all participants involved in the plan of safe care of the final case decision. The final decision includes whether the case will be transferred for ongoing PCSA services, closed and referral made to community services, or closed. The following plan of safe care participants shall be notified:
- (a) Parents, guardians, custodians or other caregivers for the infant.
- (b) Health care providers involved in the delivery or care of the infant.
- (c) Collaborating professional partners and agencies involved in caring for the infant and family.
- ~~(5)~~(6) 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.
- ~~(6)~~(7) Document in the case record, the date and method of notification to the principals of the report of the above listed activities.
- ~~(W)~~(X) 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 of the out-of-home care entity setting or organization.
- (2) The owner or governing board of the out-of-home care entity setting or organization.
- (3) The appropriate licensing and supervising authorities of the out-of-home care entity setting or organization.

~~(X)~~(Y) The PCSA shall not provide witness statements, police reports, or other investigative reports to the ~~entities~~ out-of-home care setting or organization described in paragraph ~~(W)~~(X) of this rule.

~~(Y)~~(Z) 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. 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.

~~(Z)~~(AA) 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:

Five Year Review (FYR) Dates: 5/24/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5153.166, 5153.16, 2151.421
Rule Amplifies: 2151.3518, 5153.16, 2151.421
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, 4/1/01, 3/01/06, 10/01/09,
03/01/12, 3/1/14