

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

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

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

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

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

traditional response case dispositions within required timeframes; Evaluating the need for protective, prevention, or supportive services and/or court involvement; and documenting all activities and case determinations.

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

II. ROLES AND RESPONSIBILITIES OF EACH PARTICIPATING AGENCY

A. PCSA

ACCS is the lead agency for the investigation of child abuse, neglect, or dependency in Allen County. ACCS 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 ACCS as soon as possible or within twenty-four hours for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with ACCS in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting ACCS in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with ACCS on interviews with principals of the case when there are serious criminal implications when practicable; Notifying ACCS of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to ACCS's requests for information regarding the status of the legal action; Providing police record checks for ACCS as necessary or as requested, as permitted by law; Consulting with ACCS 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 Allen County Juvenile Judge 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 ACCS or appropriate law enforcement agency. The County Prosecutor shall represent ACCS in legal actions to protect a child from further harm resulting from child abuse or neglect.

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 ACCS 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 ACCS 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

Allen County Job and Family Services employees within the county agency are expected to report suspected cases of child abuse and neglect to ACCS or appropriate law enforcement agency upon receipt; Collaborate with ACCS 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 ACCS; Promote ongoing communication between Allen County Job and Family Services and ACCS regarding mutual clients, including minors under the protective supervision or in the custody of the Agency and/or minor parents; Assist ACCS upon request in obtaining case or assistance group information regarding a family when ACCS is assessing Title IV-E eligibility or completing an assessment/investigation of a child at risk or alleged to be abused; Assist ACCS 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 ACCS 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 ACCS 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 ACCS, law enforcement, and other signatories of this agreement.

- H. **CLERK OF COUNTY COMMON PLEAS COURT (Optional per statute, but benefits to inclusion should be considered per county)**
■ Not Applicable (*if selected this section is not relevant.*)

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 ACCS 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.

ACCS and or law enforcement will notify the county prosecutor if they receive knowledge that a mandated reporter fails to report suspected or known child abuse or neglect.

B. **System for receiving reports**

Reports of child abuse or neglect shall be made to ACCS or any law enforcement officer with jurisdiction in Allen County. ACCS shall inform the public to contact the Allen County Sheriff's Department during after-hours for reporting opportunities. ACCS contracts with an outside source to transfer after-hours calls from the Allen County Sheriff's Department to the on-call caseworker. The Allen County Sheriff's Department is provided the contact information of the ACCS contracted answering service who facilitates the phone calls to the on-call caseworker. When contacting ACCS after-hours, the phone system directs the public to contact the Allen County Sheriff's Department.

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 ACCS screens in a report of child abuse, ACCS 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 ACCS screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/investigation, ACCS 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 ACCS receives a referral from a mandated reporter who provides their name and contact information, ACCS 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 ACCS closes an investigation/assessment reported by a mandated reporter, ACCS 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. ACCS's Response Procedure

When ACCS determines that a report is emergent, ACCS 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 ACCS identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

If the safety threat cannot be remedied by a less restrictive option such as a safety plan, and custody of the child is necessary to ensure safety, ACCS will consult with the Allen County Prosecutor's Office to determine and obtain, when necessary, an ex-parte order from the Allen County Juvenile Court.

2. Law Enforcement's Response Procedure

The law enforcement agency having jurisdiction of the child will assist in obtaining physical custody of a child when ACCS is granted an ex-parte order.

3. Children in Need of Medical Attention Special Response Procedures

Children in need of medical attention shall be taken to a nearby local hospital. When the report is regarding sexual abuse, ACCS or law enforcement will notify the CAC staff of referrals warranting CAC services.

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 ACCS 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 ACCS 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. ACCS agrees to be the lead agency in scheduling the time, place, and location of joint interviews as well as notifying all participants. ACCS will notify the Child Advocacy Center of West Central Ohio "CAC" of referrals warranting CAC services.

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. Interviews are to be audio and video recorded whenever practicable.

When law enforcement or the prosecutor's office interviews a participant in a criminal investigation and a representative of ACCS is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by ACCS to meet the agency investigative requirements set forth in OAC. Law enforcement or the prosecutor's office will forward a written summary of the interview to ACCS upon request.

ACCS agrees not to proceed without the advice and consent of the prosecutor's office when a criminal investigation is being conducted concurrently. ACCS 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.

An interview of the alleged perpetrator(s) shall be conducted by law enforcement within 45 days of the start of the investigation. This does not prohibit ACCS from contacting the alleged perpetrator when that individual is the custodial parent to assure the child's safety. If law enforcement has not completed an interview of the alleged perpetrator within 45 days, ACCS will attempt to interview the alleged perpetrator. Prior to any attempt, ACCS will consult with the law enforcement entity to determine if there is belief that contact could jeopardize the criminal investigation. In cases where law enforcement requests the agency not interview an alleged perpetrator, the request not to interview shall be submitted in writing upon the request of ACCS.

ACCS 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, ACCS 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 ACCS
- Law enforcement personnel
- County or city prosecuting attorneys, assistant prosecuting attorneys, and their investigative staff

G. Standards and procedures for ACCS requests for law enforcement assistance

ACCS shall request the immediate assistance of law enforcement when ACCS has reason to believe the child is in immediate danger of serious harm and/or ACCS has reason to believe that the worker is in danger of harm. ACCS will contact the law enforcement agency with jurisdiction to request law enforcement's immediate response.

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

- An exigent circumstance exists.
- ACCS has reason to believe that the child is in immediate danger of serious harm.
- ACCS has reason to believe that the worker is, or will be, in danger of harm.
- ACCS has reason to believe that a crime is being committed, or has been committed, against a child.
- ACCS worker must conduct a home visit after regular ACCS business hours and a law enforcement escort is requested as a standard operating procedure.

- ACCS is removing a child from his or her family via an order of the court and the assistance of law enforcement is needed as ACCS has reason to believe the family will challenge the removal.
- ACCS 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.
- ACCS 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 ACCS and the law enforcement agency of jurisdiction.

1. Out-of-Home Care

ACCS 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.

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

ACCS shall contact the licensing and supervising authorities involved with the investigation no later than the next working day to share information and coordinate the investigation in order to minimize the number of interviews of the child.

2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the OAC, ACCS 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.

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

ACCS will assist with sharing information to local law enforcement or a PCSA in a contiguous county that accepts the request to assist in the investigation. In instances where law enforcement or another PCSA declines to assist ACCS, ACCS shall complete the assessment/investigation within the administrative time frames. ACCS will ensure procedures are in place to prevent any conflict of interest or any appearance of conflict of interest.

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

ACCS is governed by ORC section 307.622 and the executive director or designee serves on the Allen County child fatality review board.

ACCS will coordinate with law enforcement all investigative activities and ensure timely sharing of reports and information with law enforcement to assist in the investigation.

4. Child Fatality- Death of a child in the custody of ACCS

ACCS follows section 5101:2-42- 89 of the OAC following the death of a child in its custody.

ACCS shall notify the law enforcement agency with jurisdiction within one hour of its knowledge of the child's death. ACCS shall ensure timely sharing of reports and information with law enforcement to assist in the investigation.

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

ACCS 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).

The health care facilities located in Allen County are:

Lima Memorial Health System
1003 Bellefontaine Avenue, Lima, Ohio 45804
419-228-3335

Contact person for allegations involving withholding of medically indicated treatment from disabled infants with life-threatening conditions:

Christa Bauer
Director of Care Coordination
Lima Memorial Health System
(419) 228-3335

Mercy Health-St. Rita's Medical Center

730 West Market Street
Lima, Ohio 45804
419-227-3361.

Contact person for allegations involving withholding of medically indicated treatment from disabled infants with life-threatening conditions:

Mike Bissegger
V.P. & Assoc. GC/General Counsel Lima Market
Bon Secours Mercy Health
(419) 236-6507

Name and chairperson of the health care facility's review committee:

Elizabeth Aungst, BSN, RN, CPHRM
Senior Risk Manager
Risk and Insurance Services
Lima Office: 419-226-9607

ACCS shall immediately notify the Allen County Prosecutor's Office when conducting an assessment/investigation that alleges the withholding of medically indicated treatment of a disabled infant with a life-threatening condition. ACCS shall follow the standards and procedures under section (E) in handling and coordinating with law enforcement interviews with the alleged perpetrator.

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

ACCS is governed by the Allen County Human Trafficking Protocol when conducting investigations involving allegations of human trafficking.

ACCS will make a report to law enforcement immediately if the victim is at the hospital. If not an emergency, ACCS will make a report to law enforcement within 24 hours. ACCS will coordinate with law enforcement regarding the forensic interview of the victim. ACCS will provide all necessary documentation to law enforcement. When there are concerns with the child's safety, ACCS along with other emergency collaborating agencies will work with the family to coordinate a temporary plan to ensure the child's safety. When there is not an emergency safety situation, the Allen County Human Trafficking Court Assessment Service Team will convene within 24 business hours of the initial call to discuss community response and

wrap the victim with available services. The application of Safe Harbor Law, child safety and supportive services will be discussed at this time.

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 delinquent child

ACCS shall report any concerns of alleged crimes to the law enforcement agency of jurisdiction for potential criminal investigation.

8. Reports involving individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court by leaving the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution

ACCS shall report any concerns of alleged crimes to the law enforcement agency of jurisdiction for potential criminal investigation.

9. Receiving and responding to reports of missing children

Upon learning that a minor child has either run away from or is otherwise missing from the home or the care, custody, and control of the child's parents, custodial parent, legal guardian, or non-custodial parent ACCS 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 the custody of ACCS.
- Contact the National Center for Missing and Exploited Children (NCMEC) if the child is in the custody of ACCS.

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

Law enforcement shall notify ACCS upon learning that a minor child who is alleged to be in the child 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.

An ex parte order may be issued with or without a complaint being filed. Prior to taking the child into custody the judicial fact-finder must make a determination that reasonable efforts were made to notify the child's parents, guardian, or custodian, or there were reasonable grounds to believe doing so would jeopardize the safety of the child, or lead to the removal of the child from the jurisdiction.

Pursuant to Juv. R. 6, orders can be issued in-person, by phone, video conference, or otherwise. Reasonable grounds must exist to believe the child's removal is necessary to prevent immediate or threatened physical or emotional harm.

Findings must be made that the agency either did or did not make reasonable efforts to prevent the removal of the child from their home with a brief description of services provided and why those did not prevent the removal or allow the child to return home, and if temporary custody is granted to the PCSA an additional finding that it would be contrary to the welfare and best interest of the child to continue in the home. If granted, a shelter care hearing must be scheduled the next business day (but not later than seventy-two hours) after the emergency order has been issued. If the ex parte motion is denied the matter must be set for a shelter care hearing within ten days from the filing date.

When an emergency situation of imminent risk is present, the Allen County Prosecutor's Office will contact the Allen County Juvenile Court to request an ex parte order. When a verbal order is granted, ACCS will contact the law enforcement agency of jurisdiction to assist with obtaining physical custody of the child.

2. **Non-emergency**

Upon receiving a report alleging child abuse, neglect, and/or dependency, ACCS 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, ACCS shall approach the juvenile court and file a complaint alleging the child(ren) to be abused, neglected, or dependent per ORC 2151.27. The matter will be set for a shelter care/preliminary protective hearing expeditiously by the juvenile court.

Reasonable oral or written notice of the time, place, and purpose of the hearing must be provided to the parents, guardian, or custodian unless they cannot be found. The same parties are also entitled to notification that a case plan may be prepared, the general requirements, and

possible consequences of non-compliance with the case plan.

The parties will be served with the complaint and summons to appear before the juvenile court. Unrepresented parties are advised by the juvenile court of their right to counsel. Counsel is appointed for children when abuse is alleged. A Guardian Ad Litem is appointed to all children who are the subject 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 ACCS 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 ACCS 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.

J. [Optional Section(s)]

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

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 ACCS 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.

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 and neglect investigations lie with ACCS. 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. ACCS will assist these agencies, but in no way, interfere or jeopardize a criminal investigation or prosecution.

For cases which 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 ACCS 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, The Child Advocacy Center of West Central Ohio and other entities are expected to release information to ACCS 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 ACCS 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 ACCS 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 ACCS records retention policy for information on forms to be completed and processes to be followed for the destruction of records.

Consultation among the signatories will be done in person, whenever practicable. When an in-person meeting is not possible the signer may employ the use of alternative methods of communication including but not limited to MS Teams, Skype, Zoom, or telephone as agreed upon by all members. When ACCS is seeking consultation with a signer of this memorandum regarding an active referral of child abuse and/or neglect and has met in person or spoken with another signer, ACCS will make written contact with the appropriate agency by the next working day to request the needed information and make the referral in writing.

The required members shall review and evaluate the terms and conditions of the MOU every biennium. All required members to the MOU will sign the new or updated agreement. ACCS 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(s) 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 ACCS 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.

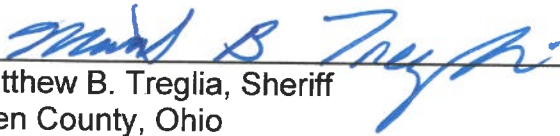
Approved:



Todd E. Kohlfrieser, Judge
Allen County Juvenile Court

9/1/23
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No



Matthew B. Treglia, Sheriff
Allen County, Ohio

8-25-23
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No



Michael Haines, Chief
American Township Police Department

8/25/23
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No



Ryan Burkholder, Chief
Bluffton Police Department

8-31-23
Date

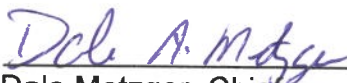
Is this agency a participating member of the CAC referenced in Section II(G)? Yes No



Mark Slate, Chief
Delphos Police Department

8/30/23
Date

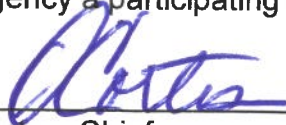
Is this agency a participating member of the CAC referenced in Section II(G)? Yes No



Dale Metzger, Chief
Elida Police Department

8-21-23
Date

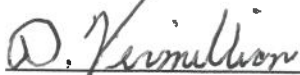
Is this agency a participating member of the CAC referenced in Section II(G)? Yes No



Angel Cortes, Chief
Lima Police Department

8/29/2023
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No



Doug Vermillion, Chief
Marion Township Police Department

08-29-2023
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No

Robert Phillips
Bob Phillips, Chief
Perry Township Police Department

09/11/2023
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No

Rob Kohli
Rob Kohli, Chief
Shawnee Township Police Department

8-31-23
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No

Kyle Miller
Kyle Miller, Chief
Spencerville Police Department

9-6-2023
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No

Destiny Caldwell
Destiny Caldwell
Allen County Prosecutor

9/7/2023
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No

Sarah Newland
Sarah Newland, Executive Director
Allen County Children Services

8/22/23
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No

Joe Patton
Joe Patton, Director
Allen County Job and Family Services

9/7/23
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No

Rebekah Wolf
Rebekah Wolf, Director
Ohio SPCA & Humane Society

8/30/23
Date

Is this agency a participating member of the CAC referenced in Section II(G)? Yes No

Amy Wiechart-Bayliff
Amy Wiechart-Bayliff, Executive Director
Crime Victim Services

9/6/23
Date

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.)

ACCS 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]

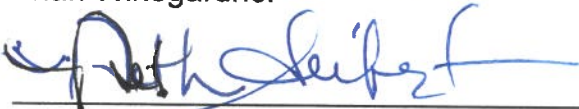
X. Board of County Commissioners

ACCS shall submit the MOU signed by all participating agencies, to the Allen 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.

The Board of Allen County Commissioners hereby review and approve the Allen County Memorandum of Understanding:



Brian Winegardner



Beth Seibert



Cory Noonan

9.26.23 Res # 710-23

Date and Resolution