

5101:2-36-09

**Requirements for dependent child assessments
~~assessments/investigations.~~**

(A) ~~The~~ A public children services agency (PCSA) shall conduct ~~an~~ a dependency assessment/investigation assessment in response to a dependency report if concerning any of the following conditions apply to a child subject of the report absent allegations of abuse or neglect alleged to be dependent. A dependent child is defined in section 2151.04 of the Revised Code as any child:

(1) ~~Who~~ The child subject of the report is homeless or destitute or without adequate parental care, through no fault of the child's parents, guardian, or custodian.

(2) ~~Who~~ The child subject of the report lacks adequate parental care as defined in section 2151.011 of the Revised Code.

(3) ~~Whose~~ The child subject of the report's condition or environment is such as to warrant the state, in the interests of the child, in assuming the child's guardianship.

(4) The child subject of the report is residing in a household where a parent, guardian, custodian, or other member of the household committed an act that was the basis for adjudication and a sibling of the child or any other child who resides in the household is an abused, neglected, or dependent child.

(4) ~~To whom both of the following apply:~~

(a) ~~The child is residing in a household in which a parent, guardian, custodian, or other member of the household committed an act that was the basis for adjudication that a sibling of the child or any other child who resides in the household is an abused, neglected, or dependent child.~~

(b) ~~Because of the circumstances surrounding the abuse, neglect, or dependency of the sibling or other child and the conditions in the household of the child, the child is in danger of being an abused or neglected or dependent child by that parent, guardian, custodian or member of the household.~~

(B) ~~When the PCSA screens in a dependent child report, the PCSA shall determine the immediacy of need for agency response based on information from the following sources:~~

(1) ~~The referent/reporter.~~

(2) ~~Child protective services records regarding the principals of the report.~~

~~(C) The PCSA shall consider the dependent child report an emergency when it determines that the child is in immediate danger of serious harm or there is insufficient information to determine whether or not the child is safe at the time the report is screened in by the PCSA.~~

(B) The PCSA may request the assistance of law enforcement during an assessment if the following situations exist and the reason for contacting law enforcement is documented in the case record:

(1) The agency has reason to believe that the child is in immediate danger of serious harm.

(2) The agency has reason to believe that the worker is, or will be, in danger of harm.

(3) The agency has reason to believe that a crime is being committed, or has been committed against a child.

(4) The assistance of law enforcement needs to be invoked in accordance with the county child abuse and neglect memorandum of understanding.

~~(D) To initiate an emergency report, the PCSA shall attempt face-to-face contact with the child who is the subject of the report within one hour from the time the report was screened in.~~

~~(E) To initiate all other reports, the PCSA shall attempt a face-to-face or telephone contact with a principal of the report or a collateral source, excluding the referent, 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 referral was screened in as a report. The PCSA shall attempt face-to-face contact with the alleged child victim within three calendar days from the date the referral was screened in as a report.~~

(C) The PCSA shall initiate the screened in dependency report in accordance with the following:

(1) For an emergency report, attempt a face-to-face contact with the child subject of the report within one hour from the time the referral was screened in, to assess child safety and interview the child subject of the report.

(2) For all other reports, 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 child subject of the report's current condition, and can provide current information about the child's safety.

- (3) If face-to-face contact with the child subject of the report was not attempted within the twenty-four hour time frame, an attempt of face-to-face contact with the child subject of the report shall be made within seventy-two hours from the time the report was screened in to assess child safety and interview the child subject of the report.
- (D) The PCSA shall document in the case record the date, time, and with whom the assessment was initiated.
- ~~(F)(E)~~ When If the PCSA has attempted to make face-to-face contact with the alleged child-victim child subject of the report and at least 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 Interim Solution - I.S., Safety Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-01 of the Administrative Code.
- (F) If the JFS 01401 is completed with the child subject of the report and his or her caretaker, who is not the child's custodian, the PCSA shall attempt to complete face-to-face contact with the child subject of the report'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 the timeframe for completion of the assessment expires.
- (2) The PCSA shall document in the case record the date and time of the contact, or attempted contacts.
- (G) If the attempted face-to-face contacts with the child as specified in paragraph~~paragraph~~ (D) and ~~or~~ (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 the timeframe for completion of the assessment expires the PCSA is required to complete the JFS 01400 "Comprehensive Assessment and Planning Model - I. S., Family Assessment" (rev. 2/2006) pursuant to paragraph (V) of this rule.
- (H) The PCSA shall not interview the child subject of the report 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 dependency in his/her home.

(4) The child requests to be interviewed at school or another location due to one of the circumstances listed above.

~~(H) The PCSA shall document in the case record the date, time, and with whom the assessment/investigation began.~~

~~(I) The PCSA may request the assistance of law enforcement during an assessment/investigation when the following situations exist and the reason for contacting law enforcement is documented in the case record:~~

~~(1) The agency has reason to believe that the child is in immediate danger of serious harm.~~

~~(2) The agency has reason to believe that the worker is, or will be, in danger of harm.~~

~~(3) The agency has reason to believe that a crime is being committed, or has been committed against a child.~~

~~(4) The assistance of law enforcement needs to be invoked in accordance with the county child abuse and neglect memorandum of understanding.~~

(I) The PCSA shall not interview the siblings of a child subject of the report, who themselves were not named as child subject of the reports, at school or other locations away from their home, without parental consent or the existence of exigent circumstances as outlined in paragraph (H) of this rule.

(J) If a child subject of the report provides 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 child subject of the report, the interview of the sibling who was not identified as a child subject of the report may occur.

(K) If a child subject of the report is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face contact with the child subject of the report'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 the timeframe for completion of the assessment expires.

(L) The specific facts necessitating the assessment interviews of a child be conducted

without parental consent must be documented in the case record.

~~(J)~~(M) The PCSA shall conduct and document face-to-face interviews with each child residing within the home of the ~~alleged child victim~~ child subject of the report. If ~~When~~ possible, each child should be interviewed separate and apart from the caretaker. The purpose of the interviews is to:

- (1) Evaluate each child's condition.
- (2) Determine if the child is safe.
- (3) Obtain each child's understanding of the concerns contained in the report.

~~(K)~~(N) The PCSA does not have to interview a child if ~~it is determined~~ the PCSA determines that:

- (1) The child does not have sufficient verbal skills.
- (2) Additional interviewing would be detrimental to the child, unless requested by the lead PCSA pursuant to paragraph (Z) of this rule.

~~(L)~~ When the PCSA does not interview a child residing in the home, the PCSA must document the justification in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

~~(M)~~ 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 dependency in their home.~~
- ~~(4) The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.~~

~~(N)~~ 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 (M) 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.~~

~~(O) 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.~~

~~(P) The specific facts necessitating the assessment/investigative interviews of a child be conducted without parental consent must be documented in the case record.~~

~~(Q)~~(O) The PCSA shall conduct and document face-to-face interviews with the child's parent, guardian, or custodian and all adults residing in the home of the child in order to:

(1) Assess their knowledge of the situation.

(2) Observe the interaction between the child and caretaker.

(3) Obtain relevant information regarding the child, including his/her safety.

~~(R)~~(P) At the time of the initial contact with the caretaker(s), the PCSA shall advise the caretaker(s) of the specific ~~complaints or concerns made against him or her~~. The initial contact between the caseworker ~~investigating~~ assessing a dependent child report and the adult subject(s) of the ~~investigation report~~ includes, whichever occurs first, face-to-face or telephone contact with the person when information is gathered as part of the ~~assessment/investigation~~ assessment process.

~~(S)~~(Q) The PCSA shall conduct and document face-to-face interviews or telephone ~~contacts~~ interviews with ~~any persons~~ anyone identified as possible sources of information during the ~~assessment/investigation~~ assessment to obtain relevant information regarding the safety and risk to the child~~(ren)~~. The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy. To protect the confidentiality of the principals of the case, people shall not be randomly interviewed.

(R) 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 the child's environment with the parent, guardian, or custodian's consent.

- (2) 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.
 - (3) Securing any relevant records, including but not limited to school, mental health, and medical records.
 - (4) Securing any relevant records, including but not limited to school, mental health, and medical records.
- ~~(T)~~(S) At any time 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. ~~engage in one or more of the following activities:~~
- ~~(1) Immediately enact a safety plan, pursuant to rule 5101:2-37-02 of the Administrative Code.~~
 - ~~(2) Consult with the agency's legal counsel.~~
 - ~~(3) Contact law enforcement.~~
 - ~~(4) Remove the child pursuant to rule 5101:2-39-01 of the Administrative Code.~~
- (T) The PCSA shall arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment and Planning Model - I.S., Family Assessment" (rev. 7/2006) no later than thirty days from the date the report was screened in. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the final case decision 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) If the dependency report involves a principal of the report who is currently receiving ongoing protective services from the PCSA, the PCSA shall complete the final case decision by completing the JFS 01402 "Comprehensive Assessment and Planning Model - I.S., Ongoing Case Assessment/Investigation" (rev. 7/2006).
- (1) The JFS 01402 shall be completed no later than thirty days from the date the report was screened in.
 - (2) The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the final case decision 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.
- (V) The PCSA shall not waive the completion of the final case decision.

~~(U)~~(W) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, or the court ~~when~~ if refused access to the child or any records required to conduct the assessment ~~assessment/investigation~~.

~~(V)~~(X) The PCSA shall have an interpreter present for all interviews when the PCSA has determined that a member of the case has any impairment that creates a barrier to communication, ~~e.g.,~~ including but not limited to a principal of the report who ~~principal~~ is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

(Y) Within two working days of completion of the assessment, the PCSA shall do all of the following:

(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 final case decision.

(2) Notify the caretaker in writing of the final case decision.

(3) Refer any infant who has been born and identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure to "Help Me Grow."

(4) As appropriate, refer any child for services pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code.

(5) 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 and the final case decision.

(6) Document in the case record, the date and method of notification to the principals of the report of the above listed activities completed.

~~(W)~~(Z) When two or more Ohio PCSAs are involved in an assessment the lead county shall be determined by the following criteria:~~The PCSA located within the county in which the child's parent, guardian, or custodian resides shall lead assessment/investigation efforts when two or more Ohio PCSAs are involved. In situations of joint custody or shared parenting, the PCSA in the county in which the child's residential parent resides at the time the report was received shall lead the assessment/investigation efforts.~~

(1) The PCSA located within the county where a juvenile court has issued a protective supervision order.

- (2) The PCSA located within the county where the parent, guardian, custodian of the child subject of the report 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 child subject of the report at the time the referral information is received, unless the court order identifies a designated custodian of the child subject of the report.
- (AA) If a report of dependency involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA that received the report shall do one of the following:
- (1) Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA from the county from which the child was brought shall lead the assessment and provide the required supportive services or petition the court for custody of the child, if necessary.
- (2) Lead the assessment when a determination was made that the child was not brought to the shelter under an agreement with a shelter in another county. If two or more PCSAs are involved, all PCSAs shall be responsible for following procedures outlined in this rule.
- (3) Commence the assessment if a determination cannot be made immediately if an agreement is in effect. The PCSA shall continue to determine if an agreement is in effect and follow procedures outlined in this rule.
- ~~(X)(BB)~~ When If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA shall conduct interviews of any principals of the report and collateral sources interview the child who is the subject of the report presently located within its jurisdiction and assist in the completion of a JFS 01401, JFS 01402, and the JFS 01400 within a time frame that will allow the lead PCSA to meet the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.
- ~~(Y)(CC)~~ The Ohio PCSA shall cooperate with the out-of-state children services agency (CSA), including, when necessary, leading investigative assessment efforts if when the child is located within Ohio.
- ~~(Z)~~ The PCSA shall arrive at a final case decision by completing the JFS 01400 no later than thirty days from the date the report was screened in. The PCSA may extend the time frame by a maximum of fifteen days when information needed to determine the final case decision cannot be obtained within thirty days and the reasons are documented in the case record.

~~(AA)~~(DD) If applicable, the PCSA shall contact other PCSAs immediately, but no later than the next working day from receipt of the report, to share information in accordance with rule 5101:2-33-21 of the Administrative Code and to coordinate ~~assessment/investigative~~ assessment efforts in accordance with this rule ~~rules 5101:2-37-03 and 5101:2-36-05 of the Administrative Code.~~

~~(BB)~~(EE) The assessment documentation ~~of all assessment/investigation activities~~ and any materials obtained as a result of the ~~assessment/investigation~~ assessment shall be maintained in the case record. If any information gathering activity cannot be completed, a justification and written approval of the director or the designee shall be ~~documented~~ filed in the case record in accordance with ~~pursuant to~~ rule 5101:2-36-11 of the Administrative Code ~~and maintained in the case record.~~

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