

5101:2-36-05

PCSA requirements for conducting stranger danger investigations.

(A) A 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 all of the following apply to the alleged perpetrator:

- (1) Is not a member of the alleged child victim's family.
- (2) Has no sanctioned or continued access to the alleged child victim.
- (3) Has no relationship with the alleged child victim and his/her family.
- (4) Is not involved in daily or regular out-of-home care for the alleged child victim.

(B) When a PCSA receives a stranger danger report alleging a criminal act against a child of assault or sexual activity, 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 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) 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) 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 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 home.
- (3) There is credible information indicating that the child may be intimidated from discussing the alleged abuse in their home.
- (4) The child requests to be interviewed at school or another location due to one of the circumstances listed above.
- (G) 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) 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 to the alleged child victim, the interview of the sibling who was not identified as an alleged child victim may commence.
- (H) 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.
- (I) The specific facts necessitating that assessment/investigative interviews of a child be conducted without parental consent must be documented in the case record.
- (J) The PCSA shall notify the prosecuting attorney when there is reason to believe the alleged perpetrator has not been investigated by law enforcement.
- (K) A JFS 01400 "Comprehensive Assessment and Planning Model - I.S., Family Assessment" (rev. 2/2006), 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) The PCSA shall provide services to the child and family to address any identified needs, as appropriate.
- (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.

(O) 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 may appeal as outlined in 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.
- (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.

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Certification

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