

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

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

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

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

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

Working collaboratively with other investigative agencies when appropriate; Making traditional response case dispositions within required timeframes; Evaluating the need for protective, prevention, or supportive services and/or court involvement; and documenting all activities and case determinations.

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

## II. ROLES AND RESPONSIBILITIES OF EACH PARTICIPATING AGENCY

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

The **Lawrence County Department of Job and Family Services, Children Services Division** is the lead agency for the investigation of child abuse, neglect, or dependency in **Lawrence County**. The **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** as soon as possible or within **twenty-four (24) hours** for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with **Lawrence County Department of Job and Family Services, Children Services Division** in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting **Lawrence County DJFS Children Services Division** in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with **Lawrence County DJFS Children Services Division** on interviews with principals of the case when there are serious criminal implications; Notifying **Lawrence County DJFS Children Services Division** of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to **Lawrence County DJFS Children Services Division's** requests for information regarding the status of the legal action;

Providing police record checks for **Lawrence County DJFS Children Services Division** as necessary or requested as permitted by law; Consulting with **Lawrence County DJFS Children Services Division** prior to removal of a child from their home when possible; Handling and coordinating investigations involving a child fatality or near fatality which may have resulted from abuse or neglect.

#### C. JUVENILE COURT

The most senior Juvenile Judge in point of service of the county or their representative, selected by the Judge, if more than one, will be responsible for attending meetings concerning the MOU, entering into agreements with the other signatories of the MOU regarding the court's responsibility to timely hear and resolve child abuse, neglect, and dependency matters, signing the MOU, and updating the MOU or approving any amendment.

The juvenile court has a duty to exercise jurisdiction over adults and children to hear and decide matters as permitted by the Ohio Revised Code Chapters 2151 and 2152. The court is responsible for issuing orders regarding the care, protection, health, safety, mental and physical best interest of children. The Juvenile Judge shall ensure that due process of law is achieved; Hear evidence and issue findings of fact and conclusions of law as to any abused, neglected, or dependent child; Order timely and safe permanency dispositions for children; Preserve the family environment whenever possible while keeping the child(ren)'s health and safety paramount.

#### D. COUNTY PROSECUTOR

The County Prosecutor shall report suspected cases of child abuse and neglect to **Lawrence County DJFS Children Services Division** or appropriate law enforcement agency. The County Prosecutor shall represent **Lawrence County DJFS Children Services Division** in legal actions to protect a child from further harm resulting from child abuse or neglect unless the Prosecutor has granted consent for the appointment of an In-house PCSA Attorney pursuant to Ohio Revised Code chapters 309 and 305.

The prosecuting attorney may inquire into the commission of crimes within the county. The prosecuting attorney shall prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party, except for those required to be prosecuted by a special prosecutor or by the attorney general. The County Prosecutor is to determine, based upon the facts, whether criminal culpability exists and if enough evidence exists for a matter to be prosecuted. The prosecutor will be available to law enforcement and **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** 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 LCDJFS is a combined agency.**

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

If the \_\_\_\_\_ is a separate agency from \_\_\_\_\_, employees within the county agency are expected to report suspected cases of child abuse and neglect to \_\_\_\_\_ or appropriate law enforcement agency upon receipt; Collaborate with \_\_\_\_\_ to assist families in caring for their children; Assure that children at risk of abuse and neglect receive protective services; Assure service coordination for families already involved with the \_\_\_\_\_; Promote ongoing communication between \_\_\_\_\_ and \_\_\_\_\_ regarding mutual clients, including minors under the protective supervision or in the custody of the Agency and/or minor parents; Assist \_\_\_\_\_ upon request in obtaining case or assistance group information regarding a family when the \_\_\_\_\_ is assessing Title IV-E eligibility or completing an assessment/investigation of a child at risk or alleged to be abused; Assist \_\_\_\_\_ 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 \_\_\_\_\_ 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 **Lawrence County DJFS Children Services Division** or local law enforcement.

**G. CHILDREN'S ADVOCACY CENTER (Must include if agreement with CDJFS/PCSA exists. Option to skip this section if your agency does not have a formal agreement with a children's advocacy center.)**

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

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 **Lawrence County DJFS Children Services Division**, 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.)

The Clerk of County Common Pleas Court will collaborate with **Lawrence County DJFS Children Services Division**, County Prosecutor, and local law enforcement to establish standards and processes for the filing and acceptance of abuse, neglect, and dependency pleadings; Notice to the necessary parties; Service of process; How to send and receive communications from the Clerk; Defining acceptable methods of communication; Best practices for handling emergency/ex parte motions and orders which require the removal of children and need to be acted upon in an expeditious manner; Date and timestamp process and any cut-offs; Determine how and when to expect decisions or entries to be communicated; Provide periodic training for those involved in the investigation of child abuse and neglect and the signatories of this MOU; Be available to **Lawrence County DJFS Children Services Division** management staff or the Prosecutor should questions arise.

### III. **SCOPE OF WORK**

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

#### A. **Mandated reporters and penalty for failure to report**

Persons identified as mandated reporters per Ohio Revised Code section 2151.421, while acting in official or professional capacity, shall immediately report knowledge or reasonable cause to suspect the abuse or neglect of a child in accordance with that section. Reports shall be made to **Lawrence County DJFS Children Services Division** 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.

**[Insert county-specific process for notifying the county prosecutor or city law director when 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 **Lawrence County DJFS Children Services Division** or any law enforcement officer with jurisdiction

in **Lawrence County**. If **Lawrence County DJFS Children Services Division** contracts with an outside source to receive after-hour calls, a copy of the signed agreement shall be attached to this MOU which indicates that all reports with identifying and demographic information of the reporter and principals will be forwarded to a designated children services worker within an hour of receipt, confidentiality requirements will be met, and how the public is informed of after-hours reporting opportunities.

**Reports may be filed with the Lawrence County Department of Job and Family Services, Children Services Division in person at 1100 S. 7th Street, Ironton, OH 45638 or at 740-532-3324 ext. 6341 during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. Afterhours, weekends, and holiday reports may be made to the agency by phone: 740-646-4216. If emergency reports are being made and no return contact has been received from Lawrence County Department of Job and Family Services, Children Services Division, the Lawrence County Sheriff's Department (740-532-3575) has alternative phone numbers for Children Services Administrative staff. In an event of emergency requiring immediate response, the Children Services staff member will be dispatched to said emergency.**

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 **Lawrence County DJFS Children Services Division** screens in a report of child abuse, **Lawrence County DJFS CSD** 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 **Lawrence County DJFS Children Services Division** screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/investigation, **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** receives a referral from a mandated reporter who provides their name and contact information, **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** closes an investigation/assessment reported by a mandated reporter, **Lawrence County DJFS Children Services Division** shall forward an outcome mandated reporter notification to the referent. The notification will be provided in accordance with the mandated reporter's preference. Information shared with the mandated reporter shall be that permitted by ORC 2151.421 to include a notification that the agency has closed the investigation along with a point of contact.

**D. Roles and responsibilities for handling emergency cases of child abuse, neglect, and dependency**

**1. PCSA's Response Procedure**

When **Lawrence County DJFS Children Services Division** determines that a report is emergent, **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

**Safety responses will start with the least restrictive method such as in-home or out-of-home safety planning if at all possible to ensure child safety. In the event that these options are not viable, the Lawrence County Department of Job and Family Services, Children Services Division, may contact the Lawrence County Juvenile/Probate Court to request EX PARTE of the child(ren). Law enforcement with jurisdiction will be asked to accompany children services employees during removal of children from their home.**

**For all cases involving child abuse or neglect, law enforcement will make a referral to the Lawrence County Department of Job and Family Services, Children Services Division upon receipt of the report.**

**2. Law Enforcement and Hope's Place Child Advocacy Center Response Procedure**

**Upon receipt of a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, the law enforcement officer who receives the report shall refer the report to Children Services. It is recommended that law enforcement officers make reports to Children Services immediately if the officer believes the child to be at immediate risk of abuse or neglect. Reports of non-life-threatening situations should be made to Children Services within 24 hours. Any time there is a question as to whether the situation warrants a report to Children Services, a call to Children Services should be made. Agency staff will answer questions and inform the reporter if the information warrants agency intervention.**

**Upon receipt of a report concerning possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, the law enforcement officer who receives the report shall refer the report to Hope's Place Child Advocacy Center or the Lawrence County Department of Job and Family Services, Children Services Division requesting a referral be made for a forensic interview and/or forensic medical examination if appropriate. Hope's Place Child Advocacy Center will schedule and perform forensic interviews and medical exams at the earliest possible time or immediately in emergent situations.**

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

**Should a child need immediate medical attention due to serious inflicted physical abuse or sexual abuse, Hope's Place Child Advocacy Center should be contacted (606-325-4737/located at 1100 Greenup Avenue, Ashland, KY 41101) to schedule an**



**immediate forensic medical examination and forensic interview. Hope's Place has on-call staff for after-hours needs. Local hospitals available to children for medical treatment are:**

**St. Mary's Medical Center-1408 Campbell Drive, Ironton, OH 45638/740-533-9710.**

**St. Mary's Medical Center-2900 1st Avenue, Huntington, WV 25702/304-526-1234.**

**Cabell Huntington Hospital-1340 Hal Greer Blvd, Huntington, WV 25701/304-526-2000.**

**Kings Daughter's Medical Center-2201 Lexington Avenue, Ashland, KY 41101/606-408-8999.**

**Southern Ohio Medical Center-1805 27th Street, Portsmouth, OH 45662/740-356-5000.**

**Any person who is required to report child abuse or neglect may take or cause to be taken color photographs of the area of trauma visible on any child and, if medically indicated, perform, or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on the child. Normally, Children Services or law enforcement initiates such procedures when indicated.**

**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 Lawrence County DJFS Children Services Division 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 Lawrence County DJFS Children Services Division 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. Lawrence County DJFS Children Services**

**Division** agrees to be the lead agency in scheduling the time, place, and location of joint interviews as well as notifying all participants.

Before starting the interview, the participants will determine who is to be present in the room, who will be asking the questions, what areas are to be covered, and who will be the scribe for the interview. Audio and video recordings may be used when necessary.

When law enforcement or the prosecutor's office interviews a participant in a criminal investigation and a representative of **Lawrence County DJFS Children Services Division** is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** upon request.

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

**Initial intervention in child abuse and neglect cases can be made by either Children Services or the appropriate law enforcement entity. However, any serious report involving injury, hospitalization, or possible removal of a child from the home requires a joint cooperative intervention between the agencies. Hope's Place Child Advocacy Center and its procedures and protocol will be utilized in investigations of sexual abuse and serious physical injury to the child.**

**The following types of cases will always require a joint investigation:**

- **Those requiring a third-party involvement;**
- **Those involving the death of a child who is in the custody of the Children Services;**
- **Those involving a child fatality in which abuse or neglect suspected as a cause;**
- **Those involving alleged withholding of appropriate nutrition or hydration;**
- **Those involving child sexual abuse allegations;**
- **Those involving human trafficking; and**
- **Those involving serious physical abuse or neglect that may result in criminal proceedings.**

Upon receipt of a potentially life-threatening child abuse or neglect report, immediate contact between Children Services and the appropriate law enforcement agency will be made to jointly plan the intervention and investigation. In joint investigations, Children Services and law enforcement will immediately share all statements, reports, and verbal and written opinions concerning the abusive or neglectful situations.

Children Services shall meet its obligation of maintaining communication with the appropriate law enforcement agency regarding child abuse and neglect investigations as follows:

- A written report will be filed with law enforcement regarding any investigation involving the death of a child;
- Written reports will be filed as requested by law enforcement agencies;
- Contact will be maintained to share information on joint investigations and to notify law enforcement agencies of independently initiated Children Services investigations of actual abuse or neglect situations. In such cases, follow-up reports in conference or in writing will be provided upon request by law enforcement officials.

Children Services will report suspected felonies to law enforcement authorities. If further investigation is required, the Prosecutor will collaborate with the appropriate law enforcement agency or Children Services in preparing the case for presentation.

If law enforcement is unable to conduct the joint interview within the mandated time frames (OAC 5101:2-36-03), Children Services will conduct the interviews within their mandated time frames.

Lawrence County DJFS Children Services Division 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, Lawrence County DJFS Children Services Division 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 **Lawrence County DJFS Children Services Division**
- Law enforcement personnel
- County or city prosecuting attorneys, assistant prosecuting attorneys, in-house JFS legal counsel if applicable, and their investigative staff
- **Hope's Place Child Advocacy Center Staff**
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**G. Standards and procedures for Lawrence County DJFS Children Services Division requests for law enforcement assistance**

**When the Lawrence County Department of Job and Family Services, Children Services Division determines there is immediate need for law enforcement assistance, the law enforcement agency with jurisdiction will be contacted. In the event a local police department has no officers available, the Lawrence County Sheriff's Department will then be contacted to request assistance.**

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

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

### 1. **Out-of-Home Care**

**Lawrence County DJFS Children Services Division** 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.

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

**Initial intervention in child abuse and neglect cases can be made by either Children Services or the appropriate law enforcement entity. However, any serious report involving injury, hospitalization, or possible removal of a child from the home requires a joint cooperative intervention between the agencies. Hope's Place Child Advocacy Center and its procedures and protocol will be utilized in investigations of sexual abuse and serious physical injury to the child.**

**The following types of cases will always require a joint investigation:**

- **Those requiring a third-party involvement;**
- **Those involving the death of a child who is in the custody of the Children Services;**
- **Those involving a child fatality in which abuse or neglect suspected as a cause;**

- Those involving alleged withholding of appropriate nutrition or hydration;
- Those involving child sexual abuse allegations;
- Those involving human trafficking; and
- Those involving serious physical abuse or neglect that may result in criminal proceedings.

Upon receipt of a potentially life-threatening child abuse or neglect report, immediate contact between Children Services and the appropriate law enforcement agency will be made to jointly plan the intervention and investigation. In joint investigations, Children Services and law enforcement will immediately share all statements, reports, and verbal and written opinions concerning the abusive or neglectful situations.

Children Services shall meet its obligation of maintaining communication with the appropriate law enforcement agency regarding child abuse and neglect investigations as follows:

- A written report will be filed with law enforcement regarding any investigation involving the death of a child;
- Written reports will be filed as requested by law enforcement agencies;
- Contact will be maintained to share information on joint investigations and to notify law enforcement agencies of independently initiated Children Services investigations of actual abuse or neglect situations. In such cases, follow-up reports in conference or in writing will be provided upon request by law enforcement officials.

Children Services will report suspected felonies to law enforcement authorities. If further investigation is required, the Prosecutor will collaborate with the appropriate law enforcement agency or Children Services in preparing the case for presentation.

If law enforcement is unable to conduct the joint interview within the mandated time frames (OAC 5101:2-36-03), Children Services will conduct the interviews within their mandated time frames.

Within 24 hours of the screening decision on specialized investigations, contact the out-of-home care setting or organization administrative officer, director, or other chief administrative officer, or if the administrative officer, director or other chief administrative officer is alleged to be the perpetrator, the perpetrator, the Lawrence County Department of Job and Family Services, Children Services Division, or law enforcement as applicable in order to:

Share information regarding the report; discuss what actions have been taken to protect the alleged child victim; provide

**information about the assessment/investigation activities that will follow.**

**No later than the next working day from the date the referral was screened in as a child abuse and/or neglect report, contact licensing and supervising authorities, as appropriate, to share information.**

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

In accordance with section 5101:2-36-08 of the OAC, **Lawrence County DJFS Children Services Division** 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.

**Lawrence County DJFS Children Services Division** shall request that law enforcement serve as the third party when a report alleges a criminal offense. **Lawrence County DJFS Children Services Division** must request the assistance of a third party within 24 hours of identifying that a conflict of interest exists.

**The LCDJFS, CSD shall request law enforcement as the third party if the child abuse or neglect report alleges a criminal offense.**

**The LCDJFS, CSD may request the assistance of another PCSA as a third party if the child abuse or neglect report does not allege a criminal offense and both agencies agree to participate in the assessment/investigation including the delegation of investigatory responsibilities.**

**Within twenty-four hours of the identification of a conflict or interest, the PCSA shall request and document the assistance of a third party.**

**Upon acceptance of the request from the LCDJFS, CSD, the non-lead PCSA shall complete the assessment/investigation within the time frames established pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Ohio Administrative Code.**

**In instances where law enforcement or another PCSA declines to assist the LCDJFS, CSD, the LCDJFS, CSD is responsible for conducting the assessment/investigation. The LCDJFS, CSD, will ensure that such cases are restricted, allowing access to only the case worker and immediate supervisor that have no conflict in the case. The investigation will be conducted professionally and no discussion of the investigation will occur at the agency between the assigned case worker and the person who is named in the report.**

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

**Lawrence County DJFS Children Services Division is governed by ORC section 307.622 and must have a child fatality review board.**

**The Lawrence County Department of Job and Family Services, Children Services Division shall:**

**1. Notify the law enforcement agency with jurisdiction within one hour of its knowledge of the child's death pursuant to rule 5101:2-33-26 of the Ohio Administrative Code.**

**2. Notify the Lawrence County Health Department and/or the child fatality review board, pursuant to sections 3701.045 and 307.623 of the Ohio Administrative Code.**



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

**Lawrence County DJFS Children Services Division follows section 5101:2-42-89 of the OAC following the death of a child in its custody.**

**Lawrence County DJFS Children Services Division follows section 5101:2-33-14 of the OAC following the death of a child in its custody.**

**It is the policy of the LCDJFS, CSD, that all caregivers shall immediately contact the agency following the death of a child in care.**

**The LCDJFS, CSD, shall notify the court and law enforcement agency with jurisdiction upon its knowledge of the child's death within one hour.**

**When the death of a child is the result of suspected child abuse or neglect, the LCDJFS CSD shall follow procedures set forth in its "Memorandum of Understanding" pursuant to section 2151.421 of the Ohio Revised Code approved "Child Abuse and Neglect County Plan of Cooperation," prepared pursuant to rule 5101:2-34-72 of the Administrative Code and approved by ODJFS. Pursuant to location of the caregiver's licensing, all third-party procedures shall be followed.**

**For a child in temporary custody, the Lawrence County Department of Job and Family Services, CSD shall contact the parent, guardian, or custodian within an hour upon the knowledge of the child's death. According to the case plan, degree of contact and ability to contact, the agency may also allow for contact with the parent, guardian, custodian, or other relatives of a child in permanent custody.**

**For those children in permanent custody, the LCDJFS shall be responsible for funeral arrangements if so requested. The agency shall not be prohibited from assisting the family with the financial cost of the funeral arrangements if such costs pose a financial hardship to the family and funds are available for such purposes within the agency.**

**The LCJDFS CSD case manager, supervisor, and administrator shall maintain documentation regarding the provision of notices as required by this rule within the child's case record.**

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

**Lawrence County DJFS Children Services Division** 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).

**When any of the following circumstances applies, a case shall be screened in as withholding medically indicated treatment from a disabled infant with life-threatening conditions:**

- (a) The disabled infant is chronically and irreversibly comatose.**
- (b) The provisions of such treatment would merely prolong dying, or not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions, or otherwise be futile in terms of survival of the disabled infant.**
- (c) The provisions of such treatment would be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances would be inhumane.**
- **The agency maintains current information on health care facilities within Lawrence County by reviewing quarterly to ensure addition of any new medical/health care facilities. There is one emergency medical center in Lawrence County, located in Ironton, OH.**

- • The agency maintains current information on health care facilities accessible to Lawrence County citizens by reviewing quarterly to ensure all information is current.
  - Identifying and maintaining the name and chairperson of the appropriate health care facility's review committee, if such a committee exists-N/A
  - For cases involving withholding of medically indicated treatment from disabled infants with life-threatening conditions, the agency will immediately staff the case with the county prosecutor's office and make immediate referrals to law enforcement with local jurisdiction.
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

The Lawrence County Department of Job and Family Services, Children Services Division, will make immediate referrals to local law enforcement with jurisdiction and to Hope's Place Child Advocacy Center when crimes, including human trafficking, occur against children. The agency will coordinate with local law enforcement to conduct a joint investigation. The agencies will work together to develop a plan of how to intervene in the matter in order to maximize the information obtained from the investigation while minimizing the risk of trauma to the alleged child victim and family members. The agencies will work together with the family and alleged child victim to develop a plan to protect the child.

Every effort must be made to prevent duplicative interviews of the alleged child victims or witnesses to reduce the trauma.

All efforts will be taken to ensure records are shared, that the LCDJFS, CSD is included, and the LCDJFS, CSD is able to meet interview requirements per rule.

The Lawrence County Department of Job and Family Services, Children Services Division, agrees not to proceed without the advice and consent of the Prosecutor's Office when a criminal investigation is being concurrently conducted. Law enforcement will be the lead agency in the collection and storage of evidence.

7. Reports of cases involving individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming dependent, neglected, unruly, and/or delinquent

**Upon receipt of reports involving individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming dependent, neglect, unruly, and/or a delinquent child, the LCDJFS, CSD will make referrals to the Prosecutor's Office and law enforcement with jurisdiction when the acts rise to the level of criminal charges within twenty-four hours of the receipt of the report.**

**The agency will conduct the investigation according to rule to ensure the child is safe. These reports will be responded to within one-hour for emergency cases and within twenty-four hours for non-emergency cases.**

- 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**

**Upon receipt of 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, the LCDJFS, CSD will make referrals to the Prosecutor's Office and law enforcement with jurisdiction when the acts rise to the level of criminal charges within twenty-four hours of the receipt of the report.**

**The agency will conduct the investigation according to rule to ensure the child is safe. These reports will be responded to within one-hour for emergency cases and within twenty-four hours for non-emergency cases.**

- 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, Lawrence County DJFS Children Services Division 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 Lawrence County DJFS Children Services Division custody.**

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

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

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

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

### 1. **Emergency**

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

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 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.

**The Lawrence County Department of Job and Family Services, Children Services Division will contact the Prosecutor's office to staff the specifics of the case for legal determination regarding emergency removal.**

**The Lawrence County Department of Job and Family Services, Children Services Division will ensure that all reasonable efforts have been made to prevent the removal of the child and document in the case record these reasonable efforts.**

**The caseworker shall provide the caretaker and the child, when age-appropriate, with the following information:**

- 1. The reason for the removal;**
- 2. The name, agency address, and phone number of the assigned worker;**
- 3. The address, hours, and phone number of the Juvenile Court to discuss the appointment of an attorney, if necessary;**
- 4. Where and when a hearing will be held to determine if there is a need for continued custody, placement, or other court orders;**  
**and**
- 5. A visitation plan, pending the completion of the case plan.**

**When an emergency removal has occurred by EX PARTE court order, the Lawrence County Department of Job and Family Services, Children Services Division will petition the court the next working day for an order authorizing the continued placement of the child.**

## 2. **Non-emergency**

Upon receiving a report alleging child abuse, neglect, and/or dependency, **Lawrence County DJFS Children Services Division** 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, **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** 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.

**The Lawrence County Department of Job and Family Services, Children Services Division will remove a child from the home and provide temporary placement when:**

- 1. The parents sign an Agreement for Temporary Custody; or**
- 2. Juvenile Court has determined that the child needs protection and orders the child to the temporary custody of the agency. This may occur through the course of regular court activity or through the motion of Children Services.**

- J.** **[Optional Section(s)]**  
 Not Applicable (*if selected this section is not relevant.*)



**The Lawrence County Department of Job and Family Services assures that the employees and all volunteer personnel shall follow the disaster preparedness plan. The agency has an informal agreement with the county courthouse and sheriff's department regarding emergency situations, such as might need addressed in times of certain disasters requiring assistance and possible work locations for emergency purposes.**

**The LCDJFS shall call upon all administrators, supervisors, and on-call workers for children services in times of emergency situations. In case of situations involving the need for further agency unit coverage, the agency shall request volunteers from the current employees or request least seniority level workers as per contract language. Civil rights of all children in custody, including the rights of teenage mothers, are protected. Every attempt shall be made to provide communication and visitation with increasing frequency and duration, and in the least restrictive atmosphere. Any request to temporarily restrict or suspend communication or visitation shall be addressed with the court, and the best interests of the child be assessed.**

**The LCDJFS children services unit currently has access to MARCS radios for all workers, which allows workers to communicate with each other and supervisors in areas not covered by cell phone coverage. If in case of lack of access to SACWIS, the agency does have spreadsheet documentation of current cases and assigned ongoing in-home and custody cases, as well as requested ICPC home studies and court requested home studies. The agency's records are only available within the Children Services Unit and are locked in the agency after hours. The agency has a current security plan which requires a limited key access and password protection to enter the building after hours.**

**The LCDJFS workers and supervisors, if able, would work from the current building to assure continuity of investigation and ongoing services to the families of Lawrence County. The agency would work with the County Sheriff's Department, local police departments, and St. Mary's Hospital in the county to assure possibility of emergency shelters and medical providers for all families and children affected. The LCDJFS workers would continue to work and provide services to families already receiving services and any newly identified families through assistance with the County Sheriff's Department, local police departments, the local St. Mary's Hospital, and Health Departments as well as the county courthouse in case other emergency shelters or work areas should be needed. The LCDJFS has a current memorandum of understanding with the Lawrence County Sheriff's Department, all county/village police departments, and prosecutor's office for assistance in criminal aspects of investigations.**

**Succession of Authority for LCDJFS CSD:**

**Jamie Murphy, Director of LCDJFS**

**740-479-1710**

**Missy Evans, Children Services Administrator**  
**Lisa Massie, Ongoing Supervisor**  
**Whitney Reynolds, Intake Supervisor**

**740-550-6401**  
**740-550-2525(C)**  
**740-646-2463**

**The Lawrence County Department of Job and Family Services, Children Services Division, shall conduct a deserted child assessment/investigation when all of the following apply to the child subject of the report:**

- 1. The child is fewer than thirty-one days old.**
- 2. The child was voluntarily left by the child's parent in the care of an emergency medical service worker, a peace officer, or hospital employee by the child's parent(s).**
- 3. The child was left and the child's parent(s) did not express an intention to return for the child.**

**The LCDJFS CSD shall initiate the screened in report by attempting face-to-face contact with the child subject of the report within one hour from the time the referral was screened in as a report.**

**The LCDJFS CSD shall contact the individual who originally took possession of the child and obtain:**

- 1. The date and time the child subject of the report was left with the individual.**
- 2. All information regarding the child left by the parent(s).**
- 3. The JFS 01672 "Voluntary Medical History for Safe Havens" form, if completed by the child's parent(s).**
- 4. All clothing and articles left with the child.**

**The LCDJFS CSD wil request EX PARTE of the child.**

**The LCDJFS CSD will arrange for the child subject of the report to be examined by a physician within one hour of face-to-face contact with the child subject of the report to assess the health and well-being of the child and indicators of maltreatment. If the child was not left at a hospital, the LCDJFS CSD will transport or arrange transport for the child to be taken to the nearest medical emergency department. The medical examination report will be obtained by the LCDJFS CSD.**

**If the following occur during the assessment/investigation of a deserted child, the LCDJFS CSD shall screen in a report of child abuse and/or neglect:**

- 1. The child's condition reasonably indicates abuse and/or neglect, including the following:**

**a. An infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure.**

**b. An infant diagnosed with a fetal alcohol spectrum disorder**

**2. The LCDJFS CSD determines someone other than the parent delivered the child subject of the report to the care of an emergency medical service worker, peace officer, or hospital employee.**

**3. The child subject of the report is determined to be more than thirty days old at the time the child was delivered to the care of an emergency medical service worker, peace officer, or hospital employee.**

**The Lawrence County Department of Job and Family Services, Children Services Division shall place the child subject of the report in substitute care and provide a copy of the medical examination report to the caregiver.**

**The Lawrence County Department of Job and Family Services, Children Services Division shall contact the following agencies and determine if a child matching the description of the child subject of the report has been reported missing:**

**1. Local law enforcement.**

**2. Ohio's missing children's information clearinghouse (<http://www.mcc.ag.state.oh.us/>)**

**3. National Center for missing and exploited children (<http://www.missingkids.com>).**

**The LCDJFS CSD will complete activities to obtain a birth certificate and a social security card for the child.**

**The assessment/investigation will be completed no later than forty-five days from the date the referral was screened in as a report and all documentation/materials obtained during the assessment/investigation will be kept in the child's case record.**

#### **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 Lawrence County DJFS Children Services Division 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.

**The Lawrence County Department of Job and Family Services, Children Services Division will be responsible ensuring all signatories are notified in advance of any/all trainings related to the MOU. The Lawrence County Department of Job and Family Services, Children Services Division will coordinate with signatories on dates, times, and places of availability for such training sessions. Such trainings will be conducted annually and as needed.**

**V. CONFLICT RESOLUTION**

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

When a conflict occurs among county partners, the effect is often broader than the individuals directly involved in the dispute. As disputes are often inevitable, this MOU must set forth the local process by which disputes will be resolved so as not to disrupt program effectiveness.

As the mandated agency responsible for the provisions of child protective services, the ultimate decision on how to handle abuse, neglect investigations lie with **Lawrence County DJFS Children Services Division**. 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. **Lawrence County DJFS Children Services Division** will assist these agencies, but in no way, interfere or jeopardize a criminal investigation or prosecution.

For cases that come before the court as it relates to decisions and orders, the Juvenile Judge's rulings are final.

In the event internal conflict resolution efforts fail and a statutorily required participant refuses to sign or engage in the MOU process, the PCSA is to consult with the County Prosecutor to explore available remedies.

**The County Prosecutor will be contacted immediately by the Lawrence County Department of Job and Family Services, Children Services Division upon the refusal of or internal conflict related to the MOU to seek appropriate remedies to the situation.**

**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 **Lawrence County DJFS Children Services Division** 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, **Hope's Place Child Advocacy Center**, and other entities are expected to release information to **Lawrence County DJFS Children Services Division** for the purpose of carrying out its responsibility of protecting children from abuse and/or neglect.

**Each report of suspected child abuse and neglect is confidential. The information shared with the subscribers of this MOU is made available only for the purposes of investigation, treatment, or case management of suspected child abuse and neglect (or otherwise deemed to be in the best interest of the child victim or the family). The information provided in a report and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible as evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.**

**No person shall permit or encourage the unauthorized dissemination of the contents of any report made pursuant to this MOU. The identity of the referral source shall be considered a part of the report. Children Services shall not release or affirm the identity of any party without the referral source's consent, except for the purpose of judicial testimony, if court intervention is deemed necessary to protect the child. Children Services will work with the Prosecutor to protect the identity of all reporters of child abuse and neglect whenever possible. During the intake process, a mandated reporter will be informed that they may have to testify if the case indicates the need. Anyone or any organization participating in good faith in reporting possible child abuse or neglect, providing information used in the report, and participating in a judicial proceeding resulting from the report, shall be immune from any civil or criminal liability that might otherwise be incurred.**

#### **False Reports**

**A person who knowingly makes or causes another person to make a false report under ORC 2151.421 (B) that alleges that any person has committed an act or omission that resulted in a child being abused or neglected is in violation of ORC 2921.14.**

#### **Unauthorized Dissemination**

The information received in a report of alleged child abuse or neglect is highly sensitive and should be maintained in confidence. When any person commits, causes, permits, or encourages the unauthorized dissemination of information, Children Services shall give written notification of such unauthorized dissemination to the Prosecutor. The reporter's identity is confidential and is not to be confirmed or denied.

#### **Failure to Report**

When any mandated reporter fails to report suspected child abuse or neglect as required by ORC 2151.421, Children Services shall give written notification to the Prosecutor. 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 **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** 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 **Lawrence County DJFS Children Services Division** 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, **Lawrence County DJFS Children Services Division** 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. **Lawrence County DJFS Children Services Division** is to submit the MOU to the Board of County Commissioners for review and approval with enough time for any revisions to be made prior to December thirty-first of the year.

This MOU does not inhibit good faith compliance with a subpoena issued by a Grand Jury or in a criminal case. Dissemination of records pursuant to the State's discovery obligations is authorized. However, work product and other privileges are expected to be upheld.

Failure to follow the procedure set forth in the MOU by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

This MOU shall be governed by and construed in accordance with applicable state and federal laws and regulation. In the event any portion of this MOU is inconsistent with state or federal law, that portion shall be without effect as if stricken from the document and the remaining portion shall remain in full force and effect.

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

The signature section authorizes the participating parties of the agreement to begin enactment of MOU protocols and activities. The participating members agree to follow the terms of this MOU and to meet at minimum once every biennium to review terms and conditions, evaluate if updates are needed, and sign a new or amended MOU **First working Monday of each January**.

If any individual serving as a signatory changes mid-term, **Lawrence County DJFS Children Services Division** 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. Written notice should be submitted 45 days prior to termination of the agreement**

**Any need for modification to the agreement will be discuss during a meeting with all signatories and changes will be made to reflect the agreements between the parties. The LCDJFS CSD will then make appropriate modifications as discussed, get signatures from all signatories to reflect agreement to the changes and submit to the Ohio Department of Job and Family Services as well as posting to the public.**

**Should a signatory wish to terminate from this MOU, the County Prosecutor and County Sheriff will be consulted to remedy the absence of the party but utilizing other entities in that specific signatory's absence.**

OSHP Sgt. Steven M. Dunn *[Signature]* 8/25/23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

Humane Officers (Humane Society) *[Signature]* 08-31-23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

*[Signature]* Lawrence County Sheriff 8-31-2023  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

Lawrence Co <sup>CPS</sup> Sheriff Ming Evans, Administrator 8/31/23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

COAL GROVE POLICE *[Signature]* 8/31/23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

South Point Police Dept. *[Signature]* 8-31-23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

Lawrence County Prosecutor *[Signature]* 9/6/23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

IRONTON POLICE DEPT *[Signature]* 9/25/23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

ATHALIA POLICE DEPT *[Signature]* 9-25-23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

Probate Juvenile Court *[Signature]* 9-26-23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

Lawrence County Prosecutor *[Signature]* 9-26-23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

Hope's Place CAC Director of MDT Services *[Signature]* 9/26/23  
Agency, Name, Title Date  
Is this agency a participating member of the CAC referenced in Section II(G)?  Yes  No

Chesapeake Police Dept. Chief J. Simon  
Agency, Name, Title

10-24-23  
Date

YES

Proctorville Police Dept. Chief Paul  
Agency, Name, Title

10/27/23  
Date

YES  NO

WVDP Chief  
Agency, Name, Title

10-31-23  
Date

YES  NO

Jamie Murphy LC Dept of Job & Family  
Agency, Name, Title

11/1/23  
Date

YES  NO

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

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

The Lawrence County Department of Job and Family Services, Children Services Division 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.

Date:

Agency, Name, Title:

Reason the individual refused to sign:

**X. Board of County Commissioners**

The Lawrence County Department of Job and Family Services, Children Services Division shall submit the MOU signed by all participating agencies, to the Lawrence 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.

Cultm [Signature] 11-13-23  
County Commissioners signature and date/Resolution/Note

Finty Yes  
Holliday Yes  
Copley Yes

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

**ATTACHMENTS**

[If the PCSA contracts with an outside source to receive after-hour calls, a copy of the signed agreement which indicates that all reports with identifying and demographic information of the reporter and principals of the report will be forwarded to a designated PCSA worker within an hour of receipt and that confidentiality requirements will be met.]

Not applicable.

**AMENDMENT TO SECTION III (A): The Lawrence County Department of Job and Family Services, Children Services Division will immediately notify/file a report with the law enforcement office with jurisdiction if a mandated reporter fails to report. The name of the mandated reporter, case specific information related to the failure to report, and other pertinent information will be filed in a written report that will then be forwarded by the law enforcement agency to the prosecutor's office for prosecution.**