

**Date:** December 12, 2023

**Resolution No:** 2023-1085

**Title:** Authorizing the Countywide Child Abuse and Neglect Memorandum of Understanding

**Department/Agency:** Prosecutor

**Contact:** John Borell, Assistant Prosecuting Attorney

**Summary/Background:** In 2022, Ohio enacted House Bill 4 which revamped the statutory process of acquiring a countywide child abuse and neglect memorandum of understanding.

As a result of this update, a number of county entities collaborated and executed a memorandum of understanding that accomplished setting out the roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect and standards of procedures for handling and coordinating investigations of reported cases of child abuse and neglect. The memorandum also prioritized for the county entities the elimination of unnecessary interviews of child victims of abuse and neglect and allowing for, when feasible, only one interview of a child victim of abuse or neglect.

The county entities required to participate in the memorandum have reviewed and approved said memorandum or are in the process of giving final approval.

H.B. 4 requires the county commissioners to approve the memorandum by December 31, 2023 and then every other year thereafter.

**Budget Impact:** Not Applicable

**Statutory Authority/ORC:** 2151.4226

**Commissioner Skeldon Wozniak offered the following resolution:**

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. This Board hereby gives approval of the 2024/2025 Countywide Child Abuse and Neglect Memorandum of Understanding as executed by all required parties to the memorandum.

Section 2. The Lucas County Administrator, or a Deputy County Administrator, is hereby authorized to execute the Memorandum of Understanding.

Section 3. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.

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Section 4. This resolution shall be in full force and effect from and immediately upon its adoption.

**Action Taken:**

Commissioner Gerken voted yes  
Commissioner Skeldon Wozniak voted yes  
Commissioner Sobecki voted yes



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Jody L. Balogh, Clerk of the Board

## 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 Lucas County Children Services and community partners that delineates roles and responsibilities for referring, reporting, investigating, and prosecuting child abuse and neglect cases. The MOU also identifies procedures for collaborative service provisions needed to ensure child safety, permanence, and well-being, and the minimum requirements of screening, assessment/investigation, and service planning, to meet mandates included in children services legislation passed by the 134<sup>th</sup> Ohio General Assembly. Two primary goals of this MOU are:

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

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

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

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

Evaluating the need for protective, prevention, or supportive services and/or court

involvement; and documenting all activities and case determinations.

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

## **II. ROLES AND RESPONSIBILITIES OF EACH PARTICIPATING AGENCY**

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

The Lucas County Children Services is the lead agency for the investigation of child abuse, neglect, or dependency in Lucas County. The Lucas County Children Services 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 Lucas County Children Services as soon as possible or within 12 hours for non-emergency reports and upon receipt for emergency reports for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with Lucas County Children Services in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting Lucas County Children Services in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with Lucas County Children Services on interviews with principals of the case when there are serious criminal implications; Notifying Lucas County Children Services of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to Lucas County Children Service's requests for information regarding the status of the legal action; Providing police record checks for Lucas County Children Services as necessary or requested as permitted by law; Consulting with Lucas County Children Services 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 Lucas County Children Services or appropriate law enforcement agency. The County Prosecutor shall represent Lucas County Children Services 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 Lucas County Children Services 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 Lucas County Children Services 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 the Lucas County Department of Job and Family Services is a separate agency from Lucas County Children Services, employees within the county agency are expected to report suspected cases of child abuse and neglect to Lucas County Children Services or appropriate law enforcement agency upon receipt; Collaborate with Lucas County Children Services 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 Lucas County Children Services; Promote ongoing communication between Lucas County Department of Job and Family Services and Lucas County Children Services regarding mutual clients, including minors under the protective supervision or in the custody of the Agency and/or minor parents; Assist Lucas County Children Services upon request in obtaining case or assistance group information regarding a family when the Lucas County Children Services is assessing Title IV-E eligibility or completing an assessment/investigation of a child at risk or alleged to be abused; Assist Lucas County Children Services 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 Lucas County Children Services 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 Lucas County Children Services or local law enforcement.

**G. CHILDREN'S ADVOCACY CENTER**

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 Lucas County Children Services, law enforcement, and other signatories of this agreement.

## H. CLERK OF JUVENILE COURT

The Clerk of County Common Pleas Court will collaborate with Lucas County Children Services, 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 Lucas County Children Services 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 Lucas County Children Services 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.

Lucas County Children Services will report any known violations of Orc 2151.421 to the Lucas County Prosecutor's office.

**B. System for receiving reports**

Reports of child abuse or neglect shall be made to Lucas County Children Services or any law enforcement officer with jurisdiction in Lucas County. Lucas County Children Services has staff available to receive reports by telephone or in person twenty-four (24) hours a day, seven (7) days a week. Telephone number: 419-213-3400

The reports shall contain the following information (ORC 2151.421):

1. The names and addresses of the child and his parents or custodian;
2. The child's age and the nature and extent of the child's injuries, abuse or neglect (including any evidence of previous injuries, abuse or neglect); or known or suspected threats of injury, abuse or neglect including history of domestic violence;
3. Any other information which might be helpful in establishing the cause of the injury, abuse or neglect.

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 Lucas County Children Services screens in a report of child abuse, Lucas County Children Services shall notify the appropriate law enforcement agency of the report, unless law enforcement is present and an arrest is made at the time of the report that results in the appropriate law enforcement agency being notified of the child abuse.

When Lucas County Children Services screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/investigation, Lucas County Children Services shall notify the appropriate law enforcement agency within the first seven days of the assessment/investigation unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being notified of the child neglect.



### **C. Responding to mandated reporters**

When Lucas County Children Services receives a referral from a mandated reporter who provides their name and contact information, Lucas County Children Services 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 Lucas County Children Services closes an investigation/assessment reported by a mandated reporter, Lucas County Children Services 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 Lucas County Children Services determines that a report is emergent, Lucas County Children Services 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 Lucas County Children Services identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

In all situations, Lucas County Children Services will give consideration to providing services designed to protect the child in her/his own home.

Lucas County Children Services may implement a safety plan pursuant to OAC prior to initiating removal proceedings. A safety plan may occur in the home or in an out-of-home setting. If the child cannot be protected in his/her own home, a safety plan is not appropriate and removal is necessary, Lucas County Children Services will pursue obtaining a custody order through the Juvenile Court. Law enforcement may also remove the child if, in the opinion of the peace officer and/or the reporting physician, removal is considered essential to protect the child from further abuse or neglect.

When possible, the peace officer will avoid removing a child from his/her residence or from the place of the occurrence of the abuse or neglect pending contact with the Lucas County Children Services caseworker. When contact with the Lucas County Children Services caseworker or her/his immediate supervisor is not possible, the officer may take a child into custody when there are reasonable grounds to believe that a child is suffering from illness or injury and is not receiving proper care or is in immediate danger from his surroundings and immediate removal is necessary.

Lucas County Children Services is able to obtain an ex parte emergency order by telephone from a juvenile magistrate or judge if there is probable cause to believe the child is at immediate risk of physical or emotional harm. An agreement has been reached between law enforcement and Lucas County Children Services regarding the enforcement of ex parte orders from the Lucas County Juvenile Court. Lucas County Children Services must then follow up with a formal complaint and a request for a hearing before the end of the next business day after the day on which the child is taken into custody.

## **2. Law Enforcement and Children's Advocacy Center Response Procedure**

### **Joint Interviews in Child Sexual Abuse Investigations**

In order to minimize trauma to the alleged child victim, Lucas County Children Services and law enforcement subscribers are committed to conducting joint interviews in child sexual abuse, severe physical abuse and severe neglect investigations and assessments. As stated above, joint interviews will take place whenever deemed necessary by Lucas County Children Services and/or by the law enforcement agency. When any party is unable to reach agreement with either Lucas County Children Services or law enforcement regarding a commitment to ensure that a joint interview takes place, they are strongly encouraged to provide feedback to the appropriate agency

regarding this issue. The concerned party should contact the immediate supervisor of the individual involved, and proceed up the chain of command until the issue is resolved.

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

In situations where law enforcement is involved and there is a child who appears to have been physically abused or who otherwise needs immediate medical attention, the child should be taken directly to the hospital by the peace officer. An immediate telephone report must subsequently be made to LCCS. A caseworker will meet the officer at the hospital and will evaluate, from discussions with the parent(s), the child(ren), or others, what actions need to be taken for the child's safety. Consideration will be given to exploring available services to provide support to the family.

#### **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 Lucas County Children Services 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 Lucas County Children Services 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. Lucas County Children Services 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 Lucas County Children Services is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by Lucas County Children Services 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 Lucas County Children Services upon request.

The Lucas County Children Services agrees not to proceed without the advice and consent of the prosecutor's office when a criminal investigation is being conducted concurrently. Lucas County Children Services 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.

Lucas County Children Services 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, Lucas County Children Services 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 Lucas County Children Services
- Law enforcement personnel
- County or city prosecuting attorneys, assistant prosecuting attorneys, in-house JFS legal counsel if applicable, and their investigative staff
- Children's Advocacy Center Staff
- Medical professionals in order to determine diagnosis and treatment and to provide ongoing supportive services

**G. Standards and procedures for Lucas County Children Services requests for law enforcement assistance**

Lucas County Children Services may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist:

- An exigent circumstance.
- Lucas County Children Services has reason to believe that the child is in immediate danger of serious harm.
- Lucas County Children Services has reason to believe that the worker is, or will be, in danger of harm.
- Lucas County Children Services has reason to believe that a crime is being committed, or has been committed, against a child.
- Lucas County Children Services worker must conduct a home visit after regular Lucas County Children Services business hours, and a law enforcement escort is requested as a standard operating procedure.
- Lucas County Children Services is removing a child from his or her family via an order of the court, and the assistance of law enforcement is needed as Lucas County Children Services has reason to believe the family will challenge the removal.
- Lucas County Children Services 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.
- Lucas County Children Services 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 Lucas County Children Services and the law enforcement agency of jurisdiction.

## 1. Out-of-Home Care

Lucas County Children Services 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.

Lucas County Children Services follows the procedures for conducting out-of-home care investigations as described in section 5101:2-36-04 of the OAC.

In addition, when Lucas County Children Services receives such a report, Lucas County Children Services shall immediately contact the out-of-home care setting administrator or designee, or the board of directors, county commissioners or law enforcement if the administrator is alleged to be the perpetrator or the PCSA designee responsible for foster care or adoption in order to:

- Share information regarding the allegation;
- Determine responsibility for informing the parents, guardian, or custodian of the alleged child victim;
- Discuss what actions have been taken to protect the alleged child victim, and;
- Share the investigative activities that will follow.

If another agency is required by statute or administrative rule to conduct its own investigation to address issues other than child abuse/neglect (i.e., internal management or licensure issues), Lucas County Children Services will, when at all possible, attempt to coordinate the interview of the alleged child victim. Upon completion of the investigation, Lucas County Children Services will contact the administrator or designee of the out-of-home care setting or the Lucas County Children Services designee for family foster care or adoptions, and the appropriate licensing authority and supervising authorities to share information in accordance with OAC rule 5101:2-33-21.

## **2. Third-Party Investigations**

In accordance with section 5101:2-36-08 of the OAC, Lucas County Children Services 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.

Lucas County Children Services, pursuant to 5101:2-36-08(D) operates an in-house unit to assess/investigate reports of child abuse and neglected which require a third party. Lucas County Children Services does refer out any cases where an agency employee is named as a principal in the report.

When needed Lucas County Children Services shall request a third-party to conduct an investigation within 24 hours of identification of the need.

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

Lucas County Children Services accepts referrals on all reports of suspected child abuse or neglect that results in the death or near death of a child. Lucas County Children Services will not investigate deaths

to children that are due to natural causes or where child abuse or neglect is not suspected. Lucas County Children Services will work with Lucas County Law Enforcement in any criminal investigation.

Lucas County Children Services is governed by ORC section 307.622 and actively participates on the County's child fatality review board in order to collaborate with county agencies to reduce and prevent child fatality.

Lucas County Children Services has an internal review process for cases involving deaths resulting from child abuse or neglect where the agency had involvement with the family within the past 24 months.

In the event of a request for information on the death of the child, Lucas County Children Services will consult with the Lucas County Prosecutor's office prior to releasing any information on the case.

**4. Child Fatality- Death of a child in the custody of Lucas County Children Services**

Lucas County Children Services follows section 5101:2-33-14 of the OAC following the death of a child in its custody including notifying law enforcement of the child's death within one hour and notifying the local health department and the child fatality review board.

If any county law enforcement is alerted to the death of a child and becomes aware that the child is in the custody of Lucas County Children services, law enforcement will call the intake line at 419-213-3400 to report the child's death.

Lucas County Children Services will determine if the referral can be investigated by the specialized investigation unit or if the investigation will need to be referred as a third-party investigation. In any event, Lucas County will work with local law enforcement in their investigation.

Lucas County Children Services has an internal review process for cases involving deaths resulting from child abuse or neglect where the agency had involvement with the family within the past 24 months.

In the event of a request for information on the death of the child, Lucas County Children Services will consult with the Lucas County Prosecutor's office prior to releasing any information on the case.

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

Lucas County Children Services 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).

**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**

Lucas County Children Services collaborates with local law enforcement on investigation of abuse and/or neglect which constitutes a crime against a child including deference to the law enforcements request to not interview the alleged perpetrator and/or joint interviews of the child victim.

While assisting local law enforcement with the criminal investigation, Lucas County Children services will follow OAC timeframes when completing its activities surrounding the disposition of the report.

**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**

Lucas County Children Services reports concerns for adults 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. The Lucas County Prosecutor upon sufficient evidence will bring forth an appropriate criminal action against the individual.

The County agencies stand committed to holding those adults who

contribute to a child or a ward of the juvenile court becoming a delinquent and/or unruly child accountable for their actions.

**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**

When Lucas County Children Services is made aware of a situation where a child leaves the custody of any person, department or public or private institution without the legal consent of that person, department or institution, Lucas County Children Services will contact the County or City Prosecutor's Office to request that the child be charged as an "unruly child" pursuant to section 2151.02 of the ORC.

If there is reason to believe that a child could be the victim of a violation of section 2905.01 (kidnapping), 2905.02 (abduction), 2905.03 (unlawful restraint), 2905.04 (child stealing) or 2919.23 (interference with custody), Lucas County Children Services shall do the following:

- Refer the report and/or make a report to the law enforcement agency of the appropriate jurisdiction;
- Upon the request of the law enforcement agency, provide assistance and cooperation in the case and/or access to all information concerning the child that LUCAS COUNTY CHILDREN SERVICES possesses that may be relevant. Lucas County Children Services shall document in the case.

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

Upon request of law enforcement, Lucas County Children Services shall provide assistance and cooperation in the investigation of a missing child, including the immediate provision of any information possessed by Lucas County Children Services that may be relevant in

the investigation.

Law enforcement shall notify Lucas County Children Services 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.

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

### **1. Emergency**

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

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. 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.

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.

### **2. Non-emergency**

Upon receiving a report alleging child abuse, neglect, and/or dependency, Lucas County Children Services 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, Lucas County Children Services shall file a complaint alleging the child(ren) to be abused, neglected, or dependent per ORC 2151.27.

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 Lucas County Children Services 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 Lucas County Children Services 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.

Lucas County Children Services may file a non-emergency complaint in dependency, neglect or abuse when removal of the child is not necessary. In event of a non-emergency filing, no hearing regarding the need for shelter care is necessary. The first hearing to be held will be the adjudication hearing unless a request for emergency hearing is made.

#### **IV. TRAINING**

Cross system training is to be provided to and a plan developed by all signatories of this MOU to ensure parties understand the mission and goals identified in this MOU and are clear about the roles and responsibilities of each agency. Periodic trainings events will be coordinated by Lucas County Children Services 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.

Individual county entities may request training from Lucas County Children Services prior to a training being promoted by Lucas County Children Services.

#### **V. 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 with Lucas County Children Services. 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. Lucas County Children Services 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.

## **VI. CONFIDENTIALITY STATEMENT**

Any report made in accordance with ORC section 2151.421 is confidential. Both the information and the name of the person who made the report under section 2151.421 shall not be released 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 Lucas County Children Services 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, Children's Advocacy Center, and other entities are expected to release information to Lucas County Children Services for the purpose of carrying out its responsibility of protecting children from abuse and/or neglect.

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 Lucas County Children Services 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 Lucas County Children Services shall then refer this information to the prosecutor at their discretion.

## **VII. TERMS AND CONDITIONS AND STATUTORY REQUIREMENTS**

This MOU must be retained for a period of at least seven years per the state of Ohio records retention schedule. Please refer to Lucas County Children Services records retention policy for information on forms to be completed and processes to be followed for the destruction of records.

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. Lucas County Children Services 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.

## **VIII. SIGNATURES OF EACH PARTICIPATING AGENCY**

The signature section authorizes the participating parties of the agreement to begin enactment of MOU protocols and activities. The participating 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.

If any individual serving as a signatory changes mid-term, Lucas County Children Services 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.

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\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

\_\_\_\_\_  
Agency, Name, Title  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No



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

The **Lucas County Children Services** 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.

**[Option to repeat the following block of information in the event more than one agency/individual refuses to sign]**

Date: **[Enter date of refusal]**

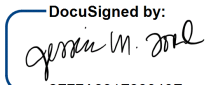
Agency, Name, Title: **[Enter the name of the agency, required individual, and their title.]**

Reason the individual refused to sign:

**[Enter the reason the individual refused to sign the text box and the attempts to solve the identified barrier.]**

**X. Board of County Commissioners**

The **Lucas County Children Services** shall submit the MOU signed by all participating agencies to the **Lucas 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.

DocuSigned by:  
 County Administrator 12/27/2023 Resolution No. 2023-1085  
2F77A391F39040F...

County Commissioners signature and date/Resolution/Vote

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