

5101:2-36-20

Public children services agencies assessment requirements for child abuse and neglect reports in alternative response.

- (A) The public children services agency (PCSA) is to make a cross referral to law enforcement pursuant to rule 5101:2-36-12 of the Administrative Code, shall initiate the screened in child abuse and neglect report assigned to the alternative response pathway in accordance with the following:
- (B) No later than seven calendar days after the screening decision, the PCSA is to provide written notification to all referrants who are mandated reporters in accordance with section 2151.421 of the Revised Code.
- ~~(C)~~ The PCSA is to initiate the screened in child abuse and neglect report assigned to the alternative response pathway in accordance with the following: 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 as a report in order to assess child safety:
- (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 ~~activities, within twenty-four hours from the time the referral was screened in as a report, with a principal of the report or collateral source, who has knowledge of the child's current condition and can provide current information about the child's~~ to assess child safety:
 - (a) Attempt a face-to-face contact with the parent, guardian, or custodian, child subject of the report, or collateral source.
 - (b) Attempt a telephone contact with the parent, guardian, or custodian, or collateral source.
 - (c) Send a letter to the parent, guardian, or custodian acknowledging a report was received and inviting the family to engage with the PCSA.
- (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 or 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.

(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 complete the "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 is to attempt face-to-face contact with the child subject of the report and a parent, guardian, custodian, or caretaker within the first four working days from the date the referral was screened in.

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

(3) If the attempted face-to-face contacts described in paragraphs (E)(1) and (E)(2) of this rule are unsuccessful, the PCSA is to, at minimum, continue making face-to-face attempts at least every five working days until any of the following occur:

(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 make a final case decision pursuant to paragraph (S)(2) of this rule.

~~(B)(E) The PCSA is to shall~~ advise the parent, guardian, or custodian of the information contained in the report at the time of the initial contact. The initial contact between the PCSA and the parent, guardian, or custodian includes face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment process.

~~(C) The PCSA shall document in the case record the date, time, and with whom the assessment was initiated. For all reports initiated by the mailing of a letter, the date the letter is mailed shall be documented in the case record.~~

~~(D) The PCSA shall complete and document the JFS 01401, "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-01 of the Administrative Code.~~

- ~~(1)~~ The PCSA shall attempt face-to-face contact with the child subject of the report and a parent, guardian, custodian, or caregiver within the first four working days from the date the report was screened in as an abuse or neglect report.
- ~~(2)~~ If the PCSA's attempt to complete face-to-face contact pursuant to paragraph ~~(D)~~ (1) of this rule is unsuccessful, the PCSA shall 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.
- ~~(E)~~ If the initial attempted face-to-face contacts with the child subject of the report and caretaker, as specified in paragraphs ~~(A)~~ and ~~(D)~~ of this rule are unsuccessful, the PCSA shall at a minimum continue making attempts of face-to-face contact at least every five working days until the child subject of the report and caretaker are seen or until the PCSA is required to complete a case decision pursuant to paragraph ~~(S)~~ or ~~(T)~~ of this rule.
- ~~(F)~~(G) The PCSA ~~may shall not contact~~ interview a child subject of the report or another child who resides in the home ~~his or her siblings~~ without a 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 the child will be in immediate danger of serious harm upon return home from school or other locations away from ~~his or her~~their home.
 - (3) There is credible information indicating the child may be intimidated from discussing the alleged abuse or neglect in ~~his or her~~their home.
 - (4) The child requests to be contacted at school or another location due to one of the circumstances listed above.
- ~~(G)~~(H) If a child is contacted without a parent, guardian, or custodian's parental consent, then the same day, the PCSA ~~is to shall~~ attempt a face-to-face contact or complete telephone contact with the child's parent, guardian, or custodian to inform them that contact with his or her child occurred and provide the specific facts ~~necessitating that~~ necessitated the child be contacted without a parent, guardian, or custodian's parental consent.
- ~~(H)~~(I) The specific facts necessitating contact with the child be completed without a parent, guardian, or custodian's parental consent are to shall be documented in Ohio's CCWIS the case record.

~~(H)~~(J) If the attempt to contact the child's parent, guardian, custodian, or caretaker pursuant to paragraph ~~(G)~~(H) of this rule is unsuccessful, the PCSA is to ~~shall~~ continue to attempt to complete face-to-face contact with the child's parent, guardian or custodian once every five working days until contact is made with the child's parent, guardian, or custodian, or until the PCSA is required/needs to make a case decision pursuant to paragraph ~~(S)(2)(S) or (T)~~ of this rule.

~~(J) The PCSA shall complete and document face-to-face contacts with each child residing within the home of the child(ren) who were the subject of the report.~~

~~(K) The PCSA shall complete and document face-to-face contacts with all adults residing within the home of the child(ren) who were the subject of the report.~~

~~(L) If the attempted face-to-face contacts with the family, as specified in paragraphs (J) and (K) of this rule are unsuccessful, the PCSA shall continue making attempts of face-to-face contact at least every five working days, at a minimum, until the child is seen or until the PCSA is required to complete a case decision pursuant to paragraph (S) of this rule.~~

(K) The PCSA need not interview a child if it is documented in Ohio's CCWIS that:

(1) The child does not have sufficient verbal skills, or

(2) Additional interviewing would be detrimental to the child.

~~(M)~~(L) The PCSA is to ~~shall~~ convert a case from the alternative response pathway to the traditional response pathway if any of the following occur:

(1) The family requests a pathway change from the alternative response pathway to the traditional response pathway.

(2) The "Safety Assessment", "Family Assessment", or "Ongoing Case Assessment/ Investigation" ~~JFS 01401, JFS 01419 "Comprehensive Assessment Planning Model - I.S., Alternative Response Family Assessment" (rev. 7/2008), or JFS 01423 "Comprehensive Assessment Planning Model - I.S., Alternative Response Ongoing Case Assessment" (rev. 7/2008)~~ cannot be completed because the family refused to engage in the assessment process.

(3) The PCSA files a complaint with the juvenile court pursuant to section 2151.27 of the Revised Code alleging the child is abused, neglected or dependent child.

(4) The PCSA screens in a report requiring assignment in a traditional response pathway pursuant to ~~paragraph (L) of rule 5101:2-36-01 of the Administrative Code.~~

~~(N)~~(M) The PCSA ~~is to shall~~ record a pathway switch in Ohio's CCWIS SACWIS no later than the next working day from the date of the event triggering the conversion of a case from the alternative response pathway to the traditional response pathway.

~~(O)~~(N) The PCSA ~~is to shall~~ notify the principals of the report of the pathway change either verbally or in writing within three working days upon the conversion of a case from the alternative response pathway to the traditional response pathway if the pathway switch is not the result of a subsequent report received and assigned to the traditional response pathway. The notification(s) ~~shall is to~~ be documented in Ohio's CCWIS~~the case record~~.

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

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

~~(R)~~ If ~~two or more PCSAs are involved in an assessment, the lead county shall be determined by the following criteria:~~

~~(1) The PCSA located within the county where the parent, guardian, custodian of the child subject of the report resides.~~

~~(2) If an order of shared parenting has been issued, and a residential parent has not been 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.~~

~~(S)~~ 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 01419, and/or JFS 01423 within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

~~(T)~~(Q) The PCSA ~~is to shall~~ have an interpreter present for all interviews ~~when~~ if the PCSA has determined that a principal of the report has a ~~language or any other impairment~~ factor that causes a barrier in communication, including but not limited to

a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

~~(U)~~(R) For all reports involving a substance affected ~~an infant as defined in rule identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code~~ the PCSA ~~is to shall~~:

- (1) Ensure the plan of safe care/family care plan has been developed.
- (2) Ensure the plan of safe care/family care plan addresses the safety needs of the infant.
- (3) Ensure the plan of safe care/family care plan addresses the health and substance use disorder treatment needs of the affected family or caregiver.

(S) 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 pursuant to 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 child abuse and/or neglect report involves a family member who is receiving alternative response ongoing services from the PCSA.

~~(V) The PCSA shall make a case decision by completing the JFS 01419 pursuant to rule 5101:2-37-03 of the Administrative Code no later than forty-five days from the date the PCSA screened in the referral as a report.~~

- ~~(1) The PCSA may extend the time frame for completion of the JFS 01419 pursuant to rule 5101:2-36-11 of the Administrative Code with written justification and supervisory approval. The time frame for extension shall not exceed fifteen days.~~
- ~~(2) The JFS 01419 shall be entered in SACWIS within three working days from the date of the case decision.~~

~~(W)~~ If the child abuse and/or neglect report involves a family member receiving services after the completion of the JFS 01419, the PCSA shall make the final case decision by completing the JFS 01423 pursuant to rule 5101:2-37-03 of the Administrative Code.

~~(X)~~(T) If the case decision is to transfer the case for ongoing PCSA services, and the case will continue to be assigned to the alternative response pathway, the agency is to ~~shall~~ provide ongoing services to the family pursuant to rule 5101:2-38-20 of the Administrative Code.

~~(Y)~~(U) No later than ~~Within two- five business~~ ~~working~~ days ~~of~~ ~~after~~ completion of the assessment, the PCSA is to ~~shall~~ ~~complete~~ ~~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 parent(s), guardian(s), or custodian(s) ~~parent, guardian, or custodian~~ of the final case decision in writing.
- (2) Refer any substance affected infant as defined in rule 5101:2-1-01 of the Administrative Code to "Help Me Grow" ~~any infant born and identified as affected by legal or illegal substance abuse, fetal alcohol syndrome, or withdrawal symptoms resulting from prenatal drug exposure.~~
- (3) Notify all participants involved in the plan of safe care and identified on the current release of information signed by the infant's parent, guardian or custodian of the final case decision. The final decision includes whether the case will be transferred for ongoing PCSA services, closed and referral made to community services, or closed. The following plan of safe care participants are to ~~shall~~ be notified:
 - (a) Parents, guardians, custodians or other caregivers for the infant.
 - (b) Health care providers involved in the delivery or care of the infant.
 - (c) Collaborating professional partners and agencies involved in caring for the infant and family.
- (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 case decision.

(V) No later than seven calendar days from the date of completion of the assessment, the PCSA is to provide written notification to all referents who are mandated reporters in accordance with section 2151.421 of the Revised Code.

- ~~(Z)~~(W) The assessment, Documentation and of the alternative response assessment, including any materials obtained during the assessment, are to shall be maintained in the case record. If any information gathering activity cannot be completed, justification and the approval of the director or designee are to be filed in Ohio's CCWIS in accordance with rule 5101:2-36-11 of the Administrative Code.
- ~~(AA)~~ The PCSA may extend time frames for completion or waive assessment activities pursuant to rule 5101:2-36-11 of the Administrative Code.

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CERTIFIED ELECTRONICALLY

Certification

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Date

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