

Ohio Department of Job and Family Services
Clinton County Job and Family Services – Child Protection Unit
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 2151.4220, 2151.4221, 2151.4222, 2151.4223, 2151.4225, 2151.4226, 2151.4228, 2151.4229, 2151.4230, 2151.4231, 2151.4232, 2151.4233, and 2151.4234 of the Ohio Revised Code and section 5101:2-33-26 of the Ohio Administrative Code. It is an agreement among **Clinton County Job and Family Services- Child Protection Unit (hereinafter “CCJFS-CPU”)** 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 134th 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 **CCJFS-CPU** is the lead agency for the investigation of child abuse, neglect, or dependency in **Clinton County**. The **CCJFS-CPU** 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 **CCJFS-CPU** as soon as possible or **within one business day** for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with **CCJFS-CPU** in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting **CCJFS-CPU** in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with **CCJFS-CPU** on interviews with principals of the case when there are serious criminal implications; Notifying **CCJFS-CPU** of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to **CCJFS-CPU**'s requests for information regarding the status of the legal action; Providing police record checks for **CCJFS-CPU** as necessary or requested as permitted by law; Consulting with **CCJFS-CPU** 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 **CCJFS-CPU** or appropriate law enforcement agency. The County Prosecutor shall represent **CCJFS-CPU** 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 **CCJFS-CPU** 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 **CCJFS-CPU** 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]

Not Applicable (*if selected, this section is not relevant.*)

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 **CCJFS- CPU** or local law enforcement.

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.)

Not Applicable *(if selected, this section is not relevant.)*

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)

Not Applicable *(if selected, this section is not relevant.)*

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 **CCJFS-CPU** 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.

When a mandated reporter fails to report suspected or known child abuse or neglect as required per ORC 2151.421, CCJFS-CPU will provide written notification to the County Prosecutor, City Law Director, or Village Solicitor promptly. The same process applies if it is suspected that a person has knowingly made or caused another to make a false report per ORC 2921.14.

B. System for receiving reports

Reports of child abuse or neglect shall be made to **CCJFS-CPU** or any law enforcement officer with jurisdiction in **Clinton County**. If **CCJFS-CPU** 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.

Reports of abuse or neglect will be received 24 hours/day, 7 days/week, 365 days/year pursuant to ORC 2151.421 (j).

A CCJFS-CPU representative may be contacted by phone (937) 382-5935 or in person at 1025 S. South Street; Suite 300; Wilmington, OH 45177 Monday-Friday 7:30 a.m. -4:30 p.m. After hours, weekends, and holidays, a caseworker may be contacted for emergencies at (937) 382-2449 where the caller will receive prompts to be connected with the Clinton County Sheriff's Office, who will then contact the on-call caseworker with information.

In the event of disaster or interruption of phone service, reports may be made via emergency response by contacting Clinton County Sheriff's Office at (937) 382-1611 or Wilmington Police Department at (937) 382-3833.

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 **CCJFS-CPU** screens in a report of child abuse, **CCJFS-CPU** shall notify the appropriate law enforcement agency of the report, unless law enforcement is present ,and/or 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 **CCJFS-CPU** screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/investigation, **CCJFS-CPU** shall notify the appropriate law enforcement agency within the first seven days of the assessment/investigation unless law enforcement is present or 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 **CCJFS-CPU** receives a referral from a mandated reporter who provides their name and contact information, **CCJFS-CPU** 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(K):

- 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 **CCJFS-CPU** closes an investigation/assessment reported by a mandated reporter, **CCJFS-CPU** 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 **CCJFS-CPU** determines that a report is emergent, **CCJFS-CPU** 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 **CCJFS-CPU** identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

The caseworker shall make every effort to implement a safety plan with the family. In the event a safety plan can not be enacted, the caseworker shall call local law enforcement to determine whether the children should be removed pursuant to Juvenile Rule 6 OR will contact the Prosecutor's Office to approach the Clinton County Juvenile Court for an ex-parte order of emergency temporary custody. When requested, a caseworker can meet the law enforcement officer at any location within Clinton County to take physical custody of a child who is being removed from their home pursuant to Juvenile Rule 6.

If a caseworker is requested to respond to an emergency situation by law enforcement, a caseworker will respond within 1 hour.

2. Law Enforcement and CCJFS-CPU Response Procedure

Law enforcement is available twenty-four (24) hours per day to respond to reported incidents of abuse and/or neglect.

Law enforcement will confer with **CCJFS-CPU** representatives when removal of children is being contemplated to allow **CCJFS-CPU** the ability to work with the family to identify a safety plan when able.

When necessary, law enforcement will exercise their authority to remove a child per ORC 2151.31 when there are reasonable grounds to believe the child is in immediate danger and to immediately place the child in the emergency care of **CCJFS-CPU**.

When criminal activity is suspected, joint interviews of child victims, alleged perpetrators, witnesses, or other collaterals will be conducted

between law enforcement and CCJFS-CPU when possible, to reduce unnecessary or multiple interviews. The prosecutor may participate in lieu of or in addition to the caseworker or law enforcement when requested. Written investigative reports and statements from parties on the case will be shared with CCJFS-CPU and Clinton County Prosecutor.

3. Children in Need of Medical Attention Special Response Procedures

In General:

Children should be taken to Clinton Memorial Hospital (CMH) or nearest emergency medical facility when they:

- Are at risk of harming themselves or others.
- Are experiencing acute mental health symptoms.
- Are suspected of being or are alleged to have been a recent victim of sexual abuse (within 72 hours).
- Appear to be suffering from medical neglect.
- Are displaying injuries/symptoms that are in need of diagnosis and treatment.
- Are diabetic and placed in CCJFS-CPU custody.
 - Diabetic children are assessed and admitted, if necessary, to allow for caregiver training.
- Are suspected of having been exposed to a methamphetamine lab or other illegal substances that have potential to cause or have caused immediate health hazards.

Medical staff and CCJFS-CPU (when custodial agency) have discretion to transfer a child to a Children's Hospital in the surrounding area for further, specialized care or treatment.

A CCJFS-CPU caseworker shall meet the law enforcement or other agency official at CMH if there is suspected non-accidental abuse or neglect in order to assess immediate safety.

The CCJFS-CPU team shall evaluate what action should be taken for the child's protection based on discussion with medical staff, parents, the child, law enforcement and/or prosecutor, and other collateral contacts.

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 CCJFS-CPU 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 **CCFJS-CPU** 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. **CCJFS-CPU** 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 **CCJFS-CPU** is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by **CCJFS-CPU** 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 **CCJFS-CPU** upon request.

The **CCJFS-CPU** agrees not to proceed without the advice and consent of the prosecutor's office when a criminal investigation is being conducted concurrently. **CCJFS-CPU** 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.

Process for Interviewing the Alleged Child Victim:

For all non-emergency reports assigned to the traditional response pathway, **CCJFS-CPU** must attempt face-to-face contact or complete a telephone contact within twenty-four (24) hours with a principal or collateral source to ensure that the child is safe.

For all non-emergency reports assigned to the Alternative Response Pathway, within twenty-four (24) hours from the time the referral was screened in as a report, **CCJFS-CPU** must complete one of the following activities with a principal of the report or a collateral source who has knowledge of the child's current condition and can provide current information about the child's safety:

- Attempt face-to-face contact with the parent, child or collateral source.
- Attempt telephone contact with the parent or collateral source.
- Send a letter to the parent, guardian or custodian acknowledging receipt of a report and inviting the family to engage with **CCJFS-CPU**.

Interviews of Alleged Perpetrator:

CCJFS-CPU shall conduct and document face-to-face interviews with the alleged perpetrator and all adults residing in the home of the alleged child victim, unless law enforcement or the County Prosecutor are actively investigating the alleged perpetrator in order to:

- **Assess his/her knowledge of the allegation.**
- **Observe the interaction between the alleged child victim and caretaker.**
- **Obtain relevant information regarding the safety and risk to the child.**
- **Pursue criminal charges.**

CCJFS-CPU will collaborate with the investigating parties prior to interviewing independently. If law enforcement is unable to be present for the interview with the alleged perpetrator, a written summary can be forwarded to the appropriate law enforcement agency at their request.

CCJFS-CPU 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, CCJFS-CPU 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 CCJFS-CPU and other PCSA's.**
- **Law enforcement personnel.**
- **County or city prosecuting attorneys, assistant prosecuting attorneys, in-house JFS legal counsel if applicable, and their investigative staff.**
- **Cincinnati, Dayton, Nationwide Children's Hospital, or similar Child Advocacy Center staff qualified to interview children for purposes of investigations.**

G. Standards and procedures for CCJFS-CPU requests for law enforcement assistance

CCJFS-CPU may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist:

- An exigent circumstance.
- **CCJFS-CPU** has reason to believe that the child is in immediate danger of serious harm.
- **CCJFS-CPU** has reason to believe that the worker is, or will be, in danger of harm.
- **CCJFS-CPU** has reason to believe that a crime is being committed, or has been committed, against a child.
- **CCJFS-CPU** worker must conduct a home visit after regular **CCJFS-CPU** business hours, and a law enforcement escort is requested as a standard operating procedure.
- **CCJFS-CPU** is removing a child from his or her family via an order of the court, and the assistance of law enforcement is needed as **CCJFS-CPU** has reason to believe the family will challenge the removal.
- **CCJFS-CPU** 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.
- **CCJFS-CPU** is working with a family that has historically threatened to do harm to PCSA staff.

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 **CCJFS-CPU** and the law enforcement agency of jurisdiction.

1. Out-of-Home Care

CCJFS-CPU 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.

CCJFS-CPU follows the procedures for conducting out-of-home care investigations as described in section 5101:2-36-04 of the OAC.

2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the OAC, **CCJFS-CPU** 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.

CCJFS-CPU shall request that law enforcement serve as the third party when a report alleges a criminal offense. **CCJFS-CPU** must request the assistance of a third party within 24 hours of identifying that a conflict of interest exists.

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.

CCJFS-CPU shall comply with all procedures pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.

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

CCJFS-CPU is governed by ORC section 307.622 and must have a child fatality review board.

4. Child Fatality- Death of a child in the custody of **CCJFS-CPU**

CCJFS-CPU follows section 5101:2-33-14 of the OAC following the death of a child in its custody

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

CCJFS-CPU 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).

- **When CCJFS-CPU receives this type of report, a caseworker will respond within one hour of the screening decision by contacting the appropriate healthcare facility's administrator to obtain information regarding the condition of the infant.**
- **CCJFS-CPU will work in cooperation with a medical consultant to review the infant's records and conduct interviews with the attending physician and health care facility staff to determine care, diagnosis, and prognosis.**
- **CCJFS-CPU maintains current contact information for appropriate health care facilities within Clinton County, including Clinton Memorial Hospital (CMH). CCJFS-CPU staff will contact CMH yearly to determine the name, address, telephone number of the chairperson responsible for reviewing disabled infants with life threatening conditions.**
- **CCJFS-CPU alongside law enforcement and the prosecutor will pursue intervention in cases involving alleged withholding of medical treatment where applicable under law and regulation.**
- **CCJFS-CPU will adhere to its policy/procedure for conducting assessments/investigations relative to such allegations.**

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

CCJFS-CPU will consult with law enforcement and the Prosecutor's Office. CCJFS-CPU will ensure child safety and will not compromise its assessment or investigation during a concurrent criminal investigation by law enforcement in accordance with applicable laws and regulations.

CCJFS-CPU will give consideration to the criminal investigation and will coordinate with law enforcement where possible, but CCJFS-CPU will always endeavor towards child safety and completion of its assessment and investigation as mandated by law.

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/or delinquent

If CCJFS-CPU receives such a report, CCJFS-CPU is responsible for notifying law enforcement and/or Prosecutor's Office.

When law enforcement receives a report from CCJFS-CPU, the department must begin an investigation. Upon completion of the investigation, the law enforcement agency shall determine an appropriate course of action for the case. The law enforcement agency shall also forward CCJFS-CPU a written summary of the investigation/action taken concluding an investigation.

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

If CCJFS-CPU receives such a report, CCJFS-CPU is responsible for notifying law enforcement and/or Prosecutor's Office.

When law enforcement receives a report from CCJFS-CPU, the department must begin an investigation. Upon completion of the investigation, the law enforcement agency shall determine an appropriate course of action for the case. The law enforcement agency shall also forward CCJFS-CPU a written summary of the investigation/action taken concluding an investigation.

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, CCJFS-CPU 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 **CCJFS-CPU** custody.
- Contact the National Center for Missing and Exploited Children (NCMEC) if the child is in **CCJFS-CPU** custody.

Upon request of law enforcement, **CCJFS-CPU** shall provide assistance and cooperation in the investigation of a missing child, including the immediate provision of any information possessed by **CCJFS-CPU** that may be relevant in the investigation.

Law enforcement shall notify **CCJFS-CPU** upon learning that a minor child who is alleged to be in the children 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.

IV. 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.

CCJFS-CPU is committed to preventing the removal of any child from their home and makes reasonable efforts to prevent such a removal. When

possible, CCJFS-CPU provides supportive services in order to prevent removal of a child from their home and to allow that child to remain safely in their own home. If a child cannot safely remain in his or her home, CCJFS-CPU seeks the least restrictive placement alternative that provides for the greatest continuity in the child's life.

When emergency removal of a child from the home is necessary during regular business hours, CCJFS-CPU shall consider emergency removal procedures in the following order:

- I. Contact with prosecutor about filing a complaint in the Clinton County Juvenile Court alleging the child to be and abused, neglected, dependent, or deserted child and petitioning the Court for an ex-parte emergency order to remove the child due to the imminent risk of the child's safety.
- II. Requesting the assistance of a law enforcement officer to execute an emergency removal of a law enforcement officer to execute an emergency removal of a child from their home pursuant to Juvenile Rule 6 (JR6).
 - a. CCJFS-CPU shall request assistance from the appropriate law enforcement agency to remove a child when any of the following conditions exist:
 - i. CCJFS-CPU is unable, due to the immediacy of the situation, to obtain a court order authorizing the emergency removal of the child.
 - ii. CCJFS-CPU is denied entry into the home or access to the child.
 - iii. The parent, guardian, custodian, or child offers physical resistance to the emergency removal.
 - iv. The safety of the child or CCJFS-CPU employee is jeopardized.
 - b. If law enforcement has removed a child from his or her home pursuant to Juvenile Rule 6, CCJFS-CPU must petition the Court for an order authorizing the continued removal of the child within twenty-four hours of the JR6 or the next business day.

When CCJFS-CPU explores relative placements but determines them to be unavailable or unsuitable, CCJFS-CPU shall ensure that the temporary emergency care for the child is in the least restrictive, most family like setting available to meet the needs of the child in accordance with the Ohio Revised Code.

When emergency removals are necessary after normal business hours, weekends, and holidays, law enforcement will be the first point of contact.

2. Non-emergency

Upon receiving a report alleging child abuse, neglect, and/or dependency, **CCJFS-CPU** 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, **CCJFS-CPU** 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 subjects 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 **CCJFS-CPU** 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 **CCJFS-CPU** 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.

I. Optional Section(s)

Not Applicable (if selected this section is not relevant.)

Maintaining Operations, including but not limited to, receiving, and investigating child abuse and/or neglect reports in the event of a disaster: CCJFS-CPU will make every effort to ensure the maintaining of operations in the event of disaster as needed.

Deserted Child

“Deserted Child” is a child whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, or hospital employee without expressing intent to return for the child and who, pursuant to sections 2151.3515 to 2151.3535 of the O.R.C., is fewer than thirty-one (31) days old.

CCJFS-CPU follows section 5101:2-36-06 of the O. A. C.

V. 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 **CCJFS-CPU** 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.

VI. CONFLICT RESOLUTION

Not Applicable (if selected this section is not relevant.)

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 lie **CCJFS-CPU**. 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. **CCJFS-CPU** will assist these agencies, but in no way, interfere or jeopardize a criminal investigation or prosecution.

For cases that 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, the PCSA is to consult with the County Prosecutor to explore available remedies.

CCJFS-CPU will consult with Clinton County Prosecutor's Office for guidance.

VII. 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 to the public 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 **CCJFS-CPU** 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, **CAC's (if applicable)**, and other entities are expected to release information to **CCJFS-CPU** for the purpose of carrying out its responsibility of protecting children from abuse and/or neglect.

CCJFS records are not public records and are an exemption to public record request under Ohio Revised Code 149.43. With regard to receiving a request for disclosure to the public regarding information about a case of child abuse or neglect, such disclosure is prohibited by CCJFS-CPU where there would be harm to the child or family, it would jeopardize a criminal investigation or proceeding, or it would interfere with the protection of those who report child abuse or neglect. Law enforcement will not disclose CCJFS records as part of their disclosures to the public relative to case of child abuse or neglect. Any disclosures to the public will adhere to OAC section 5101:2-33-21, and CCJFS-CPU will disclose information to the public only as authorized by the Director or designee. The confidentiality provisions of this MOU will survive the expiration or termination of this agreement.

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 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 **CCJFS-CPU** as soon as possible. The notification will be sent to the Director in writing describing the circumstances surrounding the breach. The notification 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 **CCJFS-CPU** shall then refer this information to the prosecutor at their discretion.

VIII. 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 **CCJFS-CPU** 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 alternative methods of communication including but not limited to MS Teams, Skype, Zoom, or telephone as agreed upon by all members. When **CCJFS-CPU** is seeking consultation with a signer of this memorandum regarding an active referral of child abuse and/or neglect and has met in person or spoken with another signer, **CCJFS-CPU** will make written contact with the appropriate agency by the next working day to request the needed information and make the referral in writing.

The required members shall review and evaluate the terms and conditions of the MOU every biennium. All required members to the MOU will sign the new or updated agreement. **CCJFS-CPU** is to submit the MOU to the Board of County Commissioners for review and approval with enough time for any revisions to be made prior to December thirty-first of the year.

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.

IX. 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 members agree to follow the terms of this MOU and to meet at minimum once every biennium to review terms and conditions, evaluate if updates are needed, and sign a new or amended MOU **every two (2) years. The next review period will be November 2025.**

If any individual serving as a signatory changes mid-term, **CCJFS-CPU** is to provide the new required member with the current memorandum. The new member remains bound by the most recently approved version of the memorandum. Their signature is to be obtained and submitted on or before the next biennial review.

A required member to this agreement may terminate their involvement in the MOU for good cause upon giving reasonable written notice to the other required members in this MOU. **Said termination shall be requested within 30 days of signing this MOU.**

Further, a written statement to the Director of Clinton County Department of Job and Family Services shall be provided explaining the reason for terminating said MOU that would justify good cause.

Ralph Fizer, Jr.
Clinton County Sheriff's Office, Sheriff Ralph Fizer, Jr.

12-12-23
Date

Chief Ron Fithen
Wilmington Police Department, Chief Ron Fithen

12-14-23
Date

Chief Joe Noland
Sabina Police Department, Chief Joe Noland

12/14/23
Date

Chief Kevin Atkins
Port William Police Department, Chief Kevin Atkins

12-7-23
Date

Chief Robert Houghton
Blanchester Police Department, Chief Robert Houghton

12-15-23
Date

Rex Doak
Office of the Dog Warden, Dog Warden Rex Doak

12-11-2023
Date

Judge Chad Carey
Clinton County Juvenile Court, Judge Chad Carey

12/11/2023
Date

Brett Rudduck
Wilmington City, City Director of Law Brett Rudduck

12-13-23
Date

Prosecutor Andrew McCoy
Clinton County Prosecutor's Office, Prosecutor Andrew McCoy

12-14-23
Date

Kyle Lewis
Clinton County DODD, Director Kyle Lewis

12-11-23
Date

Nicole Rodman
Clinton County JFS, Director Nicole Rodman

12/15/2023
Date

X. **Refusal to Sign** Not Applicable (if selected, this section is not relevant.)

The **Clinton County Job and Family Services-Child Protection Unit** attests they attempted to obtain the signature of all required participating agencies as set forth in Section II of this memorandum and as mandated through section 2151.4210 of the Revised Code. However, the following agency(ies) or individual(s) refused to sign this MOU.

Date:

Agency, Name, Title:

Reason the individual refused to sign:

XI. **Board of County Commissioners**

The **Clinton County Job and Family Services-Child Protection Unit** shall submit the MOU signed by all participating agencies to the **Clinton County** Board of County Commissioners. The participating agencies will ensure there is adequate time for both the County Board of Commissioners and ODJFS review and approval process along with any returns for correction prior to the end of the contractual period.

 12/18/23 #23-1300
County Commissioners Signature and Date/Resolution/Vote

The Board of Clinton County Commissioners hereby review and approve the Clinton County Memorandum of Understanding.