

5101:2-36-08

PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report.

- (A) The public children services agency (PCSA) ~~shall~~ is to involve a third party in the assessment/investigation ~~adhere to this rule~~ for reports of child abuse or neglect where there is a potential conflict of interest because one or more of the following is a principal of the report:
- (1) Any employee of an organization or facility that is licensed or certified by the Ohio department of children and youth (DCY) ~~Ohio department of job and family services (ODJFS)~~ or another state agency and supervised by the PCSA.
 - (2) A foster caregiver, pre-finalized adoptive parent, adoptive parent, relative, or kinship caregiver who is recommended, approved, or supervised by the PCSA.
 - (3) A type B family child care home or type A family child care home licensed by DCY ~~Ohio department of job and family services (ODJFS)~~ when the county department of job and family services (CDJFS) has assumed the powers and duties of the county children services function defined in Chapter 5153. of the Revised Code.
 - (4) Any employee, or agent of ~~ODJFS~~ DCY or the PCSA as defined in Chapter 5153. of the Revised Code.
 - (5) Any authorized person representing ~~ODJFS~~ DCY or the PCSA who provides services for payment or as a volunteer.
 - (6) A foster caregiver or an employee of an organization or facility licensed or certified by ~~ODJFS~~ DCY and the alleged child victim is in the custody of, or receiving services from, the PCSA that accepted the report.
 - (7) Any time a PCSA determines that a conflict of interest exists. The PCSA ~~shall~~ is to document in the case record if a conflict of interest is identified.
- (B) The involvement of a third party does not relieve the lead PCSA, as defined in rule 5101: 2-1-01 of the Administrative Code of its responsibility to ensure assessment/investigation activities are completed.
- (C) Within twenty-four hours of the identification of a conflict of interest, the PCSA is to request and document in Ohio's comprehensive child welfare information system (CCWIS) the assistance of a third party.
- (D) The PCSA is to make a cross-referral to law enforcement agency pursuant to rule 5101: 2-36-12 of the Administrative Code and request the assistance of law enforcement as the third party if the child abuse or neglect report alleges a criminal offense.

~~(C) A law enforcement agency or another PCSA may serve as the third party to an assessment/investigation of child abuse or neglect.~~

~~(1) The PCSA shall request the assistance of law enforcement as the third party if the child abuse or neglect report alleges a criminal offense.~~

~~(2) The PCSA may request the assistance of another PCSA as the third party if the child abuse or neglect report does not allege a criminal offense and both agencies agree to participate in the assessment/investigation including the delegation of investigatory responsibilities.~~

(E) The PCSA may request the assistance of another PCSA as the third party if the child abuse or neglect report does not allege a criminal offense and both agencies agree to participate in the assessment/investigation including the delegation of investigatory responsibilities.

(F) Upon acceptance of the request from the lead PCSA, the non-lead PCSA as defined in rule 5101:2-1-01 of the Administrative Code, is to complete the assessment/investigation within the time frames established pursuant to rule 5101: 2-36-03 or 5101:2-36-04 of the Administrative Code.

~~(D)~~(G) In lieu of law enforcement or another PCSA, the PCSA may operate an in-house unit to assess/investigate reports of child abuse and neglect requiring a third party if all of the following apply:

(1) An agency employee is not named as a principal in the report.

(2) The report does not allege a criminal offense.

(3) The PCSA maintains written internal policies and procedures for the review and approval of assessments/investigations conducted by the in-house unit.

(4) The in-house unit works independently of all other units within the PCSA.

~~(E) Within twenty-four hours of the identification of a conflict of interest, the PCSA shall request and document the assistance of a third party.~~

~~(F) Upon acceptance of the request from the lead PCSA, the non-lead PCSA shall complete the assessment/investigation within the time frames established pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.~~

~~(G)~~(H) In instances where When law enforcement or another PCSA declines to assist the PCSA, the PCSA is responsible for conducting the assessment/investigation within the time frames established pursuant to rule 5101: 2-36-03 or 5101: 2-36-04 of the

Administrative Code. The PCSA is responsible for having procedures in place to address the conflict of interest when completing the assessment/investigation. ~~The PCSA is responsible for having procedures in place to address the conflict of interest and ensure the completion of the assessment/investigation.~~

~~(H) The PCSA shall comply with all procedures pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.~~

(I) 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~~ is to be maintained in the case record.

Effective:

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Certification

Date

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