



Ohio Administrative Code

Rule 5101:2-36-03 PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.

Effective: September 1, 2024

(A) A public children services agency (PCSA) is to conduct an intra-familial child abuse and/or neglect assessment/investigation in response to a child abuse and/or neglect report if one or more of the following applies:

- (1) The alleged perpetrator is a member of the alleged child victim's family.
- (2) The alleged perpetrator is known to the family or child and has had access to the alleged child victim, whether or not the access was known or authorized by the child's parent, guardian or custodian.
- (3) The alleged perpetrator is involved in daily or regular care for the alleged child victim, excluding a person responsible for the care of a child in an out-of-home care setting.

(B) An intra-familial assessment/investigation is to involve a third party if a principal named in the report poses a conflict of interest for the PCSA pursuant to rule 5101:2-36-08 of the Administrative Code.

(C) The PCSA is to make a cross-referral to law enforcement pursuant to rule 5101:2-36-12 of the Administrative Code.

(D) The PCSA may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist and the reason for contacting law enforcement is documented in Ohio's comprehensive child welfare information system (CCWIS):

- (1) The agency has reason to believe that the child is in immediate danger of serious harm.
- (2) The agency has reason to believe that the worker is, or will be, in danger of harm.



(3) The agency has reason to believe that a crime is being committed, or has been committed against a child.

(4) The assistance of law enforcement needs to be invoked in accordance with the county child abuse and neglect memorandum of understanding.

(E) No later than seven calendar days after the screening decision, the PCSA is to provide written notification to all referents who are mandated reporters in accordance with section 2151.421 of the Revised Code.

(F) The PCSA is to initiate the screened in child abuse and/or neglect report in accordance with the following:

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

(2) For all other reports, complete one of the following within twenty-four hours from the time the referral was screened in, to assess child safety:

(a) Attempt a face-to-face contact with the alleged child victim.

(b) Complete telephone contact with a parent, guardian, custodian, or collateral source who has knowledge of the alleged child victim's current condition, and can provide current information about the child's safety.

(G) If the alleged child victim is an infant or nonverbal child, who is currently in a hospital setting and is not scheduled for discharge within seventy-two hours from the time the referral is screened in, contact as described in paragraph (H) of this rule can be made virtually or by phone prior to discharge with the direct medical staff who is providing care for the infant or child and is able to provide information regarding the alleged child victim's safety.

(H) The PCSA is to, at minimum, complete face-to-face contacts and interview each alleged child



victim and at least one parent, guardian, custodian, or caretaker to assess child safety and complete the "Safety Assessment" pursuant to rule 5101:2-37-01 of the Administrative Code. Attempts to conduct these face-to-face interviews are to be completed as follows, until the needed face-to-face contacts and interviews are completed:

- (1) The PCSA is to attempt face-to-face contact with the alleged child victim and a parent, guardian, custodian, or caretaker within the first four working days from the date the referral was screened in.
- (2) If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (H)(1) of this rule is unsuccessful, the PCSA is to attempt at least one additional face-to-face contact within the first four working days from the date the referral was screened in .
- (3) If the attempted face-to-face contacts described in paragraphs (H)(1) and (H)(2) of this rule are unsuccessful, the PCSA is to, at a minimum, continue making face-to-face attempts at least every five working days until any of the following occur:
 - (a) Contacts are made,
 - (b) The parent, guardian, or custodian refuses contact and the PCSA files a complaint in juvenile court, or
 - (c) The PCSA needs to make a report disposition pursuant to paragraph (V)(2) of this rule.
- (I) The PCSA will not interview the alleged child victim or another child who resides in the home without a parent, guardian, or custodian's consent, unless one of the following exigent circumstances exists:
 - (1) There is credible information indicating the child is in immediate danger of serious harm or can provide information regarding immediate danger of serious harm.
 - (2) There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from their home.



(3) There is credible information indicating that the child may be intimidated from discussing the alleged abuse or neglect in their home.

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

(J) The specific facts necessitating that investigative interviews of a child be conducted without a parent, guardian, or custodian's consent are to be documented in Ohio's CCWIS.

(K) If a child is interviewed without a parent, guardian, or custodian's consent, then the same day, the PCSA is to attempt a face-to-face contact or complete a telephone contact with the child's parent, guardian, or custodian to inform them that an interview of the child occurred and provide the specific facts that necessitated the child be interviewed without a parent, guardian, or custodian's consent.

(L) If the attempt to contact the child's parent, guardian, or custodian pursuant to paragraph (K) of this rule is unsuccessful, the PCSA is to continue to attempt to complete face-to-face contact with the child's parent, guardian or custodian once every five working days until contact is made with the child's parent, guardian, or custodian, or until the PCSA needs to make a report disposition pursuant to paragraph (V)(2) of this rule.

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

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

(O) The PCSA is to advise the alleged perpetrator of the allegations made against them at the time of the initial contact with the person. The initial contact between the PCSA and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment/investigation process.



(P) The PCSA is to conduct and document face-to-face interviews with the alleged perpetrator, unless law enforcement or the county prosecutor will interview the alleged perpetrator pursuant to the procedures delineated in the county child abuse and neglect memorandum of understanding.

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

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

(1) Taking photographs of areas of physical injury on the child's body.

(2) Taking photographs of the child's environment with the parent, guardian, or custodian's consent.

(3) Attempting to secure a medical examination or psychological evaluation or both of the child with consent of the child's parent, guardian, or custodian or with a court order.

(4) Attempting to secure any relevant records, including but not limited to school, mental health, and medical records.

(S) For all reports involving a substance affected infant as defined in rule 5101:2-1-01 of the Administrative Code the PCSA is to:

(1) Ensure the plan of safe care/family care plan has been developed.

(2) Ensure the plan of safe care/family care plan addresses the safety needs of the infant.

(3) Ensure the plan of safe care/family care plan addresses the health and substance use disorder treatment needs of the affected family or caregiver.

(T) At any time the PCSA determines a child to be in immediate danger of serious harm, the PCSA



is to follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

(U) If the PCSA determines supportive services are necessary, the supportive services are to be made available to the child and/or the child's parent, guardian, or custodian pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code.

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

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

(2) Complete the report disposition.

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

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

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

(W) The PCSA will not waive the completion of the report disposition.

(X) The PCSA is to request assistance from the county prosecutor, the PCSA's legal counsel, and/or the court if refused access to the alleged child victim or any records necessary to conduct the assessment/investigation.

(Y) The PCSA is to have an interpreter present for all interviews if the PCSA has determined that a principal of the report has any factor that causes a barrier in communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.



(Z) No later than five business days after completion of the assessment/investigation, the PCSA will do the following as applicable:

(1) Notify the alleged child victim, unless the child is not of an age or developmental capacity to understand; and the child's parent(s), guardian(s), or custodian(s) of the report disposition and final case decision.

(2) Notify the alleged perpetrator in writing of the report disposition; the right to appeal; the PCSA's appeal process including timeframes; and the method by which the alleged perpetrator may appeal the disposition as outlined in rule 5101:2-33-20 of the Administrative Code.

(3) Refer all children under the age of three to "Help Me Grow" for early intervention services if there is a substantiated report of child abuse or neglect regardless of the child's role in the report.

(4) Refer any substance affected infant as defined in rule 5101:2-1-01 of the Administrative Code to "Help Me Grow."

(5) Notify all participants involved in the plan of safe care/family care plan identified on the current release of information signed by the infant's parent, guardian, or custodian of the final case decision. The final decision includes whether the case will be transferred for ongoing PCSA services, closed and referral made to community services, or closed. The following plan of safe care/family care plan participants are to be notified:

(a) Parents, guardians, custodians or other caregivers for the infant.

(b) Health care providers involved in the delivery or care of the infant.

(c) Collaborating professional partners and agencies involved in caring for the infant and family.

(6) Notify the child's non-custodial parent, who holds residual parental rights to the child and maintains an ongoing relationship through visitation with the child and/or payment of child support, of the receipt of the report, the report disposition, and the case decision.



(7) Document in Ohio's CCWIS, the date and method of notification to the principals of the report of the above listed activities.

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

(BB) The PCSA is to follow procedures set forth in rule 5101:2-36-07 of the Administrative Code if the report involves alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.

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