

5101:2-36-09 **RequirementsPCSA requirements for dependent child assessments.**

(A) A public children services agency (PCSA) ~~shall~~is to conduct a dependency assessment in response to a report alleging that a child is dependent pursuant to section 2151.04 of the Revised Code~~dependency report if any of the following conditions apply to a child subject of the report~~ absent allegations of abuse or neglect:

- ~~(1) The child subject of the report is homeless or destitute or without adequate parental care, through no fault of the child's parents, guardian, or custodian.~~
- ~~(2) The child subject of the report lacks adequate parental care as defined in section 2151.011 of the Revised Code.~~
- ~~(3) The child subject of the report's condition or environment is such as to warrant the state, in the interests of the child, in assuming the child's guardianship.~~
- ~~(4) The child subject of the report is residing in a household where a parent, guardian, custodian, or other member of the household committed an act that was the basis for adjudication and a sibling of the child or any other child who resides in the household is an abused, neglected, or dependent child.~~

(B) The PCSA may request the assistance of law enforcement during an assessment if the following situations exist and the reason for contacting law enforcement is documented in Ohio's comprehensive child welfare information system (CCWIS)~~the case record~~:

- (1) The agency has reason to believe that the child is in immediate danger of serious harm.
- (2) The agency has reason to believe that the worker is, or will be, in danger of harm.
- (3) The agency has reason to believe that a crime is being committed, or has been committed against a child.
- (4) The assistance of law enforcement needs to be invoked in accordance with the county child abuse and neglect memorandum of understanding.

(C) The PCSA ~~shall~~is to initiate the screened in dependency report in accordance with the following:

- (1) For an emergency report, attempt a face-to-face contact with the child subject of the report within one hour from the time the referral was screened in, to assess child safety and interview the child subject of the report.

- (2) For all other reports, complete one of the following within twenty-four hours from the time the referral was screened in, to assess child safety: attempt
- (a) Attempt a face-to-face contact with the child subject of the report or complete a telephone contact within twenty-four hours from the time the referral was screened in, with a principal of the report or collateral source who has knowledge of the child subject of the report's current condition, and can provide current information about the child's safety.
  - (b) Complete a telephone contact with a parent, guardian, custodian, or collateral source who has knowledge of the child subject of the report's current condition, and can provide current information about the child's safety.
- ~~(3) If face-to-face contact with the child subject of the report was not attempted within the twenty-four hour time frame, an attempt of face-to-face contact with the child subject of the report shall be made within seventy-two hours from the time the report was screened in to assess child safety and interview the child subject of the report.~~
- (D) If the child subject of the report is an infant or nonverbal child, who is currently in a hospital setting and is not scheduled for discharge within seventy-two hours from the time the referral is screened in, contact as described in paragraph (E) of this rule can be made virtually by phone prior to discharge with the direct medical staff who is providing care for the infant or child and is able to provide information regarding the child subject of the report's current condition and can provide current information about the child subject of the report's safety.
- ~~(D) The PCSA shall document in the case record the date, time, and with whom the assessment was initiated.~~
- (E) The PCSA is to, at minimum, complete face-to-face contacts and interview each child subject of the report and at least one parent, guardian, custodian, or caretaker to assess child safety and shall complete the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) "Safety Assessment" pursuant to rule 5101:2-37-01 of the Administrative Code. Attempts to conduct these face-to-face interviews are to be completed as follows, until the needed face-to-face contacts and interviews are completed.
- (1) The PCSA ~~shall~~ is to attempt face-to-face contact with the child subject of the report and a parent, guardian, custodian, or ~~caregiver~~ caretaker within the first four working days from the date the ~~report~~ referral was screened in ~~as a dependent report~~.

(2) If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (E)(1) of this rule is unsuccessful, the PCSA ~~shall~~is to attempt at least one additional face-to-face contact within the first four working days from the date that the referral was screened in ~~as a report~~.

~~(F)~~(3) If the attempted face-to-face contacts ~~with the child subject of the report as specified~~described in paragraphs (C) and paragraphs (E)(1) and (E)(2)-(E) of this rule are unsuccessful, the PCSA ~~shall~~is to, at a minimum, continue making ~~face-to-face attempts for face-to-face contact~~at least every five working days until any of the following occur: the child is seen or until the PCSA is required to complete a final case decision pursuant to paragraph (S) or (T) of this rule.

(a) Contacts are made.

(b) The parent, guardian, or custodian refuses contact and the PCSA files a complaint in juvenile court, or

(c) The PCSA needs to complete a final case decision pursuant to paragraph (O)(2) of this rule.

~~(G)~~(F) The PCSA ~~shall~~will not interview the child subject of the report or ~~his or her siblings~~another child who resides in the home without the child's parent, guardian, or custodian's parental consent, unless one of the following exigent circumstances exists:

(1) There is credible information indicating the child is in immediate danger of serious harm or can provide information regarding immediate danger of serious harm.

(2) There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from their home.

(3) There is credible information indicating that the child may be intimidated from discussing the alleged dependency in ~~his/her~~their home.

(4) The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.

~~(H)~~ If a child subject of the report provides information during an interview that indicates a sibling might be in immediate danger of serious harm or that the sibling could provide information regarding immediate danger of serious harm to the child subject of the report, the interview of the sibling who was not identified as a child subject of the report may occur without parental consent.

~~(G)~~(G) If a child is interviewed without ~~parental~~the child's parent, guardian, or custodian's consent, then the same day, the PCSA ~~shall~~is to attempt a face-to-face contact or complete a telephone contact with the child's parent, guardian, or custodian to inform them that an interview of their child occurred. If unsuccessful, an attempt to complete face-to-face contact ~~shall~~is to occur once every five working days until contact is made with the child's parent, guardian, or custodian or the time frame for completion of the assessment expires.

~~(H)~~(H) The specific facts necessitating the assessment interviews of a child be conducted without the child's parent, guardian, or custodian's ~~parental~~ consent ~~must~~is to be documented in ~~the case record~~Ohio's CCWIS.

~~(K)~~The PCSA shall conduct and document face-to-face interviews with each child residing within the home of the child subject of the report. If possible, each child should be interviewed separate and apart from the caretaker. The purpose of the interviews is to:

~~(1) Evaluate each child's condition.~~

~~(2) Determine if the child is safe.~~

~~(3) Obtain each child's understanding of the concerns contained in the report.~~

~~(I)~~(I) The PCSA need not interview a child if it is documented in Ohio's CCWIS determined that the child does not have sufficient verbal skills, or additional interviewing would be detrimental to the child.

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

~~(2) Additional interviewing would be detrimental to the child. For required non-lead interviews, this determination shall be made by the lead PCSA pursuant to paragraph (X) or (Y) of this rule.~~

~~(M)~~The PCSA shall conduct and document face-to-face interviews with the child's parent, guardian, or custodian and all adults residing in the home of the child in order to:

~~(1) Assess their knowledge of the situation.~~

~~(2) Observe the interaction between the child and caretaker.~~

~~(3) Obtain relevant information regarding the safety and risk to the child.~~

~~(N)~~(J) At the time of the initial contact with the parent, guardian, or custodian, adult subject(s) of the report, the PCSA ~~shall~~is to advise the ~~adult subject(s) of the report~~parent, guardian, or custodian of the specific concerns. The initial contact

between the caseworker assessing a dependent child report and the ~~adult subject(s) of the report~~ parent, guardian, or custodian of the report includes, whichever occurs first, face-to-face or telephone contact with the person if information is gathered as part of the assessment process.

~~(O)~~(K) The PCSA ~~shall~~ is to conduct and document face-to-face interviews or telephone interviews with anyone identified as possible sources of information during the assessment to obtain relevant information regarding the safety and risk to the child. The PCSA ~~shall~~ is to exercise discretion in the selection of collateral sources to protect the ~~family's right to privacy of the principals of the report~~.

~~(P)~~(L) The PCSA ~~shall~~ is to take any other actions necessary to assess safety and risk to the child. These actions may include, but are not limited to:

- (1) Taking photographs of the child's environment with the parent, guardian, or custodian's consent.
- (2) ~~Attempt~~Attempting to secure a medical examination or psychological evaluation or both of the child with consent of the child's parent, guardian, or custodian or with a court order.
- (3) ~~Attempt~~Attempting to secure any relevant records, including but not limited to school, mental health, and medical records.

~~(O)~~(M) At any time the PCSA determines a child to be in immediate danger of serious harm, the PCSA ~~shall~~ is to follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

~~(R)~~(N) If the PCSA determines supportive services are necessary, the supportive services ~~shall~~ are to be made available to the child, ~~his or her~~ and/or the child's parent, guardian, or custodian ~~during all of the following~~ pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code.:

- ~~(1) The safety planning process.~~
- ~~(2) The assessment/investigation process.~~

(O) No later than sixty calendar days from the date the PCSA screened in the referral, the PCSA is to:

- (1) At minimum, complete face-to-face contact and interview the family of the child subject of the report residing in the home. Family includes all individuals described in rule 5101:2-37-03 of the Administrative Code.

(2) Arrive at a final case decision by completing either:

(a) The "Family Assessment" pursuant to rule 5101:2-37-03 of the Administrative Code or,

(b) The "Ongoing Case Assessment/Investigation" if the dependency report involves a principal of the report who is currently receiving ongoing protective services from the PCSA.

~~(S) The PCSA shall arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment Planning Model -- I.S., Family Assessment" (rev. 7/2006) no later than forty-five days from the date the report was screened in. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.~~

~~(T) If the dependency report involves a principal of the report who is currently receiving ongoing protective services from the PCSA, the PCSA shall complete the final case decision by completing the JFS 01402 "Comprehensive Assessment Planning Model -- I.S., Ongoing Case Assessment/Investigation" (rev. 7/2006).~~

~~(1) The JFS 01402 shall be completed no later than forty-five days from the date the report was screened in.~~

~~(2) The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.~~

~~(U)~~(P) The PCSA ~~shall~~will not waive the completion of the final case decision.

~~(V)~~(Q) The PCSA ~~shall~~will request assistance from the county prosecutor, the PCSA's legal counsel, or the court if refused access to the child or any records ~~required~~needed to conduct the assessment.

~~(W)~~(R) The PCSA ~~shall~~is to have an interpreter present for all interviews if the PCSA has determined that a member of the case has any ~~impairment factor~~ creates/causes a barrier to communication, including but not limited to a principal of the report who is deaf or hearing impaired, has limited English proficiency or is developmentally delayed.

~~(X)~~(S) ~~Within two working~~No later than five business days ~~of~~after completion of the assessment, the PCSA ~~shall~~is to do all of the following:

- (1) Notify the child subject of the report, unless the child is not of an age or developmental capacity to understand; and the child's ~~parent, guardian, or custodian~~ parent(s), guardian(s), or custodian(s) of the final case decision.
  - (2) Notify the caretaker in writing of the final case decision.
  - (3) Refer any child zero to three years of age to "Help Me Grow" if a developmental delay is suspected.
  - (4) Notify the child's non-custodial parent, who holds residual parental rights to the child and maintains an ongoing relationship through visitation with the child and/or payment of child support, of the receipt of the report and the final case decision.
  - (5) Document in ~~the case record~~ Ohio's CCWIS, the date and method of notification to the principals of the report of the above listed activities completed.
- ~~(Y) If two or more Ohio PCSAs are involved in an assessment, the lead county shall be determined by the following criteria:~~
- ~~(1) The PCSA located within the county where a juvenile court has issued a protective supervision order.~~
  - ~~(2) The PCSA located within the county where the custodial parent, legal guardian, or legal custodian of the child subject of the report resides.~~
  - ~~(3) If an order of shared parenting has been issued, and there has been no residential parent designated by the court, the PCSA located within the county of residence of the custodian who has physical care of the child subject of the report at the time the incident occurred.~~
- ~~(Z) If a report of dependency involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA that received the report shall do one of the following:~~
- ~~(1) Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA from the county from which the child was brought shall lead the assessment and provide the required supportive services or petition the court for custody of the child, if necessary.~~
  - ~~(2) Lead the assessment if a determination was made that the child was not brought to the shelter under an agreement with a shelter in another county. If two or more~~

~~PCSAAs are involved, all PCSAAs shall be responsible for following procedures outlined in this rule.~~

~~(3) Commence the assessment if a determination cannot be made immediately if an agreement is in effect.~~

~~(AA) If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete the JFS 01401, JFS 01402, and the JFS 01400 within the time frames outlined in this rule. All PCSAAs involved shall document the request in the case record.~~

~~(BB)~~(T) The assessment documentation and any materials obtained as a result of the assessment ~~shall~~are to be maintained in the case record. If any information gathering activity cannot be completed, justification and ~~written~~ approval of the director or the designee ~~shall~~are to be fileddocumented in ~~the case record~~Ohio's CCWIS in accordance with rule 5101:2-36-11 of the Administrative Code.



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Certification

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Date

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