

5101:2-36-08

PCSA requirements for conducting involving a third party assessment/investigations in the assessment/investigation of a child abuse or neglect report.

(A) A third party shall be utilized by the ~~The public children services agency (PCSA) if the PCSA has screened in a report of child abuse or neglect and shall conduct a third party assessment/investigation if there is a potential conflict of interest because for the PCSA as a result of a child abuse and/or neglect report when one or more of the following parties are involved as principals~~ is a principal of the report of child abuse or neglect:

- (1) Any employee of an institution or facility that is licensed or certified by the Ohio department of job and family services (ODJFS) or another state agency and supervised by the PCSA.
- (2) A foster caregiver, ~~or pre-finalized adoptive parent, adoptive parent, relative, or kinship caregiver who that is licensed, certified, or recommended,~~ approved, or supervised by ODJFS and supervised by the PCSA.
- (3) A type B family day care home certified by a county department of job and family services (CDJFS) that has assumed the powers and duties of the county children services function defined in Chapter 5153. of the Revised Code.
- (4) Any employee, or agent of ODJFS or the PCSA as defined in Chapter 5153. of the Revised Code.
- (5) Any authorized person representing ODJFS or the PCSA who provides services for payment or as a volunteer.
- (6) Any ~~other~~ time a PCSA determines that ~~they have~~ a conflict of interest exists.

(B) The PCSA shall identify a conflict of interest if a principal of a child abuse or neglect report is a foster caregiver or an employee of an institution or facility licensed or certified by ODJFS if the alleged child victim is in the custody of or receiving services from the PCSA that accepted the report.

(C) The identification of a conflict of interest is not limited to the conditions identified in paragraphs (A) and (B) of this rule. The PCSA shall document in the case record if a conflict of interest was identified.

(D) A law enforcement agency or another PCSA may serve as the third party to an assessment/investigation of child abuse or neglect.

- (1) The PCSA shall request the assistance of law enforcement as the third party if

the child abuse or neglect report alleges a criminal offense.

(2) The PCSA may request the assistance of another PCSA as the third party if the child abuse or neglect report does not allege a criminal offense and mutual agreement exists by both agencies to participate in the assessment/investigation accordingly.

~~(B)~~(E) Within twenty-four hours of the identification of a conflict of interest ~~Unless the third party assessment/investigation is being conducted by another PCSA pursuant to paragraph (C) of this rule, the PCSA shall verbally request the assistance of a third party law enforcement within twenty-four hours from the time the lead PCSA screens in the child abuse and/or neglect report, and follow up the request in writing within three calendar days from the date the request was made PCSA screens in the child abuse and/or neglect report.~~

~~(C)~~(F) A third party assessment/investigation may be conducted by another PCSA through mutual agreement of the agencies if the report does not allege a criminal offense. The ~~Upon acceptance of the request from the lead PCSA, the non-lead PCSA shall request the assistance of the second PCSA within twenty-four hours from the time the PCSA screens in the child abuse and/or neglect report. The second PCSA shall complete the assessment/investigation within the timeframes established pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.~~

~~(D)~~(G) The involvement of ~~An investigation/assessment conducted by a third party does not relieve a the lead PCSA of its responsibility for conducting its own ensuring assessment/investigation activities, including recording the report disposition, are completed.~~

(H) In instances where law enforcement declines to assist the PCSA, the PCSA is responsible for conducting the assessment/investigation. The PCSA is responsible for having procedures in place to address the conflict of interest and ensure the completion of the assessment/investigation.

~~(E)~~(I) The PCSA shall comply with all procedures pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code ~~when the report alleges intra-familial child abuse or neglect as defined in rule 5101:2-1-01.1 of the Administrative Code.~~

~~(F) The PCSA shall comply with all procedures pursuant to rule 5101:2-36-04 of the Administrative Code 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 Revised 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 employment by or affiliation to an institution.~~

~~(G)~~(J) The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation including PCSA shall maintain the PCSA's assessment/investigation and the third party assessment/investigation report from law enforcement or other the non-lead PCSA shall be maintained in the case record.

Effective: 10/01/2009

R.C. 119.032 review dates: 03/01/2011

CERTIFIED ELECTRONICALLY

Certification

08/21/2009

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, 4/1/01, 3/01/06