

Williams County Child Abuse and Neglect

Memorandum of Understanding

Part I: Overview

A. Purpose:

The Memorandum of Understanding (MOU) is to clearly set forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities pursuant to division (J)(2) of section 2151.421 of the Revised Code. The respective duties and requirements of all involved shall be addressed in this MOU. This will facilitate communication and procedures between Williams County Department of Job & Family Services (WCDJFS), various Law Enforcement offices throughout the county, the office of the Prosecuting Attorney, and Judge of the Williams County Court of Common Pleas, Juvenile and Probate Divisions.

Failure to follow procedures set forth in the MOU by the named officials and agencies 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 any reported child abuse or neglect and does not give, and shall not be construed as giving, any rights or grounds for appeal or post-conviction relief to any person. (R.C. 2151.421(K)(2); OAC 5101:2-33-26(D)(I))

Each subscriber to this MOU understands and agrees that this MOU should be followed in all circumstances, except where in the reasonable use of professional judgment, abiding by any laws or regulations in the State of Ohio, the protocol should be modified for the particular circumstances of any one case. Each subscriber may use its professional discretion as provided by law during any one case if necessary to protect a child or otherwise serve the purposes of this agreement. Any question about protocol in any particular case should be directed to the Prosecutor's Office.

B. Goals and objectives of this Memorandum of Understanding.

In furtherance of the purposes of the MOU, the subscribers hereto agree to the following goals and objectives:

Goal: To minimize trauma to victims of child abuse and neglect.

Objective: To conduct joint WCDJFS/Law Enforcement investigations of all cases of suspected child abuse and neglect.

Objective: To provide support services to all alleged victims of child abuse and neglect.

Objective: The number of interviews of alleged child victims shall be kept to a minimum and shall be conducted by persons trained in forensic interviewing of child abuse and neglect cases.

Goal: To pursue the highest level of criminal action as the law permits in all cases of child sexual abuse, severe physical abuse and child fatalities.

Objective: To conduct thorough forensic investigations of all suspected cases.

Objective: To consult with the prosecutor to determine the proper charge after a reported suspected sexual abuse, physical abuse, or child fatality has been investigated.

Objective: To prepare victims of child sexual abuse or child physical abuse to testify in court through victim assistance programs and appropriate counseling.

Goal: To protect the alleged child victim from further abuse or neglect.

Objective: To remove children at the earliest opportunity from environments that pose a risk to the immediate safety and well-being of the child.

Objective: To consult with the prosecutor immediately before and after emergency removal of a child or upon a report of suspected sexual abuse or physical abuse when the immediate safety and well-being of the child is in question.

Objective: In cases where the immediate removal of a child is deemed necessary for the safety and wellbeing of the child, to immediately contact the juvenile court requesting an order for the ex parte removal of the child.

Objective: To pursue juvenile court actions for the future protection of the child through temporary custody, protective supervision, permanent custody, or other dispositional alternatives.

C. Authority.

This MOU is intended to comply with the requirement of Ohio Revised Code Section 2151.421 requiring that various agencies and professionals intervene when there is reason to believe that children are being abused or neglected or at risk of being abused or neglected, and requiring that a child abuse and neglect memorandum of understanding be created which outlines the roles and responsibilities of county agencies and organizations responsible for the protection of children.

D. Mandated Reporters.

Reports of suspected child abuse or neglect may be received from mandated reporters pursuant to Ohio Revised Code Section 2151.421 and Ohio Administrative Code rule 5101:2-34-06, or from voluntary reporters. Mandated reporters include the following:

- Attorney;
- Health Care Professional as defined in R.C. 2151.421(P)(2);
- Practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code;
- Licensed School Psychologist;

- Coroner;
- Administrator or employee of a child day-care center;
- Administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp;
- Administrator or employee of a certified child-care agency or other public or private children services agency;
- School teacher, school employee or school authority;
- Peace officer, including sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal (city or village) police officer, or a state highway patrol trooper;
- Person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion;
- Independent marriage and family therapist or marriage and family therapist;
- Agent of a county humane society;
- Employee of a county department of job and family services who is a professional and who works with children and families;
- Superintendent or regional administrator employed by the department of youth services;
- Superintendent, board member, or employee of a county board of developmental disabilities;
- Investigative agent contracted with by a county board of developmental disabilities;
- Employee of the department of developmental disabilities;
- Employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code;
- Employee of a qualified organization as defined in section 2151.90 of the Revised Code;
- Employee of an entity that provides homemaker services;
- A host family as defined in section 2151.90 of the Revised Code; A foster caregiver;
- A person performing the duties of an assessor pursuant to Chapter 3107 or 5103 of the Revised Code;
- A third party employed by a PCSA to assist in providing child or family related services;
- Court appointed special advocate;
- Guardian ad Litem.

Voluntary reporters may include any person suspecting child abuse or neglect.

A "report" includes information that a child under 18 years of age, or a person under 21 years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect, as well as information concerning individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the court in becoming a dependent, neglected, unruly, or delinquent child or to leave the custody of any person, department, or public or private institution without the legal consent of the person authorized to give consent, or missing children.

The "reporter," is the person who contacts either WCDJFS or Law Enforcement to make a report as defined above. If Law Enforcement relays the report to WCDJFS, Law Enforcement shall be primary reporter. WCDJFS shall use its discretion, with input from the supervisor and/or the Prosecutor's Officer if the primary reporter shall be contacted.

E. Immunity from liability for reporting alleged child abuse and neglect.

Any mandated reporter listed above who, while acting in his/her official or professional capacity, participates in the making of reports of known or suspected child abuse or child neglect under Ohio Revised Code Section 2151.421 shall be immune from any civil or criminal liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of making such a report. Anyone, or any hospital, institution, school, health department, or agency which participates in good faith in the making of reports of known or suspected child abuse or neglect under section 2151.421(B), or anyone who participates in good faith in a judicial proceeding resulting from such a report, shall be immune from any civil or criminal liability for injury, death or loss to person or property that might otherwise be incurred or imposed as a result of the making of the report or the participation in the judicial proceeding. (2151.421(H)(1)(a))

F. Confidentiality of the report and of the identity of the reporter.

By virtue of Ohio Revised Code Section 2151.421(1)(1), a report made under R.C. 2151.421 is confidential, except as provided by Ohio law. In addition, the identity of any person making a report of suspected child abuse or neglect is confidential, whether reported by a private citizen or by a person required to report suspected child abuse or neglect. Law Enforcement shall provide WCDJFS with the reporter's information in every case when Law Enforcement is conducting an investigation of either a report of child abuse or neglect, or that a person has violated R.C. 2921.14. WCDJFS shall provide Law Enforcement with the reporter's information, but shall remind Law Enforcement to note the confidentiality of that person's name and information in Law Enforcement's report. WCDJFS reports on suspected child abuse or neglect are confidential and shall not be released by Law Enforcement to third parties unless approved by the Prosecutor in accordance with applicable Ohio law. The unauthorized dissemination of the contents of any report or the reporter's information is a criminal violation of law under R.C. 2151.421 & 2151.99, and shall be reported to the City Director of Law.

G. Making a false report.

A person who knowingly makes or causes another person to make a false report under O.R.C. 2151.421 that alleges that any person has committed an act or omission that resulted in a child being an abused or neglected is guilty of a violation of O.R.C. 2921.14. In the event that WCDJFS finds reasonable cause to believe that a report is false, WCDJFS shall refer the matter to the Law Enforcement agency with jurisdiction, and the City Law Director, to investigate and prosecute such false report.

H. Penalty for failure to report.

In accordance with Ohio Revised Code Section 2151.99 when any person acting in his official or professional capacity, except any attorney or a physician subject to section 2151.421(A)(2), is mandated to immediately report suspected or known child abuse or neglect and recklessly fails to do so the Department of Job and Family Services shall give written notification of such failure to report to the county prosecutor or City Director of Law. A copy of the written notification shall be retained in the case record. Failing to report child abuse and neglect by a mandated reporter as required by 2151.421, is a misdemeanor of the fourth degree.

L. General reporting procedures.

A "report" includes information that a child under 18 years of age, or a person under 21 years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect, as well as information concerning individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the court in becoming a dependent, neglected, unruly, or delinquent child or to leave the custody of any person, department, or public or private institution without the legal consent of the person authorized to give consent, or missing children.

The "reporter" is the person who contacts either WCDJFS or Law Enforcement to make a report as defined above. If Law Enforcement relays the report to WCDJFS, Law Enforcement shall be a primary reporter.

Any person wishing to make a report of child abuse or neglect may do so by telephone, writing or visiting the Williams County Department of Job & Family services (WCDJFS) at 117 W. Butler St., Bryan, OH 43506, phone# 419-636-6725. Reports shall also be received through the dispatch at the Central Communications/Sheriff's Office at 419-636-3151. The dispatcher will transfer the phone call directly to the WCDJFS worker that is on call during that period of time.

WCDJFS shall make direct contact with the reporter to avoid the problems relating to hearsay, including miscommunications and omissions. If the reporter is calling at the direction of someone else (for example, a nurse calling at a doctor's instruction), then WCDJFS shall make direct contact with that supervisor / other person as well. Law Enforcement may make similar contacts with the reporter and others to determine the facts of the allegations. WCDJFS and Law Enforcement shall share information.

Depending on the circumstances, the WCDJFS worker will determine the next step and act accordingly after speaking with the back-up on call worker and supervisor or administrator.

The WCDJFS is responsible for investigating all reported cases of child abuse and neglect twenty-four hours a day, seven days a week. A municipal or county peace officer may also receive reports of alleged child abuse and neglect. Upon receipt of such report, the municipal or county peace officer must immediately refer the report to WCDJFS.

Joint investigations between Law Enforcement and WCDJFS shall be conducted when a criminal or delinquent act of child abuse or neglect has allegedly been committed against a child.

As required in 2151.421(K), the WCDJFS staff will immediately inform the mandated reporter they are entitled to make a reasonable number of requests for follow-up information concerning the investigation. *This release of information does not apply to a voluntary reporter.* The agency may choose to verify the

reporter's identity prior to the release of any information. The information the reporter is entitled to receive upon request is whether the:

- (a) department has initiated an investigation of the report (or the reason the report has been screened out);
- (b) department is continuing to investigate the report;
- (c) department is otherwise involved with the child who is the subject of the report;
- (d) general status of the health and safety of the child who is the subject of the report;
- (e) report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.
- (f) investigation has been completed and the case closed.

The Chief of a Police Department may contact WCDJFS on behalf of the department even if the Chief was not the original reporter.

The person who receives the child abuse/neglect report from the mandatory reporter shall document in the initial child abuse/neglect report the reporter's name, address, phone and that the information required to be given was provided to the reporter.

Part II: SUBSCRIBERS TO THE CHILD ABUSE AND NEGLECT MEMORANDUM OF UNDERSTANDING

The subscribers to this plan are the:

- 1. Williams County Department of Job and Family Services;
- 2. Williams County Sheriff;
- 3. All Chiefs of Police in Williams County;
- 4. Williams County Prosecuting Attorney;
- 5. Misdemeanor Prosecutor;
- 6. Judge of the Williams County Common Pleas Court, Juvenile Division;
- 7. Williams County Humane Society;
- 8. Williams County Central Communications;
- 9. City of Bryan Dispatch.

Each subscriber shall train all employees who are or come to be employed in their respective offices on the procedures of this MOU.

Part III. GENERAL RESPONSIBILITIES AND PROCEDURES

Consistent with the goals, objectives, and the general operating principles outlined above, each subscriber will undertake the following operating responsibilities and procedures with regard to alleged cases of child abuse or neglect.

(A) RESPONSIBILITIES OF CHILDREN SERVICES (WCDJFS):

- 1. Accept complaints of child abuse and neglect 24 hours per day, 7 days per week. WCDJFS shall make direct contact with the reporter, so as to avoid the problems relating to hearsay,

including miscommunications and omissions. The "reporter" of suspected child abuse or neglect is the person who contacts either WCDJFS or Law Enforcement. If the reporter is calling at the direction of someone else (for example, a nurse calling at a doctor's instruction), then WCDJFS shall make direct contact with that supervisor / other person as well. WCDJFS will use the "State Screening Guidelines" for determining if a report of suspected child abuse and/or neglect needs to be investigated by WCDJFS.

Within 24 hours, WCDJFS will provide the Law Enforcement agency with jurisdiction any information received that alleges any criminal conduct, regardless of whether WCDJFS screens in or screens out the case.

2. Initiate an investigation within one (1) hour of each emergency complaint (when it is determined that there is an imminent threat to the child's safety) or within twenty-four (24) hours of each non-emergency complaint. WCDJFS has twenty-four (24) hours to make a screening decision on non-emergency complaints.
3. Interview alleged child victims, principals of the case, collateral and witnesses as deemed necessary during the WCDJFS investigation in compliance with OAC 5101:2-36-01, in accordance with Section IV(A)(4) of this MOU,
4. WCDJFS may request the presence of Law Enforcement officers for the following non-exclusive reasons:
 - An exigent circumstance exists; provided, however, that as soon as reasonably possible WCDJFS shall notify Law Enforcement officers.
 - The worker must conduct a home visit after regular business hours and a Law Enforcement escort is requested as a standard operating procedure.
5. WCDJFS shall request the presence of Law Enforcement officers for the following non-exclusive reasons:
 - The agency has a reasonable belief the child is in immediate danger of serious harm.
 - The agency has a reasonable belief a crime is being committed or has been committed.
 - The agency has a reasonable belief the worker is, or will be, in danger of harm during the course of the investigation.
 - The worker is removing a child from her/his family via an order of the court and the assistance of Law Enforcement is needed as the worker has reason to believe the family will challenge the removal.
 - The worker must conduct an assessment/investigation at a suspected drug house and a Law Enforcement escort is needed.
 - The worker 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.
 - The worker is working with a family that has historically threatened to do harm to the social worker.
6. Each report of child abuse or neglect shall be entered into SACWIS (State Automated Child Welfare Information System). WCDJFS staff will document everything related to an investigation, as required by the Children's Services Supervisor and WCDJFS protocol.

In particular, WCDJFS staff will document any statements made by the alleged child victim, the alleged perpetrator, and any other person who has information relating to the child abuse or neglect. WCDJFS will document any evidence collected. WCDJFS will provide written preliminary reports of all investigations that allege criminal acts to the Law Enforcement agency where the criminal act occurred and the prosecutor's office by phone immediately, and, with respect to written documentation, within three days including all activity logs related to the investigation. This will occur on any case where WCDJFS has knowledge that the act could be investigated or prosecuted criminally, with or without a request for such reports or logs from the investigating officer or prosecutor. The prosecutor's office will determine whether the reports and logs are discoverable to the defense in the criminal case. The prosecutor's office can assist Law Enforcement with public records requests relating to any case. WCDJFS logs and reports must be kept strictly confidential when in the possession of Law Enforcement and others.

7. The Williams County Prosecuting Attorney, or City Law Director, as appropriate, shall be notified in writing by WCDJFS of any failure of a mandated reporter to report suspected abuse or neglect as required by ORC 2151.421 for purposes of review of the matter for criminal prosecution. Any unauthorized dissemination of confidential WCDJFS information discovered by the WCDJFS shall be reported in writing to the prosecuting attorney or City Law Director, as appropriate for purposes of review for criminal prosecution.
8. A Forensic Interviewer will interview the alleged child victim as outlined in Section IV(A), below. The methods to be used in interviewing will also comply with any applicable law or regulation.

WCDJFS will not interview the alleged child victim without parental consent, unless one or more of the following exigent circumstances exists:

- There is credible information indicating the child is in immediate danger of serious harm.
 - There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from their home.
 - There is credible information indicating that the child may be intimidated from discussing the alleged child abuse or neglect in their home.
 - The child requests to be interviewed at school or another location due to one of the circumstances listed above.
9. When conducting a joint assessment/investigation with Law Enforcement, WCDJFS will ensure the safety of the child and not compromise the child protective assessment/investigation while concurrently assisting Law Enforcement with the criminal investigation.
 10. WCDJFS staff may contact the County Prosecutor, even after-hours, when an investigation has revealed that a child has been sexually or seriously physically abused within the last 72 hours, or any other time after-hours as deemed necessary in the worker's opinion. Central Communications has the County Prosecutor's contact list.
 11. WCDJFS will refer and arrange for the medical examination of an alleged child victim, as provided in Section IV(A), below.

(B) RESPONSIBILITIES AND PROCEDURES FOR LAW ENFORCEMENT:

1. Law Enforcement Officers shall accept complaints, emergency and non-emergency, regarding child abuse and neglect from any source and contact the WCDJFS within 24 hours.

At the first moment that it is determined that a crime may have occurred against a child, including human trafficking, Law Enforcement will be responsible for the investigation of the crime, even if WCDJFS initiated the case. Law Enforcement is responsible for interviewing the alleged preparator, interviewing witnesses, collecting evidence, and doing all other investigative work for a criminal investigation. A certified forensic interviewer, will be responsible for interviewing the alleged child victim(s). If available, WCDJFS will be primarily responsible for interviewing alleged child victims, as set forth in Section IV(A), below.

2. Law Enforcement will investigate missing children and may access all pertinent information from WCDJFS concerning missing children that may be relevant.
3. Law Enforcement will assist WCDJFS with third party investigations when requested.
4. When necessary, Law Enforcement will exercise their duty to remove a child when there are reasonable grounds to believe that the child is at imminent risk of harm. Law Enforcement must first contact the Prosecutor's Office and WCDJFS.

When conducting a joint assessment/investigation with WCDJFS, Law Enforcement will ensure the safety of the child and not compromise the child protective assessment/investigation while concurrently assisting WCDJFS.

5. Law Enforcement will contact the County Prosecutor's office, even after-hours, when an investigation has revealed that a child has been sexually or seriously physically abused (i.e., a felony-level offense) within the last 72 hours. Law Enforcement may also contact the appropriate Prosecutor's office, even after-hours, when the investigating officer questions whether the alleged perpetrator should be arrested or charged immediately. Law Enforcement may contact the appropriate Prosecutor's office during office hours regarding any procedural or legal issue, or after-hours as deemed necessary in the officer's opinion.

(C) RESPONSIBILITIES OF COUNTY PROSECUTING ATTORNEY

1. The Williams County Prosecuting Attorney is responsible for reporting information of suspected child abuse or neglect to WCDJFS.
2. The Prosecuting Attorney's office will provide legal advice and interpretation to WCDJFS and legal representation in Court on cases pertaining to child abuse or neglect.
3. The Prosecuting Attorney's office will assist WCDJFS and Law Enforcement in completion of investigation of child abuse or neglect cases and make appropriate determinations as to any adult felony or delinquent child charging decisions.

(D) RESPONSIBILITIES OF MISDEMEANOR PROSECUTOR

The Misdemeanor Prosecutor will assist WCDJFS and Law Enforcement in completion of cases pertaining to investigations of adult misdemeanor child abuse or neglect cases and make appropriate determinations as to any adult misdemeanor charging decisions.

Part IV. PROCEDURES IN SPECIFIED CIRCUMSTANCES.

(A) CRJMINAL INVESTIGATIONS OF CHILD ABUSE OR NEGLECT

1. THE INITIAL/ MINIMAL FACTS INTERVIEW OF THE ALLEGED CHILD VICTIM.

Alleged child victims will need to be questioned immediately in the field in order to assess the risk of imminent danger, and in order for Law Enforcement to know how to proceed with immediately collecting evidence and otherwise investigating. Once an initial/minimal facts interview is completed and it is determined that a criminal offense has been committed a Forensic Interview will be scheduled at a facility/forensic room where the interview can be record in conjunction with Law Enforcement. However, especially when physical or sexual abuse has occurred recently, the alleged child victim will be interviewed immediately, in a safe environment, preferably in a forensic room, by a certified Forensic Interviewer, trained in interviewing child victims. The immediate interview is especially important where there may be evidence that will be lost or destroyed if not immediately collected by Law Enforcement.

Immediate questioning of alleged child victims, prior to a Forensic interview, will be a "Minimal Facts Interview." If the child volunteers detailed information, that information will be reported and, whenever possible, recorded, and the report will indicate the circumstances under which the child made the statements. If the child is not volunteering information, then leading questioning will be strictly avoided, except if necessary to determine the safety of a child.

As developmentally and otherwise appropriate, the Minimal Facts Interview may include:

1. What happened? (Where on the child's body did the touching take place and how was the child forced or coerced, for example)
2. Where did it happen? (Jurisdiction as well as where in the home, for example)
3. When did it happen? (Last time, first time, how often it occurred)
4. Who is the alleged perpetrator?
5. Are there witnesses or other victims?
6. What steps are necessary to ensure the safety of the child and other children?
7. Is immediate medical attention necessary?
8. Who is the custodian? Where do they live? Do not ask why the abuse occurred.

If in the judgment of the interviewer the expansion of the Minimal Facts Interview is necessary to protect the safety of the child, to locate evidence that may be quickly lost or destroyed, or to apprehend or arrest a suspect, then the interviewer may question the child further. All attempts will be made to ask non-leading questions of the child.

The Minimal Facts Interview will be audio-recorded whenever possible.

If there is no immediate threat to the child and the child is too sleepy or upset to complete even a Minimal Facts Interview, then an interviewer who is forensically trained will complete the interview with the child as soon as possible.

The interviewer will immediately report all relevant facts to the investigating Law Enforcement officer. Law Enforcement should use the facts gathered to collect evidence at the scene, obtain a search warrant, interview the perpetrator or witnesses, or conduct other investigation, as deemed appropriate.

The interviewer will immediately document the circumstances of the Minimal Facts Interview, the questions asked, the answers given, and the demeanor of the child at the time. The report will be shared with all parties who are investigating the complaint within 72 hours.

2. EVIDENCE COLLECTION AND MAINTENANCE.

Law Enforcement investigators will be responsible for the collection of evidence of a crime committed against a child, as well as the preservation and storage of that evidence. WCDJFS may collect evidence such as photographs, with documentation on its collection, and WCDJFS will provide copies of any such evidence, including photographs, to Law Enforcement as soon as possible. No evidence shall be destroyed except after a case is concluded and the Prosecutor's Office has approved the destruction, and in accordance with all other laws and public records policies.

3. THE FULL INTERVIEW OF THE ALLEGED CHILD VICTIM.

A Forensic Interviewer shall be utilized in interviews of an alleged child victim of child abuse or neglect where the custodian resides in Williams County, or that occurred elsewhere if the child resides here, in consultation with any other responsible jurisdiction. In the event that a Law Enforcement officer becomes aware during an independent investigation that a child is an alleged victim of child abuse or neglect that occurred in Williams County, the officer will contact WCDJFS to make a report to the correct jurisdiction to complete the Full Interview.

Except when deemed necessary for an investigator to complete a Minimal Facts Interview, every effort will be made during every investigation of alleged child abuse or neglect to subject the alleged child victim to only one interview concerning the facts and circumstances of the alleged abuse or neglect. Additional interviews may be necessary for purposes of psychological or medical evaluation, case evaluation and trial preparation by the Prosecuting Attorney or such other circumstances as may be approved by the Prosecuting Attorney in consultation with Law Enforcement and WCDJFS.

All alleged child victim interviews will be conducted by specially trained child abuse forensic interviewers. Interviewers will conform to accepted standards of best practices. Training may be the RATAC forensic interview protocol, Beyond the Silence, or any other state-recognized training on forensic interviewing of child abuse victims.

The Full Interview of the alleged child victim will take place at a facility where the interview can be recorded, in conjunction with Law Enforcement, unless the best interests of the child indicate otherwise. WCDJFS will inform the appropriate Law Enforcement agency of all interviews at least four hours prior to the interview. If a properly trained Law Enforcement Officer conducts the interview, Law Enforcement will contact WCDJFS at least four hours prior to the interview. An investigator from the Law Enforcement Agency of jurisdiction, may observe the full interview when WCDJFS is conducting the interview. In all cases where criminal abuse or neglect is indicated, the interview of the child will be audio/video recorded. Sexual abuse as well as physical abuse interviews will be audio/video recorded. All conversation with the child will be recorded. As soon as the child and interviewer start a conversation, the conversation will be recorded, even if they begin by talking about unrelated issues. No questioning related to the abuse will occur without recording.

If the alleged child victim has difficulty verbalizing any information as it relates to the investigation, the interviewer may choose to introduce the anatomically correct dolls, puppets and/or anatomical drawings as tools to aid in gathering the necessary investigative information. These tools will be utilized as appropriate to the child's developmental age and understanding.

In those cases where the alleged child victim is non-verbal, the interviewer will view and assess the child's condition and document any observations made regarding the child:

After the Full Interview, the interviewer will immediately provide all relevant facts to the investigating Law Enforcement officer, even if the recording or transcript will not be ready for release for several days. Law Enforcement may use the facts gathered to collect evidence at the scene, obtain a search warrant, interview the perpetrator or witnesses, or conduct other investigation, as deemed appropriate.

Law Enforcement should immediately move forward with an investigation when the facts of the case allow. Law Enforcement should not wait for a transcript of an interview of an alleged child victim to proceed in an investigation. If Law Enforcement cannot proceed without a transcript, then this fact should be reported to WCDJFS, and the prosecutor's office, in which case WCDJFS shall expedite the transcript to be completed as soon as possible.

4. INTERVIEW OF ALLEGED PERPETRATOR AND OTHER WITNESSES.

If it is suspected that a crime has occurred against a child, Law Enforcement will be responsible for locating and interviewing the alleged perpetrator. WCDJFS staff may, with the approval of Law Enforcement or the Prosecutor, interview the perpetrator if necessary to determine the safety of a child; however, Law Enforcement will attempt to complete an independent interview of the alleged perpetrator. Law Enforcement shall inform the Social Worker, at least four hours in advance, of the interview to allow the Social Worker to be present during the interview. Every effort should be made to obtain a detailed recorded or written statement, whether the statements are made to Law Enforcement or WCDJFS workers.

Law Enforcement will be responsible for locating and interviewing the reporter, any non-offending caregiver of the child, and any other witnesses who have information on the crime. Every effort should be made to obtain a detailed recorded or written statement, whether the statements are made to Law Enforcement or WCDJFS workers.

WCDJFS workers will immediately document any statements made by any person that is relevant to any criminal investigation committed against a child.

5. MEDICAL RESPONSE.

Unless a specially trained medical professional deems it unnecessary, any child who has allegedly been subjected to any kind of sexual abuse or felony-level physical abuse will receive a medical assessment, regardless of the time frame of abuse. This medical assessment will include a child's medical history with a review of symptoms and a comprehensive and developmentally age-appropriate physical examination, assessing the child as a whole.

In the case of acute sexual or physical assault, with the last suspected incident occurring less than or equal to 72 hours, the child victim will be evaluated by a SANE medical personnel or physician on duty immediately. If a local SANE nurse is not available within a reasonable amount of time, the victim will be referred to a facility in Toledo or an alternate location. A victim advocate from Victim Assistance will be contacted in this event. The exam is required to be completed by a certified Pediatric SANE Nurse.

(B) DOMESTIC VIOLENCE

In cases of domestic violence where children are present at the conflict scene or are the suspected victim of domestic violence, Law Enforcement officials shall report to WCDJFS as a child abuse/neglect report and continue to follow the Recommended Response to Domestic Violence Protocol. When deemed necessary and appropriate, the victim advocate, available through Victim Assistance, will be contacted to provide support and assistance to the child and family.

(C) HANDLING AND COORDINATING INVESTIGATIONS INVOLVING ALLEGATIONS OF CHILD ABUSE OR NEGLECT IN OUT-OF-HOME CARE:

An out-of-home care setting includes the following homes, agencies, and facilities as defined in 5101:2-1-01: a detention facility, shelter facility, family foster home, foster home, pre-finalized adoptive placement, certified foster home, approved foster care organization, certified organization, child day-care center, type A family day-care home, type B family day-care home, group home institution, state institution, residential facility, residential care facility, residential camp, day camp, hospital medical clinic, children's residential center, public or nonpublic school, or respite home that is responsible for the care, physical custody, or control of a child.

When a report of child abuse or neglect in an out-of-home care setting is made, the appropriate Law Enforcement agency shall assist the WCDJFS if a principal named in the report poses a conflict of interest for WCDJFS and another JFS will not do a courtesy interview. If entry to the out-of-home care setting is denied, WCDJFS shall seek a court order to gain access to the child. The Department of Job and Family Services will immediately contact the out-of-home care setting administrative

Officer, director or other chief administrative officer in order to share information regarding the report and the investigative activities that will follow. If the out of home care setting is an institution, facility, or family foster home licensed or certified by the Ohio Department of Job and Family Services and operated or supervised by the Williams County Department of Job and Family Services,

the procedures for a third-party investigation shall be followed. WCDJFS shall follow the requirements of OAC 5101:2-36-04 pertaining to investigations of alleged child abuse and neglect in an out-of-home care setting.

(D) HANDLING AND COORDINATING THIRD-PARTY INVESTIGATIONS.

The Williams County Department of Job and Family Services shall conduct a third-party investigation, in accordance with OAC 5101:2-36-08, when the following parties are involved as principals:

- any employee of an institution or facility that is licensed or certified by ODJFS or another state agency and supervised by the WCDJFS;
- a foster caregiver or pre-finalized adoptive parent that is licensed, certified or approved by ODFJS or supervised by the WCDJFS;
- a type B family day care home certified by a county Department of Job and Family Services (CDJFS) that 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 WCDJFS as defined in Chapter 5153. of the Revised Code
- any authorized person representing ODJFS or WCDJFS who provides services for payment or as a volunteer.
- any time a PCSA determines that a conflict of interest exists.

When the need for a third-party investigation has been determined, the Children Services unit of the WCDJFS shall request a joint investigation be conducted with the appropriate Law Enforcement agency. The request shall be made verbally within twenty-four hours from acknowledgement of the need for such an investigation and followed by a written report within three (3) working days. Upon completion of its investigation, the Law Enforcement agency shall provide a written report of its findings to WCDJFS within three (3) working days. In instances where Law Enforcement declines to assist WCDJFS, the Prosecutor's Office shall be contacted for assistance.

(E) HANDLING AND COORDINATING INVESTIGATIONS INVOLVING CASES OF A MISSING CHILD.

When a Law Enforcement agency is informed that a minor is, or may be a missing child, and the person providing the information wishes to file a missing child report, the Law Enforcement agency shall take prompt action to locate the missing child.

A missing child is defined as a minor person, under 18 years of age, who is alleged to have either runaway from or is otherwise missing from the home of, or the care, custody, and control of his parents, custodial parent, guardian, legal custodian, or person having responsibility for the minor, or is missing and about whom there is reason to believe he could be the victim of a violation of section 2905.01, 2905.02, 2905.03, 2905.05 or 2919.23 of the Ohio Revised Code.

The Law Enforcement agency may notify additional Law Enforcement agencies and the Williams County Department of Job and Family Services about the case, request its assistance or cooperation in the case, and provide it with relevant information. Upon request from the Law Enforcement agency, WCDJFS shall grant the Law Enforcement agency access to all information concerning the

missing child that the department possesses that may be relevant to the investigation of the missing child report. The information obtained by the Law Enforcement agency shall be used only to further the investigation in locating the missing child.

(F) HANDLING AND COORDINATING INVESTIGATIONS INVOLVING THE DEATH OF A CHILD WHICH MAY HAVE RESULTED FROM CHILD ABUSE OR NEGLECT.

The appropriate Law Enforcement agency shall investigate any death of a child which may have resulted from child abuse or neglect. When the WCDJFS receives a report of a death of a child which may have resulted from child abuse or neglect, the agency shall notify the appropriate Law Enforcement agency within one hour. In addition, the agency shall notify the ODJFS by data entry into the Ohio SACWIS system. WCDJFS shall follow the procedures in OAC 5101:2-42-89. The normal Law Enforcement procedures for investigating any death of an unknown nature shall be followed. A joint investigation with WCDJFS, Children Services unit, shall be conducted as determined by the Law Enforcement agency, WCDJFS and County Prosecuting Attorney. The WCDJFS shall release all relevant information to the investigating Law Enforcement agency unless disclosure is otherwise prohibited by law or regulation and maintain documentation of the completed investigative activities in the case record. Questions of ability to release information shall be directed to the Williams County Prosecuting Attorney's office.

(G) HANDLING AND COORDINATING INVESTIGATIONS INVOLVING CASES OF ALLEGED WITHHOLDING OF MEDICALLY INDICATED TREATMENT FROM DISABLED INFANTS WITH LIFE THREATENING CONDITIONS.

The Williams County Department of Job and Family Services shall receive, and investigate, reports of cases of alleged withholding of appropriate nutrition, hydration, medication or medically indicated treatment from disabled infants, in accordance with the rule and procedures set forth in OAC 5101:2-36-07. Withholding of medically indicated treatment, which may constitute neglect of a child, is the failure to respond to the disabled infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration and medication) which, in the treating physician's reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions. The term does not include the failure to provide treatment to an infant when the infant is chronically and irreversibly comatose; the provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, otherwise be futile in terms of the infant's survival; the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane. WCDJFS may seek the assistance of a qualified medical consultant to evaluate the child's medical information to determine if the disabled infant is a neglected child as defined in division (c) of section 2151.03 of the Revised Code. If determined necessary and appropriate, Law Enforcement will be notified and participate in the investigative process. Information gathered and maintained information pertaining to a case of this nature includes: Name, address and telephone number, title of the facility's contact person, and name of contact person of each appropriate health care facility within its jurisdiction. WCDJFS will also maintain the name and chairperson of the health care facilities' review committee, if a committee exists.

Agency procedure for intervening in cases involving alleged withholding of medically indicated treatment is to: 1) discuss intake with CPS Director, Administrator, and/or Supervisor and 2) immediately contact Williams Co. Prosecutor's office for legal instructions.

(H) REMOVAL AND PLACEMENT OF CHILDREN ON AN EMERGENCY AND

NON- EMERGENCY BASIS.

Emergency removal of a child shall be considered necessary when the child is at imminent risk and in need of protection from further abuse or neglect, as outlined in OAC 5101:2-39-01. WCDJFS shall be notified immediately and assure that Law Enforcement is present during the removal of a child from the home. WCDJFS will arrange placement for the child, exploring relative placement first. A LEADS check, SACWIS search, drug screens, a sight and safety inspection of the home and a formal safety plan will all be completed for all adults in the kinship home prior to any emergency placement. If no kinship placements are available or determined suitable, the child will be placed in the least-restrictive, most family-like setting available to meet the child's needs.

WCDJFS must determine if the risk of harm to the child, if child remains in child's home, is greater than the risk of harm to the child if child is removed from the home; the potential for serious physical or emotional harm the child may suffer if child remains in child's home; the likelihood that such harm will occur and the extent to which the risk can be alleviated by the provision of supportive services; and the emotional trauma or other harm the child may suffer if child is removed from the home. All non-emergency situations shall be referred to WCDJFS for investigation and further case decision making.

Law Enforcement personnel shall assist the WCDJFS workers in the enforcement of court orders, emergency or non-emergency, for the removal of children. All ex-parte emergency removals must be approved by the Judge of the Common Pleas Court, Juvenile Division or a person designated by the Judge to authorize the removal. The Judge may be contacted through Central Communications.

As questions often arise as to the urgency of any given report, the following guidelines have been developed to better define what is considered an emergency for WCDJFS.

Please note that these are only guidelines and are not inclusive of all emergency situations.

GUIDELINES TO DETERMINE WHETHER A CHILD IS IN IMMEDIATE DANGER

Supervision

No caretaker available for the child who is under the age of eighteen (18) years for an extended period of time.

No caretaker willing to care for the child.

Caretaker unable to care for the child due to condition (i.e., intoxication, substance abuse, physical disabilities, psychotic behaviors) and neighbor/friend or relatives not available.

Child abandoned.

Conditions of the Home

The outside temperature is below forty-five degrees (45°) F and family has no heat or available refuge.

Broken windows, jagged edges of glass in the home.

Exposed electrical wiring.

Bathroom facilities are not in working order.

Holes in the roof where rain or snow may enter.

Garbage and/or feces in the home posing a health hazard.

Rats and other organisms in the home posing a health risk

Family does not have access to food and/or water.

Extreme wet and/or dry clutter.

Evidence of drug abuse

Please note: Usually more than one condition of the home must be present in order to warrant an immediate response.

Conditions or injuries to the Child

Child injured and caretaker unable to explain how the injury occurred.

Location or type of injury suggests abuse, yet caretaker's explanation is not consistent and/or conflicts with the injury.

Child's explanation of injuries conflicts with caretaker's explanation.

Child is seriously ill and caretaker will not arrange for medical examination (or will not allow you to do so.)

Type of injury suggests an intention to harm the child (i.e., burn on infant's buttocks, whip marks.)

Complaints of children or adolescents that are suicidal (calls should involve mental health professional) and the parents refuse treatment.

Self-referrals from caretakers who state they are incapable to cope, feel they may hurt or kill their children, or desire the child's removal or placement away from the home.

Child's condition indicates "non-organic failure to thrive". The effects of extreme deprivation can be seen in the medical syndrome "non-organic failure to thrive". Failure to thrive is a condition in which children show a marked retardation or cessation of growth. On a normal growth chart, failure to thrive children fall below the third percentile.

Sexual Abuse

Child was raped by related adult, non-related adult or juvenile and the caretaker did not

attempt to protect the child. (NOTE: Once a disclosure of sexual abuse has occurred or physical findings, the child should not have contact with the alleged perpetrator.)

Child gives any information that medical evidence may be present; a medical exam should be arranged immediately.

Caretaker refused medical attention for sexual abuse victim.

(H) PREPARING, PRESENTING AND REFERRING CASES FOR COURT ACTION.

Upon completion of its investigation or at any time during the investigation process, WCDJFS and/or Law Enforcement agency shall consult with the Williams County Prosecuting Attorney or the Misdemeanor Prosecutor, as appropriate, for evaluation of appropriate legal action. A written report of the investigation will be provided to the prosecutor to aid in the decision. The prosecuting attorney, in consultation with the Department of Job and Family Services, and appropriate Law Enforcement agency, shall determine the need for legal action for the future protection of the child, and regarding criminal prosecution of any perpetrator of abuse or neglect of a child. In the event the county prosecuting attorney determines that felony prosecution is not appropriate or supported by the evidence, a referral shall be made to the City Law Director for evaluation of the case for misdemeanor criminal prosecution.

The County Prosecuting Attorney shall evaluate all cases reported concerning unauthorized dissemination of information and failure to report alleged child abuse or neglect by a mandated reporter as to the appropriateness of criminal prosecution, and if prosecution is deemed appropriate, refer the matter for prosecution to the City Law Director for that attorney's evaluation and appropriate action.

(I) ALLEGATIONS OF CONTRIBUTING TO THE DEPENDENCY, NEGLECT, UNRULINESS, OR DELINQUENCY OF A CHILD.

In the event that a mandated subscriber receives a report that an individual has allegedly aided, abetted, induced, caused, encouraged or contributed to a child or a ward of the juvenile court becoming dependent, neglected, unruly or delinquent; or leaving the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution, the mandated subscriber will immediately notify the appropriate Law Enforcement agency who will evaluate the case for appropriate legal action. If applicable, cases shall be referred to the Williams County Prosecuting Attorney or the City Prosecutor for evaluation and prosecution.

(J) PROCEDURES FOR THE DEATH OF A CHILD IN THE CUSTODY OF THE AGENCY:

In the event of the death of a child in the custody of WCDJFS, all procedures will be followed as written in ORC 5101:2-42-89. When the death of a child is the result of suspected child abuse or neglect, a joint investigation with WCDJFS and Law Enforcement will be initiated.

(K) PROCEDURES FOR MAINTAINING OPERATION FOR RECEIVING AND INVESTIGATING CHILD ABUSE AND/OR NEGLECT REPORTS IN THE EVENT OF A DISASTER.

See attached "Disaster Plan"

(L) AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING.

Occurrence of the following conditions requires an amendment to the County Plan:

1. Any changes made in operating responsibilities or procedures of mandated subscribers that relates to child abuse and neglect.
2. Replacement of a mandated subscriber through election or appointment.
3. WCDJFS shall submit a written copy of any amendment to the MOU to the appropriate ODJFS field office within ninety days of the amendment.

Signatures on file with Job & Family Services