

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 for reports of child abuse or neglect 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~~ organization 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~~ child care home or type A family child care home ~~certified~~ or licensed by ~~a county~~ Ohio department of job and family services (~~CDJFS~~ ODJFS) ~~that~~ when the county department of job and family services (CDJFS) 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~~ organization 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.
  - (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.
- (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.

- (D) In lieu of law enforcement or another PCSA, the PCSA may operate an in-house unit to assess/investigate reports of child abuse and neglect requiring a third party if 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.
- (E) Within twenty-four hours of the identification of a conflict of interest, the PCSA shall request and document the assistance of a third party.
- (F) Upon acceptance of the request from the lead PCSA, the non-lead PCSA shall complete the assessment/investigation within the time frames established pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.
- (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.
- (H) The PCSA shall comply with all procedures pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.
- (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.

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,  
3/01/11, 3/1/14