

5101:2-36-05

PCSA requirements for conducting stranger danger investigations.

- (A) A public children services agency (PCSA) shall conduct a stranger danger investigation in response to a child abuse ~~stranger danger report is defined as a report to the public children services agency (PCSA) alleging a criminal act against a child of assault or sexual activity as defined under Chapter 2907. of the Revised Code, and if all of the following apply to the alleged perpetrator:~~
- (1) The alleged perpetrator ~~Is is~~ is not a member of the alleged child victim's family.
 - (2) The alleged perpetrator ~~Has has~~ has no sanctioned or continued access to the alleged child victim.
 - (3) The alleged perpetrator ~~Has has~~ has no relationship with the alleged child victim and ~~his/her~~ his or her family.
 - (4) The alleged perpetrator ~~Is is~~ is not involved in daily or regular out-of-home care for the alleged child victim.
 - (5) The alleged perpetrator is a stranger, previously unknown, to the alleged child victim and the alleged child victim's family.
- (B) ~~When a PCSA receives a stranger danger report alleging a criminal act against a child of assault or sexual activity, the~~ The PCSA shall establish police jurisdiction and refer the report to the appropriate law enforcement authority within twenty-four hours of the time the report was screened in, unless the report was received from law enforcement.
- (C) The PCSA shall initiate the screened in child abuse report in accordance with the following:~~attempt a face to face or telephone contact with a principal of the report or collateral source, excluding the referent/reporter, who has knowledge of the alleged child victim's current condition and can provide information about the child's safety within twenty four hours from the time the report was screened in.~~
- (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, the PCSA shall 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, an attempt of face-to-face contact 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.
- ~~(1) 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.~~
- (D) The PCSA shall document in the case record the date, time and with whom the assessment/investigation was initiated.
- ~~(D)~~(E) If the PCSA has attempted to make face-to-face contact with the alleged child victim and 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 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.
- ~~(E) The PCSA shall document in the case record the date, time, and with whom the assessment/investigation was initiated.~~
- (F) The PCSA shall 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 within four working days from the date that the report was screened in.
- (G) If the JFS 01401 is completed with the alleged child victim and his or 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 them 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) If the attempted face-to-face contacts with the alleged child victim, as specified in paragraphs (C) and (E) 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 (T) of this rule.

~~(F)~~(I) The PCSA shall not interview the alleged child victim 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 ~~their~~ his or her home.
- (3) There is credible information indicating that the child may be intimidated from discussing the alleged abuse in ~~their~~ his or her home.
- (4) The child requests to be interviewed at school or another location due to one of the circumstances listed above.

~~(G)~~(J) 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 ~~(F 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.

~~(H)~~(K) If an alleged child victim is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face contact with the alleged child victim's parent, guardian, or custodian to inform them that an interview of their child occurred. 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) of this rule.

~~(I)~~(L) The specific facts necessitating that ~~assessment/investigative~~ 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 or telephone interviews with any person identified as a possible source of information during the investigation to

obtain relevant information regarding the safety of and risk to the child.

(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, persons shall not be randomly interviewed.

(N) The PCSA shall have an interpreter present for all interviews when 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.

(O) 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) 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) Securing any relevant records, including but not limited to school, mental health, and medical records.

(P) If 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.

(Q) 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 information is gathered as part of the investigation process.

~~(J)~~(R) Prior to completion of the report disposition, the PCSA shall contact law enforcement and document information regarding the status of the criminal investigation in the case record. The PCSA shall notify the prosecuting attorney ~~when~~ if there is reason to believe the alleged perpetrator has not been investigated by law enforcement.

(S) 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 investigation.

(T) The PCSA shall complete the report disposition no later than thirty days from the date the PCSA determines that the referral is screened in as a family in need of services stranger danger report. 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 days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(U) The PCSA shall not waive the completion of the report disposition.

~~(K)~~(V) A JFS 01400 "Comprehensive Assessment and Planning Model - I.S., Family Assessment" (rev. 27/2006), shall be completed pursuant to rule 5101:2-37-03 of the Administrative Code upon request of law enforcement or at any time the PCSA determines that the family of the alleged child victim is unable or unwilling to protect the child. The PCSA will assess and determine whether the family and/or child is in need of supportive services by the PCSA or the community.

~~(L)~~(W) The PCSA shall provide services to the child and family to address any identified needs, as appropriate.

(X) 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 the parent, guardian, 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.

~~(M) The PCSA shall complete the report disposition and arrive at a final case decision no later than thirty days from the date the PCSA determines that the referral constitutes a stranger danger report. The PCSA may extend the time frame 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.~~

~~(N) Prior to completion of the report disposition, the PCSA shall contact law enforcement and document information regarding the status of the criminal investigation in the case record.~~

~~(Θ)~~(Y) Within two working days of completion of the 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 if applicable, the final case decision.
- (2) Notify the alleged perpetrator, if known, in writing of the report disposition; and their right to appeal, and the method by which ~~they~~ the alleged perpetrator may appeal the disposition as outlined in rule 5101:2-33-20 of the Administrative Code.
- (3) Refer ~~any child~~ all children under the age of three to "Help Me Grow" for early intervention services if there is who is involved in a substantiated case of child abuse or neglect to ~~"Help Me Grow" for early intervention services regardless of the child's role in the report.~~
- (4) 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.
- (5) Document in the case record, the date and method of notification to the principals of the report.
- (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 case decision.
- (7) Document in the case record, the date and method of notification to the principals of the report of the above listed activities.
- (Z) The investigation documentation and any materials obtained as a result of the 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.

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Certification

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