

## [MODEL] MEMORANDUM OF UNDERSTANDING TO ADDRESS CHILD ABUSE AND NEGLECT

### I. STATEMENT OF PURPOSE

This memorandum of understanding (hereinafter MOU) to address child abuse and neglect is required by sections 2151.4210, 2151.4211, 2151.4212, 2151.4215, 2151.4216, 2151.4220, and 2151.4224 of the Ohio Revised Code and section 5101:2-33-26 of the Ohio Administrative Code. It is an agreement among **[Enter the name of the County Department of Job and Family Services (CDJFS)/Public Children Services Agency (PCSA) here]** and community partners that delineates roles and responsibilities for referring, reporting, investigating, and prosecuting child abuse and neglect cases. The MOU also identifies procedures for collaborative service provisions needed to ensure child safety, permanence, and well-being, and the minimum requirements of screening, assessment/investigation, and service planning, to meet mandates included in children services legislation passed by the 134<sup>th</sup> Ohio General Assembly. Two primary goals of this MOU are:

- The elimination of all unnecessary interviews of children who are the subject of reports of child abuse or neglect;
- When feasible, conducting only one interview of a child who is the subject of a report of child abuse or neglect.

Throughout the state each County Department of Job and Family Services (CDJFS)/Public Children Services Agency (PCSA) provides the following services to their communities:

**Screening:** The capacity to accept and screen referrals of suspected child abuse, neglect, and/or dependency includes but is not limited to the following: Receiving referrals 24 hours/day, 7 days/week; Recording and retaining referral information; Following Ohio's screening guidelines based on Ohio Administrative and Revised Code and categorizing the child maltreatment type; Adherence to a protocol for making screening and differential response pathway decisions regarding referrals of suspected child abuse, neglect, and/or dependency within 24 hours from the time of the referral; Documenting case decisions; And assigning a response priority of emergency or non-emergency to any screened in report.

**Assessment and Investigation:** The capacity to investigate and assess accepted reports of suspected child abuse, neglect, and/or dependency, includes responding to emergency reports within one (1) hour and non-emergency reports within twenty-four (24) hours; Conducting an initial Safety Assessment using a standardized CAPM (Comprehensive Assessment Planning Model) tool within the timeline prescribed in the Ohio Administrative Code; Completing a more in-depth CAPM Family Assessment including a clinical and actuarial risk assessment within forty-five (45) working days with the option of a fifteen (15) day extension for extenuating circumstances as prescribed in the Ohio Administrative Code; Working collaboratively with other investigative agencies when appropriate; Making traditional response case dispositions

within required timeframes; Evaluating the need for protective, prevention, or supportive services and/or court involvement; and documenting all activities and case determinations.

**Service Provision:** The capacity to provide services that ameliorate, eliminate, or reduce future child maltreatment and the conditions which led to abuse, neglect, or dependency, includes providing service planning and case management coordination; Identifying and stating the concern and behavior change(s) needed for reunification to occur through the use of the CAPM Family Case Plan; Monitoring the family's case progress, measuring service outcomes, re-assessing safety and risk, and evaluating permanency options by using the CAPM Case Review and Semi-Annual Review tools; And adhering to existing visitation, documentation, and case closure protocols.

## II. ROLES AND RESPONSIBILITIES OF EACH PARTICIPATING AGENCY

### A. CDJFS/PCSA (If a combined agency or stand-alone PCSA)

The **[Enter the name of the CDJFS/PCSA here]** is the lead agency for the investigation of child abuse, neglect, or dependency in **[Enter County name here]** County. The **[Enter the name of the CDJFS/PCSA here]** will coordinate and facilitate meetings, establish standards and protocol for joint assessment/investigation with law enforcement, cross-referrals, collection of forensic evidence, confidentiality, and training of signatories as required by statute. Child Protective Services staff and management will also participate in meetings and trainings as deemed appropriate at the discretion of the Director.

### B. LAW ENFORCEMENT

The County Sheriff and each Chief of the local political subdivisions will have responsibility for: taking referrals/reports alleging child abuse and neglect from any source within their respective jurisdiction; Referring reports to **[Enter the name of the CDJFS/PCSA here]** as soon as possible or within **[Enter your county's agreed upon timeframe here]** for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with **[Enter the name of the CDJFS/PCSA here]** in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting **[Enter the name of the CDJFS/PCSA here]** in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with **[Enter the name of the CDJFS/PCSA here]** on interviews with principals of the case when there are serious criminal implications; Notifying **[Enter the name of the CDJFS/PCSA here]** of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to **[Enter the name of the CDJFS/PCSA here]**'s requests for information regarding the status of the legal action;

Providing police record checks for **[Enter the name of the CDJFS/PCSA here]** as necessary or requested as permitted by law; Consulting with **[Enter the name of the CDJFS/PCSA here]** prior to removal of a child from their home when possible; Handling and coordinating investigations involving a child fatality or near fatality which may have resulted from abuse or neglect.

### C. JUVENILE COURT

The most senior Juvenile Judge in point of service of the county or their representative, selected by the Judge, if more than one, will be responsible for attending meetings concerning the MOU, entering into agreements with the other signatories of the MOU regarding the court's responsibility to timely hear and resolve child abuse, neglect, and dependency matters, signing the MOU, and updating the MOU or approving any amendment.

The juvenile court has a duty to exercise jurisdiction over adults and children to hear and decide matters as permitted by the Ohio Revised Code Chapters 2151 and 2152. The court is responsible for issuing orders regarding the care, protection, health, safety, mental and physical best interest of children. The Juvenile Judge shall ensure that due process of law is achieved; Hear evidence and issue findings of fact and conclusions of law as to any abused, neglected, or dependent child; Order timely and safe permanency dispositions for children; Preserve the family environment whenever possible while keeping the child(ren)'s health and safety paramount.

### D. COUNTY PROSECUTOR

The County Prosecutor shall report suspected cases of child abuse and neglect to **[Enter the name of the CDJFS/PCSA here]** or appropriate law enforcement agency. The County Prosecutor shall represent **[Enter the name of the CDJFS/PCSA here]** in legal actions to protect a child from further harm resulting from child abuse or neglect unless the Prosecutor has granted consent for the appointment of an In-house PCSA Attorney pursuant to Ohio Revised Code chapters 309 and 305.

The prosecuting attorney may inquire into the commission of crimes within the county. The prosecuting attorney shall prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party, except for those required to be prosecuted by a special prosecutor or by the attorney general. The County Prosecutor is to determine, based upon the facts, whether criminal culpability exists and if enough evidence exists for a matter to be prosecuted. The prosecutor will be available to law enforcement and **[Enter the name of the CDJFS/PCSA here]** staff for questions or assistance in the investigation of child abuse and neglect cases and eliminate the need for testimony at the municipal court level by allowing for direct presentation to the Grand Jury, when feasible, to minimize trauma to child victims. The prosecuting attorney agrees to aid **[Enter the name of the CDJFS/PCSA here]** in protecting the

confidential nature of children services records and investigations; As well as the special protection afforded to the identity of the reporting source.

E. COUNTY DEPARTMENT OF JOB & FAMILY SERVICES [If not part of a combined agency]

[Check box] Not Applicable (*if selected the following information would be removed.*)

If the **[Enter the name of the CDJFS here]** is a separate agency from **[Enter the name of the PCSA here]**, employees within the county agency are expected to report suspected cases of child abuse and neglect to **[Enter the name of the PCSA here]** or appropriate law enforcement agency upon receipt; Collaborate with **[Enter the name of the PCSA here]** to assist families in caring for their children; Assure that children at risk of abuse and neglect receive protective services; Assure service coordination for families already involved with the **[Enter the name of the PCSA here]**; Promote ongoing communication between **[Enter the name of the CDJFS here]** and **[Enter the name of the PCSA here]** regarding mutual clients, including minors under the protective supervision or in the custody of the Agency and/or minor parents; Assist **[Enter the name of the PCSA here]** upon request in obtaining case or assistance group information regarding a family when the **[Enter the name of the PCSA here]** is assessing Title IV-E eligibility or completing an assessment/investigation of a child at risk or alleged to be abused; Assist **[Enter the name of the PCSA here]** in obtaining addresses and attempts to locate parents whose whereabouts are unknown, pursuant to OAC 5101:2-33-28; And where applicable and permitted assist **[Enter the name of the PCSA here]** in locating suitable relatives or kin that may be available as familial support for the child(ren) or as a placement option.

F. LOCAL ANIMAL CRUELTY REPORTING AGENCY

The local animal cruelty reporting agencies are to investigate reports of animal abuse and neglect within the county and, pursuant to ORC 2151.421, report suspected cases of child abuse and neglect that may be observed during the commission of their duties to **[Enter the name of the CDJFS/PCSA here]** or local law enforcement. The local animal cruelty reporting agencies are to utilize the Humane Agents authorization to remove children under emergency circumstances, if necessary. In those circumstances, they are to coordinate efforts with **[Enter the name of the CDJFS/PCSA here]** and local law enforcement as soon as possible or within **[Enter your county's agreed upon timeframe here]**.

G. CHILDREN'S ADVOCACY CENTER (Must include if agreement with CDJFS/PCSA exists. Option to skip this section if your agency does not have a formal agreement with a children's advocacy center.)

[Check box] Not Applicable *(if selected the following information would be removed.)*

The Children's Advocacy Center (CAC) will establish internal protocols regarding the investigation of CAC cases, participate in training as needed, work jointly and cooperatively in their established role with the other team members in the investigation of CAC cases, and attend and exchange information when meeting with **[Enter the name of the CDJFS/PCSA here]**, law enforcement, and other signatories of this agreement.

#### H. CLERK OF COUNTY COMMON PLEAS COURT (Optional per statute, but benefits to inclusion should be considered per county)

[Check box] Not Applicable *(if selected the following information would be removed.)*

The Clerk of County Common Pleas Court will collaborate with **[Enter the name of the CDJFS/PCSA here]**, County Prosecutor, and local law enforcement to establish standards and processes for the filing and acceptance of abuse, neglect, and dependency pleadings; Notice to the necessary parties; Service of process; How to send and receive communications from the Clerk; Defining acceptable methods of communication; Best practices for handling emergency/ex parte motions and orders which require the removal of children and need to be acted upon in an expeditious manner; Date and timestamp process and any cut-offs; Determine how and when to expect decisions or entries to be communicated; Provide periodic training for those involved in the investigation of child abuse and neglect and the signatories of this MOU; Be available to **[Enter the name of the CDJFS/PCSA here]** management staff or the Prosecutor should questions arise.

### III. SCOPE OF WORK

The key objective of this MOU is to clearly define the roles and responsibilities of each agency in the provision of child protective services.

#### A. Mandated reporters and penalty for failure to report

Persons identified as mandated reporters per Ohio Revised Code section 2151.421, while acting in official or professional capacity, shall immediately report knowledge or reasonable cause to suspect the abuse or neglect of a child in accordance with that section. Reports shall be made to **[Enter the name of the CDJFS/PCSA here]** or a law enforcement officer.

The penalty for the failure of a person required to report any suspected case of child abuse and/or neglect pursuant to ORC section 2151.421 shall be a misdemeanor of the fourth degree. The penalty is a misdemeanor of the first degree if the child who is the subject of the required report

that the offender fails to make suffers or faces the threat of suffering the physical or mental wound, injury, disability or condition that would be the basis of the required report when the child is under the direct care or supervision of the offender who is then acting in the offender's official or professional capacity or when the child is under the direct care or supervision of another person over whom the offender, while acting in the offender's official or professional capacity, has supervisory control. Failure to report suspected child abuse and/or neglect may also result in civil liability in the form of compensatory or exemplary damages.

## B. System for receiving reports

Reports of child abuse or neglect shall be made to **[Enter the name of the CDJFS/PCSA here]** or any law enforcement officer with jurisdiction in **[Enter the name of the county]** County. If **[Enter the name of the CDJFS/PCSA here]** contracts with an outside source to receive after-hour calls, a copy of the signed agreement shall be attached to this MOU which indicates that all reports with identifying and demographic information of the reporter and principals will be forwarded to a designated children services worker within an hour of receipt, confidentiality requirements will be met, and how the public is informed of after-hours reporting opportunities.

**[Add in any county-specific details here, as applicable.]**

When a law enforcement officer receives a report of possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, the law enforcement officer shall refer the report to the appropriate PCSA unless an arrest is made at the time of the report that results in the appropriate PCSA being contacted concerning the alleged incident involving the child.

When **[Enter the name of the CDJFS/PCSA here]** screens in a report of child abuse, **[Enter the name of the CDJFS/PCSA here]** shall notify the appropriate law enforcement agency of the report, unless law enforcement is present and an arrest is made at the time of the report that results in the appropriate law enforcement agency being notified of the child abuse.

When **[Enter the name of the CDJFS/PCSA here]** screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/investigation, **[Enter the name of the CDJFS/PCSA here]** shall notify the appropriate law enforcement agency within the first seven days of the assessment/investigation. Unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being notified of the child neglect.

## C. Responding to mandated reporters

When **[Enter the name of the CDJFS/PCSA here]** receives a referral from a mandated reporter who provides their name and contact information, **[Enter the name of the CDJFS/PCSA here]**

shall forward an initial mandated reporter notification to the referent within seven days. The notification will be provided, in accordance with the mandated reporter's preference. Information shared with the mandated reporter shall include the information permitted by ORC 2151.421(L):

- Whether the agency or center has initiated an investigation of the report;
- Whether the agency or center is continuing to investigate the report;
- Whether the agency or center is otherwise involved with the child who is the subject of the report;
- The general status of the health and safety of the child who is the subject of the report;
- Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

When **[Enter the name of the CDJFS/PCSA here]** closes an investigation/assessment reported by a mandated reporter, **[Enter the name of the CDJFS/PCSA here]** shall forward an outcome mandated reporter notification to the referent. The notification will be provided in accordance with the mandated reporter's preference. Information shared with the mandated reporter shall be that permitted by ORC 2151.421 to include a notification that the agency has closed the investigation along with a point of contact.

#### D. Roles and responsibilities for handling emergency cases of child abuse, neglect, and dependency

##### 1. PCSA's Response Procedure

When **[Enter the name of the CDJFS/PCSA here]** determines that a report is emergent, **[Enter the name of the CDJFS/PCSA here]** shall attempt a face-to-face contact with the child subject of the report/ alleged child victim within one hour of the receipt of the report.

If **[Enter the name of the CDJFS/PCSA here]** identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

**[Insert county-specific information regarding safety plans or processes for PCSA staff and law enforcement officers to arrange to take physical custody of a child who is being removed from their home.]**

##### 2. Law Enforcement and **[Enter CAC and/or any other applicable party]** Response Procedure

**[Insert county-specific information regarding processes for law enforcement, CAC, and/or any other applicable parties' responses.]**

### 3. Children in Need of Medical Attention Special Response Procedures

**[Insert county-specific information here, including the medical facility/facilities the youth should be taken to, situations when children should be taken to a medical facility, CAC contact information and procedures, etc.]**

#### E. Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and/or neglect

Methods to be used in interviewing the child who is the subject of the report and who allegedly was abused and/or neglected, alleged perpetrators, and other family members and witnesses/collaterals will be discussed and agreed upon in advance by the **[Enter the name of the CDJFS/PCSA here]** and the corresponding law enforcement agency.

To the extent possible investigative interviews of children who are the alleged victims of reports of abuse and/or neglect where criminal activity is suspected, including reports of human trafficking, are cooperatively planned by **[Enter the name of the CDJFS/PCSA here]** and the law enforcement agency of the jurisdiction.

Every effort will be made by the signatories of this MOU to prevent or reduce duplicate interviews of the victims or witnesses. When feasible, to reduce trauma complete only one interview with the alleged child victim/ child subject of the report. **[Enter the name of the CDJFS/PCSA here]** agrees to be the lead agency in scheduling the time, place, and location of joint interviews as well as notifying all participants.

Before starting the interview, the participants will determine who is to be present in the room, who will be asking the questions, what areas are to be covered, and who will be the scribe for the interview. Audio and video recordings may be used when necessary.

When law enforcement or the prosecutor's office interviews a participant in a criminal investigation and a representative of **[Enter the name of the CDJFS/PCSA here]** is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by **[Enter the name of the CDJFS/PCSA here]** to meet the agency investigative requirements set forth in rule. Law enforcement or the prosecutor's office will forward a written summary of the interview to **[Enter the name of the CDJFS/PCSA here]** upon request.



The **[Enter the name of the CDJFS/PCSA here]** agrees not to proceed without the advice and consent of the prosecutor's office when a criminal investigation is being conducted concurrently. **[Enter the name of the CDJFS/PCSA here]** will not jeopardize a criminal investigation but will work with law enforcement to protect the safety of the child victim or witnesses. Law enforcement will be the lead agency in the collection of forensic evidence and will coordinate with the necessary facilities to obtain and store such evidence properly.

**[Insert county-specific procedures]**

**[Enter the name of the CDJFS/PCSA here]** shall follow up with law enforcement to ensure timely assistance and to complete mandated assessment/investigation activities within the forty-five-day timeframe. The timeframe can be extended in special circumstances to a maximum of sixty days if law enforcement needs additional time, however, **[Enter the name of the CDJFS/PCSA here]** must make a disposition within the sixty-day timeframe.

- F. Standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected

The categories of personnel who may conduct interviews of children who are the subjects of reports of alleged abuse, neglect, and/or dependency are limited to the following:

- Casework and supervisory staff of **[Enter the name of the CDJFS/PCSA here]**
- Law enforcement personnel
- County or city prosecuting attorneys, assistant prosecuting attorneys, in-house JFS legal counsel if applicable, and their investigative staff
- **[If applicable, enter appropriate CAC personnel here]**
- **[If applicable, enter any additional county-specific personnel here]**

- G. Standards and procedures for **[Enter the name of the CDJFS/PCSA here]** requests for law enforcement assistance

**[Insert county-specific procedures when the CDJFS/PCSA requires law enforcement to respond immediately.]**

**[Enter the name of the CDJFS/PCSA here]** may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist:

- An exigent circumstance exists.

- **[Enter the name of the CDJFS/PCSA here]** has reason to believe that the child is in immediate danger of serious harm.
- **[Enter the name of the CDJFS/PCSA here]** has reason to believe that the worker is, or will be, in danger of harm.
- **[Enter the name of the CDJFS/PCSA here]** has reason to believe that a crime is being committed, or has been committed, against a child.
- **[Enter the name of the CDJFS/PCSA here]** worker must conduct a home visit after regular **[Enter the name of the CDJFS/PCSA here]** business hours and a law enforcement escort is requested as a standard operating procedure.
- **[Enter the name of the CDJFS/PCSA here]** is removing a child from his or her family via an order of the court and the assistance of law enforcement is needed as **[Enter the name of the CDJFS/PCSA here]** has reason to believe the family will challenge the removal.
- **[Enter the name of the CDJFS/PCSA here]** is working with a client who has a propensity toward violence and the assistance of law enforcement is needed to ensure the safety of all involved.
- **[Enter the name of the CDJFS/PCSA here]** is working with a family that has historically threatened to do harm to PCSA staff.

**[Insert additional county specific information]**

## H. Specialized Investigations or Circumstances

To the extent possible, investigative interviews of children who are the alleged child victims/child subjects of the report of abuse and neglect where criminal activity is suspected, including reports of human trafficking, physical and sexual abuse, domestic violence, child endangering, or the like, are cooperatively planned by (Insert CDJFS/PCSA Name) and the law enforcement agency of jurisdiction.

### 1. Out-of-Home Care

**[Enter the name of the CDJFS/PCSA here]** conducts an out-of-home care investigation in response to a child abuse or neglect report that includes an alleged perpetrator who meets one or more of the following criteria:

- Is a person responsible for the alleged child victim's care in an out-of-home care setting as defined in rule 5101:2-1-01 of the Administrative Code.
- Is a person responsible for the alleged child victim's care in out-of-home care as defined in section 2151.011 of the Revised Code.
- Has access to the alleged child victim by virtue of his/her employment by or affiliation to an organization as defined in section 2151.011 of the Revised Code.
- Has access to the alleged child victim through placement in an out-of-home care setting.

**[Enter the name of the CDJFS/PCSA here]** follows the procedures for conducting out-of-home care investigations as described in section 5101:2-36-04 of the OAC.

**[Add in county-specific information, including standards and procedures for handling and coordinating joint investigations, including sharing of investigative reports and procedures.]**

## 2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the OAC, **[Enter the name of the CDJFS/PCSA here]** shall request a third-party investigation be conducted by a local law enforcement agency or a PCSA in a contiguous county when there is potential for a conflict of interest because one of the following parties is a principal of the report:

- Any employee of an 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.
- A foster caregiver, pre-finalized adoptive parent, adoptive parent, relative, or kinship caregiver who is recommended, approved, or supervised by the PCSA.
- A type B family childcare home or type A family childcare home licensed by ODJFS when the CDJFS has assumed the powers and duties of the county children services function defined in Chapter 5153. of the Revised Code.
- Any employee, or agent of ODJFS or the PCSA as defined in Chapter 5153. of the Revised Code.
- Any authorized person representing ODJFS or the PCSA who provides services for payment or as a volunteer.
- A foster caregiver or an employee of an 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.
- 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.

**[Enter the name of the CDJFS/PCSA here]** shall request that law enforcement serve as the third party when a report alleges a criminal offense. **[Enter the name of the CDJFS/PCSA here]** must request the assistance of a third party within 24 hours of identifying that a conflict of interest exists.

**[Insert county-specific information, including standards and procedures for handling and coordinating joint investigations, including sharing of investigative reports and procedures.]**

### 3. Child Fatality- Suspected cause of death is abuse or neglect

**[Enter the name of the CDJFS/PCSA here]** is governed by ORC section 307.622 and must have a child fatality review board.

**[Insert county-specific information.]**

### 4. Child Fatality- Death of a child in the custody of **[Enter the name of the CDJFS/PCSA here]**

**[Enter the name of the CDJFS/PCSA here]** follows section 5101:2-42-89 of the OAC following the death of a child in its custody.

**[Insert county-specific information]**

### 5. Allegations of withholding medically indicated treatment from disabled infants with life-threatening conditions

**[Enter the name of the CDJFS/PCSA here]** follows the procedures described in section 5101:2-36-07 of the OAC for responding to these reports.

The withholding of medically indicated treatment is the refusal to provide appropriate nutrition, hydration, medication, or other medically indicated treatment from a disabled infant with a life-threatening condition.

Medically indicated treatment includes the medical care most likely to relieve, or correct, the life-threatening condition. Nutrition, hydration, and medication, as appropriate for the infant's needs, are medically indicated for all disabled infants; in addition to, the completion of appropriate evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions on behalf of the disabled infant.

In determining whether treatment is medically indicated, reasonable medical judgments made by a prudent physician, or treatment team, knowledgeable about the case and its treatment possibilities are considered. The opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated. Medically indicated treatment does not include the failure to provide treatment to a disabled infant if the treating physician's medical judgment identifies any of the situations listed in OAC section 5101:2-36-07(A)(3)(a-d).

**[Insert county-specific information, including procedures for:**

- Gathering and maintaining current information regarding the name, address, and telephone number of each appropriate health care facility within its jurisdiction.
- Identifying and maintaining current data regarding the name, title, and telephone number of each facility's contact person for allegations involving alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions, hereinafter referred to as alleged withholding.
- Identifying and maintaining the name and chairperson of the appropriate health care facility's review committee, if such a committee exists.
- Internal PCSA procedures for intervening in cases involving alleged withholding.]

6. Allegations of child abuse and/or neglect constituting a crime against a child, including human trafficking, and require a joint assessment/investigation with law enforcement

**[Insert county-specific information, including a statement of assurance as to how the PCSA will ensure child safety and not compromise the child protective assessment/investigation while concurrently assisting law enforcement with the criminal investigation.]**

7. Reports of cases involving individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming dependent, neglected, unruly, and delinquent child

**[Insert county-specific information, including the system for receiving and responding to these reports.]**

8. Reports involving individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court by leaving the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution

**[Insert county-specific information, including the system for receiving and responding to these reports]**

9. Receiving and responding to reports of missing children

Upon learning that a minor child has either run away from or is otherwise missing from the home or the care, custody, and control of the child's parents, custodial parent, legal guardian, or non-custodial parent **[Enter the name of the CDJFS/PCSA here]** shall:

- Refer the reporter to the law enforcement agency in the appropriate jurisdiction.
- Contact the law enforcement agency for entry into the National Crime Information Center (NCIC) database if the child is in **[Enter the name of the CDJFS/PCSA here]** custody.
- Contact the National Center for Missing and Exploited Children (NCMEC) if the child is in **[Enter the name of the CDJFS/PCSA here]** custody.
- Upon request of law enforcement, **[Enter the name of the CDJFS/PCSA here]** shall provide assistance and cooperation in the investigation of a missing child, including the immediate provision of any information possessed by **[Enter the name of the CDJFS/PCSA here]** which may be relevant in the investigation.

Law enforcement shall notify **[Enter the name of the CDJFS/PCSA here]** upon learning that a minor child who is alleged to be in the child services system or who is known or suspected to be abused or neglected has either run away from or is otherwise missing from the home or the care, custody, and control of the child's parents, custodial parent, legal guardian, or non-custodial parent.

## I. Standards and procedures for removing and placing children

### 1. Emergency

Emergency removal of a child from home is necessary when the child is at imminent risk of harm and in need of protection from abuse, neglect, or dependency.

An ex parte order may be issued with or without a complaint being filed. Prior to taking the child into custody the judicial fact-finder must make a determination that reasonable efforts were made to notify the child's parents, guardian, or custodian, or there were reasonable grounds to believe doing so would jeopardize the safety of the child, or lead to the removal of the child from the jurisdiction.

Juv. R 6 orders can be issued in-person, by phone, video conference, or otherwise. Reasonable grounds must exist to believe the child's removal is necessary to prevent immediate or threatened physical or emotional harm.

Findings must be made that the agency either did or did not make reasonable efforts to prevent the removal of the child from their home with a brief description of services provided and why those did not prevent the removal or allow the child to return home, and if temporary custody is granted to the PCSA an additional finding that it would be contrary to the welfare and best interest of the child to continue in the home. If granted, a shelter care hearing must be scheduled the next business day (but not later than seventy-two hours) after the emergency order has been

issued. If the ex parte motion is denied the matter must be set for a shelter care hearing within ten days from the filing date.

**[Describe any additional local procedures around the emergency removal of a child from their home.]**

## 2. Non-emergency

Upon receiving a report alleging child abuse, neglect, and/or dependency, **[Enter the name of the CDJFS/PCSA here]** commences an investigation in accordance with the requirements of section 2151.421 of the ORC. If the final case decision rises to the level of court involvement, **[Enter the name of the CDJFS/PCSA here]** shall approach the juvenile court and file a complaint alleging the child(ren) to be abused, neglected, or dependent per ORC 2151.27. The matter will be set for a shelter care/preliminary protective hearing expeditiously by the juvenile court.

Reasonable oral or written notice of the time, place, and purpose of the hearing must be provided to the parents, guardian, or custodian unless they cannot be found. The same parties are also entitled to notification that a case plan may be prepared, the general requirements, and possible consequences of non-compliance with the case plan.

The parties will be served with the complaint and summons to appear before the juvenile court. Unrepresented parties are advised by the juvenile court of their right to counsel. Counsel is appointed for children when abuse is alleged. A Guardian Ad Litem is appointed to all children subject of abuse, neglect, or dependency proceedings. A separate guardian ad litem may be appointed to minor parents or parents who appear mentally incompetent.

The judicial fact-finder must determine whether there is probable cause that the child is abused, neglected, or dependent; the child is in need of protection, whether or not there is an appropriate relative or kin willing to assume temporary custody of the child, reasonable efforts were made by **[Enter the name of the CDJFS/PCSA here]** to prevent the removal or continued removal or to make it possible for the child to return home safely, and for temporary custody orders to **[Enter the name of the CDJFS/PCSA here]** that it would be contrary to the welfare and best interest of the child to continue in the home. All other temporary orders should be requested and considered at this time.

**[Insert additional county-specific information if applicable.]**

J. [Optional Section(s)] [Check box] Not Applicable *(if selected the following information would be removed.)*

[Maintaining Operations, including but not limited to, receiving and investigating child abuse and/or neglect reports in the event of a disaster]

[Deserted Child Procedures]

#### IV. TRAINING

Cross system training is to be provided to and a plan developed by all signatories of this MOU to ensure parties understand the mission and goals identified in this MOU and are clear about the roles and responsibilities of each agency. Periodic trainings events will be coordinated by **[Enter the name of the CDJFS/PCSA here]** as the lead agency and notification of the trainings will be provided to the signatories of this agreement. By agreeing to participate in the county MOU process signatories express a commitment to attend training opportunities when presented.

**[Insert any other county-specific information.]**

#### V. CONFLICT RESOLUTION

When a conflict occurs among county partners, the effect is often broader than the individuals directly involved in the dispute. As disputes are often inevitable this MOU must set forth the local process by which disputes will be resolved so as not to disrupt program effectiveness.

As the mandated agency responsible for the provisions of child protective services, the ultimate decision on how to handle abuse, neglect investigations lies with **[Enter the name of the CDJFS/PCSA here]**. Every effort will be made to take into account other subscribers' requests and concerns relating to services.

Criminal investigations and prosecution remain the responsibility of the prosecuting attorney and appropriate law enforcement agencies. **[Enter the name of the CDJFS/PCSA here]** will assist these agencies, but in no way, interfere or jeopardize a criminal investigation or prosecution.

For cases which come before the court as it relates to decisions and orders, the Juvenile Judge's rulings are final.

In the event internal conflict resolution efforts fail and a statutorily required participant refuses to sign or engage in the MOU process any of the other signatories may pursue agreed upon arbitration **[Insert arbitration clause here]**, court ordered mediation, or other available legal actions to ensure compliance. Parties are advised to consult with counsel.

**[Insert county specific conflict resolution processes here]**



## VI. CONFIDENTIALITY STATEMENT

Any report made in accordance with ORC section 2151.421 is confidential. Both the information and the name of the person who made the report under section 2151.421 shall not be released for use and shall not be used as evidence in any civil action or proceeding brought against the person who made the report.

Children services records are not public records and are exempt from Ohio's Sunshine Laws under ORC 149.43. Children Services records are confidential in nature and should be treated accordingly.

ORC section 2151.423 requires **[Enter the name of the CDJFS/PCSA here]** to disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Ohio Revised Code to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect. Likewise, law enforcement, **[Enter the name of the CAC, if applicable]**, and other entities are expected to release information to **[Enter the name of the CDJFS/PCSA here]** for the purpose of carrying out its responsibility of protecting children from abuse and/or neglect.

**[Insert county specific examples of information that may be obtained from an investigation that the PCSA and law enforcement should or should not release to the public.]**

Information regarding the report and/or investigation of alleged abuse or neglect may be shared only when dissemination is authorized by OAC section 5101:2-33-21 and in accordance with the procedures outlined in OAC section 5101:2-33-21. The unauthorized dissemination of confidential information is a misdemeanor in the fourth degree and is punishable by law.

In the event of unauthorized dissemination of information, the party who learns of the breach of confidentiality will notify the Director of **[Enter the name of the CDJFS/PCSA here]** as soon as possible. The referral will be sent in written form describing the circumstances surrounding the breach. The referral will specify the confidential information released, who is responsible for disseminating the confidential information, how it was disseminated, and the parties who have access to the information without authorization. The Director of **[Enter the name of the CDJFS/PCSA here]** shall then refer this information to the prosecutor at their discretion.

## VII. TERMS AND CONDITIONS AND STATUTORY REQUIREMENTS

This MOU must be retained for a period of at least seven years per the state of Ohio records retention schedule. Please refer to **[Enter the name of the county here]** records retention policy for information on forms to be completed and processes to be followed for the destruction of records.

Consultation among the signatories will be done in person, whenever practicable. When an in-person meeting is not possible the signer may employ the use of a virtual format such as MS

Teams, Skype, or Zoom as agreed upon by all members. When **[Enter the name of the CDJFS/PCSA here]** is seeking consultation with a signer of this memorandum and has met in person or spoken with another signer, **[Enter the name of the CDJFS/PCSA here]** will make written contact with the appropriate agency by the next working day to request the needed information and make the referral in writing.

This reviewed and signed, or reviewed, updated, and signed MOU, as applicable, shall go into effect and supersede any previous MOU upon the Ohio Department of Job and Family Services determination that the MOU is compliant under section 2151.4220 of the Revised Code. The county MOU that is in effect in accordance with section 2151.4222 of the Revised Code shall be posted to the general web site of the county.

This MOU does not inhibit good faith compliance with a subpoena issued by a Grand Jury or in a criminal case. Dissemination of records pursuant to the State's discovery obligations is authorized. However, work product and other privileges are expected to be upheld.

Failure to follow the procedure set forth in the MOU by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

This MOU shall be governed by and construed in accordance with applicable state and federal laws and regulation. In the event any portion of this MOU is inconsistent with state or federal law, that portion shall be without effect as if stricken from the document and the remaining portion shall remain in full force and effect.

## VIII. SIGNATURES OF EACH PARTICIPATING AGENCY

The signature section authorizes the participating parties of the agreement to begin enactment of MOU protocols and activities. The participating parties agree to follow the terms of this agreement and to meet at least bi-annually to review, update, and sign a new or amended MOU. If any individual serving as a signatory changes mid-term, an amendment of the MOU is required and both the board of County Commissioners and ODJFS will need to approve the amendment. A statutorily mandated participant to this agreement may terminate their involvement in the MOU upon retirement, loss of an election, loss of employment, or other agreed upon qualifying event by providing thirty days written notice to the other signatories of this MOU.

**[Insert county-specific information regarding how the parties will address modifications to the agreement.]**

**[Insert county-specific information regarding the termination process for the participants.]**

\_\_\_\_\_  
Agency  
Name  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agency  
Name  
Title

\_\_\_\_\_  
Date

**IX. Board of County Commissioners**

The **[Enter the name of the CDJFS/PCSA here]** shall submit the MOU signed by all participating agencies, to the Board of County Commissioners.

**The [County name] Board of County Commissioners hereby review and approve the [County name] Memorandum of Understanding.**

\_\_\_\_\_  
County Commissioners signature and date

\_\_\_\_\_  
Adopted by resolution/vote and date

**ATTACHMENTS**

**[If the PCSA contracts with an outside source to receive after-hour calls, a copy of the signed agreement which indicates that all reports with identifying and demographic information of the reporter and principals of the report will be forwarded to a designated PCSA worker within an hour of receipt and that confidentiality requirements will be met.]**

**[Insert county specific information if desired]**