

5101:2-36-08

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

(A) The public children services agency (PCSA) shall adhere to this rule ~~if the PCSA has screened in a report for reports~~ of child abuse or neglect ~~and where~~ there is a potential conflict of interest because one or more of the following parties is a principal of the report:

- (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, pre-finalized adoptive parent, adoptive parent, relative, or kinship caregiver who is recommended, approved, or supervised by the PCSA.
- (3) A type B family day care home certified or licensed 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) A foster caregiver or an employee of an institution or facility licensed or certified by ODJFS and the alleged child victim is in the custody of, or receiving services from, the PCSA that accepted the report.
- ~~(6)(7)~~ Any time a PCSA determines that a conflict of interest exists. The PCSA shall document in the case record if a conflict of interest is identified.

(B) The involvement of a third party does not relieve the lead PCSA of its responsibility to ensure assessment/investigation activities are completed.

~~(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 and 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 is identified.~~

~~(D)~~ A third party shall be utilized by the PCSA for completing an assessment/investigation if an employee of the PCSA is identified as a principal of a screened in child abuse or neglect report.

~~(E)~~(C) 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 both agencies agree to participate in the assessment/investigation including the delegation of investigatory responsibilities.

~~(F)~~(D) ~~In lieu of law enforcement or another PCSA, the PCSA may utilize~~ operate an in-house unit to assess/investigate reports of child abuse and neglect requiring a third party if ~~when a conflict of interest exists and~~ all of the following apply:

(1) An agency employee is not named as a principal in the report.

(2) The report does not allege a criminal offense.

(3) The PCSA maintains written internal policies and procedures for the review and approval of assessments/investigations conducted by the in-house unit.

(4) The in-house unit works independently of all other units within the PCSA.

~~(G)~~(E) Within twenty-four hours of the identification of a conflict of interest, the PCSA shall ~~verbally request and document~~ the assistance of a third party ~~and follow up the request in writing within three calendar days from the date the request was made.~~

~~(H)~~(F) Upon acceptance of the request from the lead PCSA, the non-lead PCSA shall complete the assessment/investigation within the ~~timeframe~~time frames established pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.

~~(I)~~ The involvement of a third party does not relieve the lead PCSA of its responsibility for ensuring assessment/investigation activities, including recording the report disposition, are completed.

- ~~(J)~~(G) In instances where law enforcement or another PCSA 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.
- ~~(K)~~(H) The PCSA shall comply with all procedures pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.
- ~~(L)~~(I) The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation including the third party assessment/investigation report from law enforcement or the non-lead PCSA shall be maintained in the case record.

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Certification

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Date

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