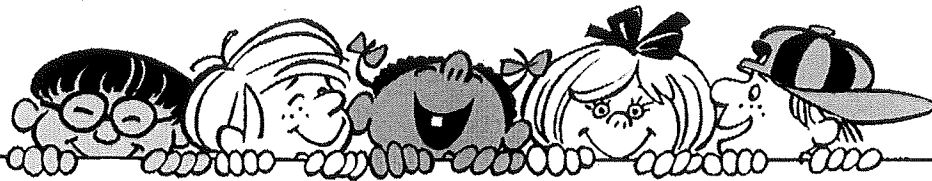


CHILD ABUSE AND NEGLECT

# MEMORANDUM OF UNDERSTANDING

MARION COUNTY, OHIO

December 31, 2023 – December 31, 2025



## Marion County Children Services

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## **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 (ORC) and section 5101:2-33-36 of the Ohio Administrative Code (OAC). It is an agreement among Marion 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:

1. **The elimination of all unnecessary interviews of children who are subject of reports of child abuse or neglect and when feasible, conduct only one interview of a child who is the subject of a report of abuse or neglect.**
2. **To ensure community partners have a shared understanding of the duties and responsibilities and the interrelationships of agencies mandated to participate in the memorandum as well as those agencies and professionals who work directly with the problems of child abuse and neglect.**

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

**Screening:** The capacity to accept and screen referrals of suspected child abuse, neglect, 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, 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, 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 within a standardized CAPM (Comprehensive Assessment Planning Model) tool within the timeline prescribed in the OAC; 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 OAC; 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.

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

- A. **Public Children Services Agency:** Marion County Children Services is the lead agency for the investigation of child abuse, neglect, or dependency in Marion County. Marion 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. Marion County Children Services staff and management will also participate in meetings and trainings as deemed appropriate at the discretion of the Director.
- B. **Law Enforcement:** The Marion County Sheriff and Marion City Chief of Police will have responsibility for: Taking referrals/reports alleging child abuse and neglect from any source within their respective jurisdiction; Referring reports to Marion County Children Services as soon as possible or within 3 days for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with Marion County Children Services in a joint and thorough investigation when the information contained in the report lends itself to alleged a present danger; Assisting Marion County Children Services in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with Marion County Children Services on interviews with principals of the case when there are serious criminal implications; Notifying Marion County Children Services of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to Marion County Children Services' requests for information regarding the status of the legal action; Providing police record checks for Marion County Children Services as necessary or requested as permitted by law; Consulting with Marion County Children Services prior to the removal of a child from their home when possible; And 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 ORC 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; And preserve the family environment whenever possible while keeping the children(ren)'s health and safety paramount.

- D. **County Prosecutor:** The County Prosecutor shall report suspected cases of child abuse, neglect, or dependency to Marion County Children Services or appropriate law enforcement agency. The County Prosecutor shall represent Marion 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 ORC 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 Marion 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 Marion 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 and Family Services:** Employees within Marion County Job and Family Services are expected to report suspected cases of child abuse and neglect to Marion County Children Services or appropriate law enforcement agency upon receipt; Collaborate with Marion 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 Marion County Children Services; Promote ongoing communication between Marion County Department of Job and Family Services and Marion County Children Services regarding mutual clients, including minors under the protective supervision or in the custody of the Agency and/or minor parents; Assist Marion County Children Services upon request in obtaining case or assistance group information regarding a family when Marion 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 Marion 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 Marion 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 Marion County Dog Pound is 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 Marion County Children Services or appropriate law enforcement.

## **SCOPE OF WORK**

The key objective of this MOU is the clearly define the roles and responsibilities to each agency in the provision of child protective services.

- A. **Mandated Reporters and Penalty for Failure to Report:** Persons identified as mandated reporters per ORC 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 Marion 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 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 of 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 or neglect may also result in civil liability in the form of compensatory or exemplary damages.

If Marion County Children Services suspects that a mandated reporter has failed to report suspected or known child abuse or neglect, Marion County Children Services will make a report to the appropriate law enforcement jurisdiction as well as notify the Marion County Prosecutor's Office.

If it is suspected that a person knowingly makes or causes another to make a false report, Marion County Children Services will report to the appropriate law enforcement jurisdiction as well as notify the Marion County Prosecutor's Office, pursuant to ORC 2921.14.

- B. **System for Receiving Reports:** Reports of child abuse or neglect shall be made to Marion County Children Services or any law enforcement officer with jurisdiction in Marion County. During regular business hours (Monday through Friday, 8:30am – 4:30pm), referrals are accepted at the agency office at 1680 Marion-Waldo Road, by telephone at 740-389-2317, or the county child abuse hotline at 740-389-SAFE. After office hours, on weekends, and on holidays, referrals are accepted by contacting the Marion County Sheriff's Office at 100 Executive Drive or by telephone at 740-382-8244. The Sheriff's Office will then contact the assigned on-call worker to respond to the referent. After hours callers are notified via the phone message of the process to make a report and the Marion County Sheriff's Office contact phone number is provided. Marion County Children Services has a sign on each building's entrance indicating the method of after-hours contact, including the Marion County Sheriff's Office phone number.

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 Marion County Children Services screens in a report of child abuse, Marion County Children Services shall notify the appropriate law enforcement agency of the report within seven calendar days, 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 Marion 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, Marion 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 Marion County Children Services receives a referral from a mandated reporter who provides their name and contact information, Marion 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 has initiated an investigation of the report;
- Whether the agency is continuing to investigate the report;
- Whether the agency 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; and
- Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

When Marion County Children Services closes an investigation/assessment reported by a mandated reporter, Marion 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 Response Procedure:** When Marion County Children Services determines a report is emergent, Marion County Children Services shall attempt a face-to-face contact with the child subject of the report/alleged child victim within one (1) hour of the receipt of the report. If Marion County Children Services identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

If the report alleges a potential criminal offense against a child, Marion County Children Services will immediately notify law enforcement with jurisdiction and jointly conduct an investigation.



No later than seven calendar days after screening in reports of neglect if Marion County Children Services enacts a safety plan or removal due to neglect during that timeframe, unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible child neglect.

Marion County Children Services will be the lead agency should a child require removal from the home due to imminent safety concerns. Marion County Children Services shall notify law enforcement with jurisdiction to request assistance should a child or staff safety concern be suspected.

2. **Law Enforcement Response Procedure:** Conduct joint investigation when Marion County Children Services has knowledge of:
  - A child death suspected to be a result of abuse or neglect;
  - A child who appears to be in imminent danger;
  - Severe physical abuse in which the child requires medical treatment;
  - Caregivers who are alleged to be manufacturing, trafficking, using controlled substances in/around the home and child safety is alleged to be compromised;
  - Evidence learned during the course of an investigation which suggests the possibility of a criminal offense; and
  - A child alleged to be a victim of human trafficking.
3. **Children in Need of Medical Attention Special Response Procedure:** Upon receiving a report alleging child abuse, neglect, or dependency, Marion County Children Services commences an investigation in accordance with the requirements of section 2151.421 of the ORC.

Children who appear to have been abused and/or neglected or otherwise need immediate medical attention should be taken to the Ohio Health Marion General Hospital emergency room as quickly as possible. Whenever possible, the child's parents, custodial parent, legal guardian and non-custodial parent will be consulted in determining what form of medical attention should be provided. Should the child's parents, custodial parent, legal guardian and non-custodial parent fail to follow medical treatment that will have an impact on the child's life functioning, Marion County Children Services will assess/investigate and determine the actions necessary for the child's protection. If the recommended medical care is imminently necessary and cooperation of the parents, custodial parent, legal guardian, or non-custodial parent cannot be obtained, Marion County Children Services shall request an emergency order (ex-parte) from juvenile court requesting the care and custody of the child. In non-emergency situations, Marion County Children Services will consult with the prosecutor's office and take appropriate actions as deemed necessary. In determining whether treatment is medically necessary, reasonable medical judgments made by the medical facility within the jurisdiction of the child's whereabouts will be considered.

Law enforcement will consult with Marion County Children Services if in the judgment of the law enforcement officer a child needs immediate medical care pursuant to 2151.31 of the ORC. If in the judgment of the reporting physician and the law enforcement officer, immediate removal is considered essential to protect the child

from further abuse or neglect, the two parties shall advise Marion County Children Services of their decision and need for substitute care. Marion County Children Services will respond to the need for placement and will assist with determining possible placement alternatives. All efforts will be made to attempt to place children in the least-restrictive, most family-like setting available to meet the child's needs, including exploring placement with kinship.

- E. **Standards and Procedures of Child Maltreatment Investigations:** 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 Marion 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 Marion 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, only one interview with the alleged child victim(s) / child subject of the report will be completed. Marion County Children Services agrees to be the lead agency in scheduling the time, place, and location of the joint interview 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 Marion County Children Services is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by Marion 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 Marion County Children Services upon request.

The Marion 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. Marion County Children Services will not jeopardize a criminal investigation but will work with law enforcement to protect the safety of the child victim(s) or witnesses. Law enforcement will be the lead agency in the collection of forensic evidence and will coordinate with the necessary families to obtain and store such evidence properly.

Marion County Children Services shall follow up with law enforcement to ensure timely assistance and to complete mandated assessment/investigation activities within the forty-five (45) day timeframe. The timeframe can be extended in special circumstances to a maximum of sixty (60) days if law enforcement needs additional time, however, Marion County Children Services must make a disposition within the sixty-day timeframe.

Marion County Children Services shall:

- Assess immediate safety concerns and implement a safety response for identified safety threats.
- Assess underlying factors contributing to risk within the home.
- Determine circumstances surrounding the abuse or neglect, the cause thereof, and the person responsible.
- Assess overall level of risk of future maltreatment and efforts to protect the child from further harm.
- Assess service provision needs and make appropriate referrals.
- No later than seven calendar days after screening in all reports of abuse, unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible child abuse pursuant to 5101:2-36-12 of the OAC.
- No later than seven calendar days after screening in reports of neglect if Marion County Children Services enacts a safety plan or removal due to neglect during that timeframe, unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible child neglect.
- Notify law enforcement of all scheduled alleged child victim interviews, regarding allegations of a crime against a child, utilizing the report number and/or officer name provided.
- Work jointly with law enforcement and the prosecutor's office to eliminate unnecessary interviews and reduce trauma to the child when possible.
- Interview the alleged child victim without the presence of law enforcement, if law enforcement is unable to participate. If it appears from the interview and/or physical evidence that a crime against a child occurred, Marion County Children Services will advise law enforcement of the status of the investigation.
- Interview all persons who may have been present during the alleged abuse, have knowledge of the child's disclosure, or any person identified as a possible information source to obtain relevant information and/or witness statements.
- Interview all persons who can establish whether or not the alleged perpetrator and the alleged child victim were together at the time of the alleged abuse or neglect.
- Interview all persons who have discussed the allegation of abuse or neglect with either the alleged child victim or the alleged perpetrator.
- Request law enforcement to assist with the alleged perpetrator interview should it appear from the interview and/or physical evidence that a crime against a child occurred. If law enforcement is unable to participate, Marion County Children Services will consult the prosecutor's office prior to contacting the alleged perpetrator.
- Interview the alleged perpetrator without law enforcement being present or contacting the prosecutor's office, in such cases where the alleged child victim's interview, other collateral interviews have occurred, physical evidence has been collected, and there is no indication that a crime against a child occurred.
- Document in case record date of law enforcement notification to the prosecutor's office regarding the results of all substantiated and/or indicated investigations alleging a crime against child in case file.
- Follow up with prosecutor's office regarding the results of their review prior to case closure and document in case file.

- Share full contents of all reports to the law enforcement agencies and/or the prosecutor's office upon request for purposes of criminal investigations and/or prosecution.
  - Testify before the court in the prosecution of cases of child abuse or neglect.
- F. **Persons Who May Interview Alleged Child Victims:** Marion County Children Services will work conjointly with law enforcement personnel to eliminate unnecessary interviews. If the case involves the alleged sexual abuse of a child who is 10 years old or younger, efforts will be made to ensure the interview is conducted by a trained forensic interviewer or the family is referred to the Children's Advocacy Center through Nationwide Children's Hospital. 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 supervisor staff of Marion County Children Services;
  - Law enforcement personnel;
  - County or city prosecuting attorneys, assistant prosecuting attorneys, and their investigative staff;
  - Forensically trained medical staff; and
  - Victim's Assistance personnel.
- G. **Requests for Law Enforcement Assistance:** Marion County Children Services may request the assistance of law enforcement during an assessment/investigation if one or more of the following exist:
- An exigent circumstance.
  - Marion County Children Services has reason to believe that the child is in immediate danger of serious harm.
  - Marion County Children Services has reason to believe that the worker is, or will be, in danger of harm.
  - Marion County Children Services has reason to believe that a crime is being committed, or has been committed, against a child.
  - Marion County Children Services worker must conduct a home visit after regular Marion County Children Services business hours, and a law enforcement escort has been requested.
  - Marion 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 Marion County Children Services has reason to believe the family will challenge the removal.
  - Marion 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.
  - Marion County Children Services is working with a family that has historically threatened to do harm to PCSA staff.

The law enforcement agency with jurisdiction will respond immediately in the following circumstances:

- A child death suspected to be a result of abuse or neglect;
- A child who appears to be in imminent danger; and/or
- Severe physical abuse in which the child requires medical treatment.

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 Marion County Children Services and the law enforcement agency with jurisdiction.

1. **Out of Home Care:** Marion County Children Services conduct an out-of-home care investigation in response to a child abuse or neglect report that includes an alleged perpetrator who meets one of more 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 OAC.
  - Is a person responsible for the alleged child victim's care in out-of-home care as defined in section 2151.011 of the ORC.
  - 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 ORC.
  - Has access to the alleged child victim through placement in an out-of-home care setting.

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

When law enforcement receives a report of possible abuse or neglect of a child or the possible threat of abuse or neglect of a child in an out-of-home care setting, 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. Marion County Children Services shall notify law enforcement of such reports within seven calendar days of receipt of the report. Marion County Children Services and the law enforcement agency with jurisdiction will jointly complete the investigation should a criminal offense be alleged. Information will be shared between child protection and law enforcement.

If it is suspected that a criminal offense occurred, Marion County Children Services will share the results of the investigation with law enforcement with jurisdiction and the Marion County Prosecutor's Office.

2. **Third Party Investigations:** In accordance with section 5101:2-36-08 of the OAC, Marion County Children Services shall request a third-party investigation be conducted by a local law enforcement agency or another PCSA when there is a 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 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 ORC.

- Any employee, or agent of ODJFS or the PCSA as defined in Chapter 5153 of the ORC.
- 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 determined that a conflict of interest exists. The PCSA shall document in the case record a conflict of interest is identified.

Marion County Children Services shall request law enforcement with jurisdiction serve as the third-party when a report alleges a criminal offense prior to initiation or within twenty-four (24) hours of the identification of a conflict of interest, whichever comes first. The Ohio State Patrol will be the designated third-party of the investigation of such reports when they occur in any state correction facility located in Marion County. Should law enforcement, as designated in this memorandum, decline to assist, the agency Director shall be immediately notified. The declining law enforcement agency and Marion County Children Services will work jointly together to find an alternative designee. All communication/consultation with law enforcement will be documented in the case record.

If the report does not allege a criminal offense, Marion County Children Services may request another PCSA to act as the third-party prior to initiation or within twenty-four (24) hours of the identification of a conflict of interest, whichever comes first. All communication/consultation with the non-lead, third-party PCSA will be documented in the case record. Should attempts to designate another PCSA as a third-party be unsuccessful prior to the required initiation timeframe, Marion County Children Services will seek law enforcement with jurisdiction to act as the third-party.

The involvement of a third-party does not relieve Marion County Children Services of its responsibility to ensure assessment/investigation activities are completed timely.

During the completion of the initial safety assessment and prior to reaching a case conclusion, Marion County Children Services will consult with the third-party to ensure consensus regarding the Marion County Children Services safety response, risk assessment and case disposition.

Should the safety and risk factors warrant continued agency involvement after the conclusion of the investigation, the agency Director and prosecutor's office will determine how management of the case will be handled.

3. **Child Fatality - Suspected Cause of Death is Abuse or Neglect:** Marion County Children Services is governed by section 307.622 of the ORC. The agency Director serves as the required Marion County Children Services member of the Marion County Child Fatality Review Board as established by the Marion County Health Commissioner.

Marion County Children Services follows Chapter 5101:2-36 and section 5101:2-42-89 of the OAC for responding to these reports. Marion County Children Services will be immediately notified of suspected or actual child abuse or neglect involving the death of a child. Marion County Children Services shall share all information contained in the report by notifying the law enforcement agency with jurisdiction within one (1) hour from receipt of the allegations. The law enforcement agency with jurisdiction and Marion County Children Services will conjointly investigate, pursuant to 5101:2-36-01 of the OAC and share the results with the prosecutor's office and the Marion County Child Fatality Review Board. A meeting of any subscribers may be called to discuss specific case incidents as part of the protocol of the Marion County Children Fatality Review Board.

4. **Death of a Child in the Custody of Marion County Children Services:** Marion County Children Services follows section 5101:2-33-14 of the OAC following the death of a child in its custody. Marion County Children Services will be immediately notified of suspected or actual child abuse or neglect involving the death of a child. Marion County Children Services shall share all information contained in the report by notifying the law enforcement agency with jurisdiction within one (1) hour from receipt of the allegations. If the report involved the death of a child who is in the temporary custody or planned permanent living arrangement of Marion County Children Services, the agency will notify the biological parent(s) within one (1) hour of receipt of allegations. The law enforcement agency with jurisdiction and Marion County Children Services will conjointly investigate, pursuant to 5101:2-36-01 of the OAC and share the results with the prosecutor's office and the Marion County Child Fatality Review Board. A meeting of any subscribers may be called to discuss specific case incidents as part of the protocol of the Marion County Children Fatality Review Board.
5. **Allegations of Withholding Medically Indicated Treatment from Disabled Infants with Life-Threatening Conditions:** Marion 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 judgements 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 treatment is judged to be medically indicated. Medically indicated treatment does not include failure to provide treatment

to a disabled infant if the treating physician's medical judgement identified any of the situations listed in section 5101:2-36-07 (A)(3)(a-d) of the OAC.

Law enforcement will immediately consult with Marion County Children Services if in the judgement of the law enforcement officer a child needs immediate medical care pursuant to 2151.31 of the ORC. If in the judgement of the reporting physician and the law enforcement officer, immediate removal is considered essential to protect the child from further abuse or neglect, the two parties shall advise Marion County Children Services of their recommendation for substitute care.

Marion County Children Services will contact Ohio Health Marion General Hospital upon any revision of the MOU to determine if a committee for reviewing disabled infants with life threatening conditions has been established and identify and maintain the name and chairperson of the health care facility's review committee.

**Ohio Health Marion General Hospital** – no review committee

**Name:** Curt Gingrich, MD, MBA, FAAFP

**Title of Facility Administrator:** President Ohio Health Marion General Hospital

**Telephone/Email:** Curtis.gingrich@ohiohealth.com

Upon receipt of a referral from any other hospital, Marion County Children Services will gather information about whether that facility has a committee for reviewing disabled infants with life threatening conditions and to obtain the name, title, and telephone number of the faculty administrator.

Upon receipt of a referral, Marion County Children Services shall:

- Respond within one hour to reports alleging that a disabled infant with life-threatening conditions, whose custodial parent/legal guardian resides in Marion County, is a neglected child due to withholding of appropriate nutrition, hydration, medication, or medically indicated treatment under OAC 5101:2-36-07 by:
  - Informing the disabled infant's parents/custodial parent/legal guardian and non-custodial parent of the allegations
  - In cooperation with the health care facility designee, review the infant's medical records and conduct interviews of the attending physician and health care facility staff to determine:
    - Measures taken to provide medically indicated care;
    - If life support will be sustained during the investigation; and
    - Condition and risk to the infant.
  - Plan to convene or adopt the recommendations of a health care facility review committee, if established.
  - Pursue any legal remedies that may be necessary to ensure indicated treatment.
  - Monitor to ensure continued appropriate medically indicated treatment is provided.



- Assist the family with obtaining necessary services.
- Notify the law enforcement agency with jurisdiction if a criminal offense is suspected.
- Complete a comprehensive investigation and notify the Marion County Prosecutor's Office if neglect was determined.

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:** Marion 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. Marion County Children Services will not jeopardize a criminal investigation but will work with law enforcement to protect the safety of the child victim(s) or witnesses. Law enforcement will be the lead agency in the collection of forensic evidence and will coordinate with the necessary families to obtain and store such evidence properly.

When law enforcement receives a report of possible abuse or neglect of a child constituting a crime against 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. Marion County Children Services shall notify law enforcement of such reports within seven calendar days of receipt of the report. Marion County Children Services and the law enforcement agency with jurisdiction will jointly complete the investigation should a criminal offense be alleged. Information will be shared between child protection and law enforcement.

If it is suspected that a criminal offense occurred, Marion County Children Services will share the results of the investigation with law enforcement with jurisdiction and the Marion County Prosecutor's Office.

Marion County Children Services will ensure appropriate referrals are made to Advocating Opportunity in which human trafficking is believed to have occurred to provide direct holistic legal services, support, and advocacy for trafficked and exploited persons. Referrals will be made the Marion County Victim's Assistance in regard to crimes against children.

7. **Reports of Cases Involving Individuals Who Aid, Abet, Induce, Cause, Encourage, or Contribute to a Child or Ward of the Juvenile Court Becoming a Dependent, Neglected, Unruly, and Delinquent Child:** Marion County Children Services follows the procedures described in Chapter 5101:2-36 of the OAC for responding to these reports. Marion 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. Marion County Children Services will not jeopardize a criminal investigation but will work with law enforcement to protect the safety of the child victim(s) or witnesses. Law enforcement will be the lead agency in the collection of forensic evidence and will coordinate with the necessary families to obtain and store such evidence properly.

When law enforcement receives a report of individuals who aid, abet, induce, cause, encourage, or contribute to a child or ward of the juvenile court becoming a dependent, neglected and delinquent 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. Marion County Children Services shall notify law enforcement of such reports within seven calendar days of receipt of the report. Marion County Children Services and the law enforcement agency with jurisdiction will jointly complete the investigation should a criminal offense be alleged. Information will be shared between child protection and law enforcement.

If it is suspected that a criminal offense occurred, Marion County Children Services will share the results of the investigation with law enforcement with jurisdiction and the Marion County Prosecutor's Office.

8. **Reports Involving Individuals Who Aid, Abet, Induce, Cause, Encourage, or Contribute to a Child of 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:** Marion County Children Services follows the procedures described in Chapter 5101:2-36 of the OAC for responding to these reports. Marion 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. Marion 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 families to obtain and store such evidence properly.

When law enforcement receives a report of individuals who aid, abet, induce, cause, encourage, or contribute to a child or 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, 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. Marion County Children Services shall notify law enforcement of such reports within seven calendar days of receipt of the report. Marion County Children Services and the law enforcement agency with jurisdiction will jointly complete the investigation should a criminal offense be alleged. Information will be shared between child protection and law enforcement.

If it is suspected that a criminal offense occurred, Marion County Children Services will share the results of the investigation with law enforcement with jurisdiction and the Marion County Prosecutor's Office.

9. **Receiving and Responding to Reports of Missing Children:** Marion County Children Services follows procedures in section 5101:2-42-88 of the OAC for responding to these

reports. 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, Marion County Children Services shall:

- Refer the reporter to the law enforcement agency in the appropriate jurisdiction.
- Contact the law enforcement agency immediately, and in no case later than twenty-four (24) hours, for entry into the National Crime Information Center (NCIC) database if the child is in Marion County Children Services custody.
- Contact the National Center for Missing and Exploited Children (NCMEC) if the child is in Marion County Children Services custody immediately, and in no case later than twenty-four (24) hours of initial notification.

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

Law enforcement shall notify Marion County Children Services upon learning that a minor child who is alleged to be in the child protection system or who is known or suspected to be abused or neglected has either run away from or is otherwise missing from the home of the care, custody, and control of the child's parents, custodial parent, legal guardian, or non-custodial parent.

#### **I. Standards for Removing and Placing Children:**

- **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.

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 service 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 no later than seventy-two (72) hours after the emergency order was issued. If the ex-parte motion is denied, the matter must be set for a shelter care hearing within ten (10) days from the filing date.

If law enforcement intelligence indicates that child/ren are present prior to enacting a raid and/or arrest, the law enforcement agency with jurisdiction shall notify Marion County Children Services in advance so that the agency can plan for having the necessary personnel available to minimize the trauma of separation and to ensure that the child/ren receive appropriate protection services.

- **Non-Emergency:** Upon receiving a report alleging child abuse, neglect, or dependency, Marion 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, Marion County Children Services 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 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 Marion 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 Marion 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.

- J. **Maintaining Operations in the Event of a Disaster:** In the event of a disaster, Marion County Children Services will provide subscribers with a written plan documenting how the agency will continue to maintain operations including, but not limited to, receiving and investigation child abuse, neglect or dependency reports.
- K. **Deserted Child Procedures:** Marion County Children Services follows procedures in section 5101:2-36-06 of the OAC for responding to these reports.

## **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 training events will be coordinated by Marion 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.

Subscribers agree to:

- Educate staff of their respective organization on the Ohio Mandatory Reporting Law and the contents of this MOU.
- Work cooperatively with Marion County Children Services in arranging in-service training on child abuse and neglect for professionals within their organizations who are required by Ohio's law to report suspected child abuse and neglect.

## **CONFLICT RESOLUTION**

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 protection services, the ultimate decision on how to handle child abuse, neglect investigations lie with Marion County Children Services. Every effort will be made to consider other subscriber's requests and concerns relating to services.

Criminal investigation and prosecution remain the responsibility of the prosecuting attorney and appropriate law enforcement agencies. Marion County Children Services 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, Marion County Children Services is to consult with the prosecutor's office to explore available remedies.

## **CONFIDENTIALITY STATEMENT**

Any report made in accordance with section 2151.421 of the ORC 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 Marion County Children Services to disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 and 2151.422 of the ORC to any federal, state, or local government entity that needs the information to carry out its responsibility to protect children from abuse or neglect. Likewise, law enforcement and other entities are expected to release information to Marion County Children Services for the purpose of carrying out its responsibility of protecting children from abuse and/or neglect.

Identifying information of mandated reporters shall not be released to the public. 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 for section 5101:2-33-21 of the OAC 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 Marion 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 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 Marion County Children Services shall then refer this information to the prosecutor's office at their discretion.

## **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 Marion County Children Services records retention policy for information on forms to be completed and processed 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 the MS Teams, Skype, Zoom, or telephone as agreed upon by all members. When Marion County Children Services 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, Marion County Children Services 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. Marion 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 31 of the year. Once approved by the Board of County Commissioners, Marion County Children Services will submit a copy of the MOU to the Ohio Department of Job and Family Services for compliance determination.

The 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 procedures set forth in the MOU by 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 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 of 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.



## **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, Marion 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. Marion County Children Services is to consult with the Marion County Prosecutor to explore available remedies.

Any required member may request a modification to this MOU by providing the request to the Director of Marion County Children Services. Marion County Children Services will review the request and if applicable seek in-person review with all required members.

## SIGNATURES

The terms and conditions of this agreement are in effect from December 31, 2023 – December 31, 2025.

X *10/31/23* *Rhonda Burry* X *10/31/23* *[Signature]*  
Marion County Family Court Judge / Date Marion County Family Court Judge / Date

X *11-1-23* *[Signature]* X *11/2/23* *[Signature]*  
Marion County Sheriff / Date Marion City Chief of Police / Date

X *10/30/23* *[Signature]* X *11-1-23* *[Signature]*  
Marion County Prosecutor / Date Marion County Humane Agent / Date  
Sheriff Matt Bayles

X *11-2-23* *Rayane Souder* X *11-2-23* *[Signature]*  
Marion Co JFS Director / Date Marion Co Children Services Director / Date

## **REFUSAL TO SIGN**

Marion County Children Services attests they attempts to obtain the signature of all required participating agencies as set forth in memorandum and as mandated through section 2151.4210 of the ORC.

Date of Refusal:

Agency, Name, Title:

Reason for Refusal and Attempts to Solve the Identified Barrier:

## MARION COUNTY COMMISSIONERS' APPROVAL

Marion County Children Services shall submit the MOU signed by all participating agencies to the Marion 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 Marion County Commissioners hereby review and approve the Marion County Memorandum of Understanding.

X

Steve Chmura 11/16/2023

Marion County Commissioner / Date

X

Mary Dini 11-14-23

Marion County Commissioner / Date

X

Patricia A. Applegate

Marion County Commissioner / Date