

5101:2-36-12 **PCSA requirement for cross-referring reports of child abuse and/or neglect.**

- (A) The provisions of rule 5101:2-33-21 of the Administrative Code regarding confidentiality apply to all cross-referrals of child abuse and/or neglect required by this rule.
- (B) The public children services agency (PCSA) shall make a cross referral to law enforcement if the report alleges a criminal offense, ~~if the PCSA requires assistance in the assessment/investigation, or if a third party investigation is required pursuant to rule 5101:2-36-08 of the Administrative Code.~~
- (C) ~~Any PCSA that has a memorandum of understanding establishing a children's advocacy center in accordance with section 2151.426 of the Revised Code, shall refer reports of child abuse as specified in the interagency agreement executed pursuant to section 2151.428 of the Revised Code and the county child abuse and neglect memorandum of understanding.~~ The PCSA shall cross refer reports of child abuse and or neglect in accordance with the PCSA's county child abuse and neglect memorandum of understanding, and if applicable, the interagency agreement with a child advocacy center pursuant to section 2151.428 of the Revised Code.
- (D) The PCSA shall contact the following licensing and supervising authorities, as ~~appropriate~~applicable, no later than the next working day from the date the ~~report~~ referral was screened in to share information pursuant to rules 5101:2-33-21 and 5101:2-36-04 of the Administrative Code:
- (1) The Ohio department of mental retardation and developmental disabilities (~~ODMRDD~~ODMR/DD) division of developmental centers quality assurance ~~if when~~ the report involves a developmental center managed by ~~ODMRDD~~ODMR/DD; or the office of licensure when the report involves a foster or group home licensed by ~~ODMRDD~~ODMR/DD.
 - (2) The local county board of mental retardation and developmental disabilities (~~MRDD~~MRDD) ~~if when~~ the report involves any program managed by the county board of ~~MRDD~~MRDD.
 - (3) The local board of alcohol, drug addiction, and mental health and the Ohio department of mental health (ODMH) ~~if when~~ the report involves a residential care facility licensed by ODMH.
 - (4) The Ohio department of youth services' (ODYS) chief inspector ~~if when~~ the report involves an institution or facility for delinquent children managed by ODYS; or the juvenile judge and ODYS' division of parole, courts, and community services when the report involves a detention or rehabilitation

facility managed by a juvenile court and approved by ODYS.

- (5) The superintendent of the local schools and the Ohio department of education (ODE) ~~if when~~ the report involves a primary or secondary school setting, or ODE's legal counsel when reports involve the school for the deaf or blind managed by ODE and early education programs.
- (6) The superintendent of public instruction, pursuant to section 5153.176 of the Revised Code, if all of the following apply:
- (a) The report involves a person who holds a license issued by the state board of education.
 - (b) The PCSA has determined that child abuse or neglect occurred.
 - (c) The alleged child abuse or neglect is related to the person's duties and responsibilities under the license.
- ~~(6)~~(7) The Ohio department of job and family services (ODJFS), children services licensing, ~~if when~~ the report involves a foster home, group home or children's residential facility licensed by ODJFS; ~~or the child care licensing section when the report involves a day care center (more than twelve children) or a type A family child care home which is or should be licensed by ODJFS.~~
- (8) The ODJFS, child care licensing, if the report involves a day care center (more than twelve children) or a type A family child care home which is or should be licensed by ODJFS.
- ~~(7)~~(9) The local county department of job and family services (CDJFS) ~~if when~~ the report involves an in-home aide who is certified by the CDJFS or a type B family day care ~~which is~~ certified by the CDJFS.

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
Rule Amplifies: 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, 3/1/06