

5101:2-36-09

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

(A) The public children services agency (PCSA) shall conduct an assessment/investigation concerning any child alleged to be dependent. A dependent child is defined in section 2151.04 of the Revised Code as any child:

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

(2) Who lacks adequate parental care as defined in section 2151.011 of the Revised Code.

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

(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.

(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.

(F) When the PCSA has attempted to make face-to-face contact with the alleged child victim 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.

(G) If the attempted face-to-face contacts with the child as specified in paragraph (D) or (E) of this rule are unsuccessful, the PCSA shall continue making attempts for face-to-face contact at least every five working days until the child is seen or 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 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.

(J) The PCSA shall conduct and document face-to-face interviews with each child residing within the home of the alleged child victim. 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) The PCSA does not have to interview a child if it is determined that:

(1) The child does not have sufficient verbal skills.

(2) Additional interviewing would be detrimental to the child.

(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) 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) 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 a dependent child report and the adult subject(s) of the investigation includes, whichever occurs first, face-to-face or telephone contact with the person when information is gathered as part of the assessment/investigation process.
- (S) The PCSA shall conduct and document face-to-face interviews or telephone contacts with any persons identified as possible sources of information during the assessment/investigation to obtain relevant information regarding the child(ren).
- (T) At any time the PCSA determines a child to be in immediate danger of serious harm, the PCSA shall 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.
- (U) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, or the court when refused access to the child or any records required to conduct the assessment/investigation.
- (V) 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., principal is deaf or hearing impaired, limited English proficiency or is developmentally delayed.
- (W) 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.

- (X) When requested by the lead PCSA, either verbally or in writing, the non-lead PCSA shall interview the child who is the subject of the report presently located within its jurisdiction and assist in the completion of a JFS 01401 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) The Ohio PCSA shall cooperate with the out-of-state children services agency (CSA), including, when necessary, leading investigative efforts 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) If applicable, the PCSA shall contact other PCSAs immediately, but no later than the next working day to share information in accordance with rule 5101:2-33-21 of the Administrative Code and to coordinate assessment/investigative efforts in accordance with rules 5101:2-37-03 and 5101:2-36-05 of the Administrative Code.
- (BB) The documentation of all assessment/investigation activities and any materials obtained as a result of the assessment/investigation shall be maintained in the case record. If any information gathering activity cannot be completed, a justification shall be documented pursuant to rule 5101:2-36-11 of the Administrative Code and maintained in the case record.

Effective: 03/01/2006

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

CERTIFIED ELECTRONICALLY

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Certification

02/03/2006

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Date

Promulgated Under: 119.03  
Statutory Authority: 5153.16  
Rule Amplifies: 5153.16