

Ohio Department of Job and Family Services
**SHELBY COUNTY MEMORANDUM OF UNDERSTANDING
TO ADDRESS CHILD ABUSE AND NEGLECT**

I. STATEMENT OF PURPOSE

This memorandum of understanding (hereinafter MOU) to address child abuse and neglect is required by sections 2151.4220, 2151.4221, 2151.4222, 2151.4223, 2151.4225, 2151.4226, 2151.4228, 2151.4229, 2151.4230, 2151.4231, 2151.4232, 2151.4233, and 2151.4234 of the Ohio Revised Code and section 5101:2-33-26 of the Ohio Administrative Code. It is an agreement among **Shelby 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 134th Ohio General Assembly. Two primary goals of this MOU are:

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

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

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

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

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

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

II. ROLES AND RESPONSIBILITIES OF EACH PARTICIPATING AGENCY

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

The **Shelby County Department of Job and Family Services/Children Services Division** is the lead agency for the investigation of child abuse, neglect, or dependency in **Shelby County Department of Job and Family Services/Children Services Division** County. The **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** as soon as possible or within **the next business day for non-emergencies** for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with **Shelby 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 **Shelby County Department of Job and Family Services/Children Services Division** in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with **Shelby County Department of Job and Family Services/Children Services Division** on interviews with principals of the case when there are serious criminal implications; Notifying **Shelby County Department of Job and Family Services/Children Services Division** of any legal action involving an alleged perpetrator of child abuse or neglect;

Responding to **Shelby County Department of Job and Family Services/Children Services Division's** requests for information regarding the status of the legal action; Providing police record checks for **Shelby County Department of Job and Family Services/Children Services Division** as necessary or requested as permitted by law; Consulting with **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** or appropriate law enforcement agency. The County Prosecutor shall represent **Shelby County Department of Job and Family Services/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 **Shelby County**

Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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

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

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

animal cruelty reporting agencies are to utilize the Humane Agents authorization to remove children under emergency circumstances, if necessary. In those circumstances, they are to coordinate efforts with **Shelby County Department of Job and Family Services/Children Services Division** and local law enforcement as soon as possible or within **the next business day for non-emergencies**.

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 **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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.

B. System for receiving reports

Reports of child abuse or neglect shall be made to **Shelby County Department of Job and Family Services/Children Services Division** or any law enforcement officer with jurisdiction in **Shelby County Department of Job and Family Services/Children Services Division** County. If **Shelby County Department of Job and Family Services/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.

Any reports during business hours can be made to Shelby County Department of Job and Family Services at 937-498-4981 or reports afterhours, holidays, or on weekends can be made to the on call caseworker by contacting Shelby County Sheriff's Office at 937-498-1111.

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 **Shelby County Department of Job and Family Services/Children Services Division** screens in a report of child abuse, **Shelby County Department of Job and Family Services/Children Services Division**

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 **Shelby County Department of Job and Family Services/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, **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** receives a referral from a mandated reporter who provides their name and contact information, **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** closes an investigation/assessment reported by a mandated reporter, **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** determines that a report is emergent, **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

If **Shelby County Department of Job and Family Services/Children Services Division** determines an active safety threat exists and the family refuses to sign a safety plan, the agency will contact the **Shelby County Prosecutor's Office** or local law enforcement to discuss officer acceptance, emergency orders, or any other means to ensure child safety.

2. Law Enforcement and Shelby County Multi-Disciplinary Team Response Procedure

Shelby County Department of Job and Family Services/Children Services Division shall attend monthly scheduled **Multi-Disciplinary Meetings** to discuss any sexual abuse or serious physical abuse cases to ensure timely investigations are being completed, the agencies are cooperating to gather all necessary evidence, charges are being filed in a timely manner, and to follow up with the court process resulting from any sexual abuse or serious physical abuse investigations.

3. Children in Need of Medical Attention Special Response Procedures

Any child in need of medical attention or special response will be referred to **Wilson Memorial Hospital** as the local hospital or as an alternative to **Dayton Children's Medical Center** which is the closest specialized hospital for children.

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 **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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. **When involved with law enforcement or other agencies who have forensic interviewers then that agency will take the lead and will coordinate the scheduling of interviews with the victim, witnesses, and Shelby County Department of Job and Family Services/Children Services Division personnel.** Those same agencies would provide video recordings and narrative interview outlines of the forensic interview as required for Shelby County Department of Job and Family Services/Children Services Division forensic interview investigations. **When involved with law enforcement or other agencies who do not have forensic interviewers then Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** upon request.

The **Shelby 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 conducted concurrently. **Shelby County Department of Job and Family Services/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.

Shelby County Department of Job and Family Services/Children Services Division will consult with each other anytime an issue arises with conflict between the Children Services and criminal investigation.

Shelby County Department of Job and Family Services/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, **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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
- **There is no local CAC that is utilized by Shelby County Department of Job and Family Services/Children Services Division.**
- **If an interview is needed in another jurisdiction then Shelby County Department of Job and Family Services/Children Services Division will contact an out of county PCSA or law enforcement agency to complete courtesy interviews on behalf of the agency.**

G. Standards and procedures for Shelby County Department of Job and Family Services/Children Services Division requests for law enforcement assistance

Shelby County Department of Job and Family Services/Children Services Division will contact the local law enforcement agency that holds jurisdiction and make a report to a line officer who will respond or forward report to a detective as necessary.

Shelby County Department of Job and Family Services/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 exists.
- **Shelby County Department of Job and Family Services/Children Services Division** has reason to believe that the child is in immediate danger of serious harm.
- **Shelby County Department of Job and Family Services/Children Services Division** has reason to believe that the worker is, or will be, in danger of harm.
- **Shelby County Department of Job and Family Services/Children Services Division** has reason to believe that a crime is being committed, or has been committed, against a child.
- **Shelby County Department of Job and Family Services/Children Services Division** worker must conduct a home visit after regular **Shelby County Department of Job and Family Services/Children Services Division** business hours and a law enforcement escort is requested as a standard operating procedure.
- **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** has reason to believe the family will challenge the removal.
- **Shelby County Department of Job and Family Services/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.
- **Shelby County Department of Job and Family Services/Children Services Division** is working with a family that has historically threatened to do harm to PCSA staff.

Or as directed by law enforcement if it is recommended that a caseworker not go to the residence alone.

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 **Shelby County Department of Job and**

Family Services/Children Services Division and the law enforcement agency of jurisdiction.

1. Out-of-Home Care

Shelby County Department of Job and Family Services/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.

Shelby County Department of Job and Family Services/Children Services Division follows the procedures for conducting out-of-home care investigations as described in section 5101:2-36-04 of the OAC.

2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the OAC, **Shelby County Department of Job and Family Services/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.

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

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

Shelby County Department of Job and Family Services/Children Services Division is governed by ORC section 307.622 and must have a child fatality review board.

The child fatality review board meets annually and Shelby County Department of Job and Family Services/Children Services Division attends this meeting and shares any information pertinent to any child fatalities as result of child abuse and/or neglect.

4. Child Fatality- Death of a child in the custody of Shelby County Department of Job and Family Services/Children Services Division

Shelby County Department of Job and Family Services/Children Services Division follows section 5101:2-42-89 of the OAC following the death of a child in its custody.

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

Shelby County Department of Job and Family Services/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).

In a case where there are allegations of withholding medically indicated treatment from disabled infants with life-threatening conditions, Shelby County Department of Job and Family Services/Children Services Division will:

- **Gather and maintain current information regarding Wilson Memorial Hospital, 915 W. Michigan St. Sidney, OH 45365, 937-498-2311 which is the only hospital in Shelby County.**

- Identifying and maintain information for the social work department of Wilson Memorial Hospital, 915 W. Michigan St. Sidney, OH 45365, 937-498-2311 which is the only hospital in Shelby County.
- Wilson Memorial Hospital does not have a review committee.
- Consult with the Shelby County Prosecutor's Office immediately upon receiving any allegations of withholding medically indicated treatment from disabled infants with life-threatening conditions.

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**

Consult with the Shelby County Prosecutor's Office and local law enforcement immediately upon receiving any 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.

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

Consult with the Shelby County Prosecutor's Office and law enforcement immediately upon receiving any cases involving individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming dependent, neglected, unruly, and delinquent child.

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**

Consult with the Shelby County Prosecutor's Office and law enforcement immediately upon receiving any 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.

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 **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/Children Services Division** custody.
- Contact the National Center for Missing and Exploited Children (NCMEC) if the child is in **Shelby County Department of Job and Family Services/Children Services Division** custody.

Upon request of law enforcement, **Shelby County Department of Job and Family Services/Children Services Division** shall provide assistance and cooperation in the investigation of a missing child, including the immediate provision of any information possessed by **Shelby County Department of Job and Family Services/Children Services Division** which may be relevant in the investigation.

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

I. Standards and procedures for removing and placing children

1. Emergency

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

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

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.

In the event that an emergency occurs after hours and it is not possible to file an emergency motion or get in contact with the Judge; then the agency will consult with local law enforcement to see if there is enough reason for law enforcement to grant the agency officer acceptance.

2. Non-emergency

Upon receiving a report alleging child abuse, neglect, and/or dependency, **Shelby County Department of Job and Family Services/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, **Shelby County Department of Job and Family Services/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 subject of abuse, neglect, or dependency proceedings. A separate guardian ad litem may be appointed to minor parents or parents who appear mentally incompetent.

The judicial fact-finder must determine whether there is probable cause that the child is abused, neglected, or dependent; the child is in need of protection, whether or not there is an appropriate relative or kin willing to assume temporary custody of the child, reasonable efforts were made by **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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.

J. Disaster Preparedness Plan

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

In the event of a disaster or emergency, the following protocol shall be followed:

Essential personnel needed for the operation of the agency:

- The on call caseworker and the on call supervisor shall be considered essential personnel in the event of a disaster. They will respond to all emergency situations during this time.

Alternative physical work location:

- In the event that the agency office is rendered unusable, the temporary work site for employees shall be the Sidney Police Department located at 234 W. Court St. in Sidney, Ohio 45365 937-498-2351. If that site is also rendered unusable, the second alternative work site shall be the Shelby County Sheriff's Department, located at 555 Gearhart Rd. in Sidney, Ohio 45365 937-498-1111.

Communication Plan:

- The primary means of communication shall be e-mail, internet, SACWIS or telephone. If none of these means are available, employees will rely on physically meeting at the office or temporary work site.

Essential Work Activities:

- Employees are responsible for ensuring the safety of children, support caregivers and service providers. In the event of a disaster, employees will continue to provide case management and home visits with children, caregivers, and service providers.

New Reports:

- New reports of child abuse or neglect will be handled in the same way that the emergency on call system is currently functioning. Law enforcement agencies will be responsible for contacting the on call caseworker for the agency and providing the caseworker with the report.

Tracking:

- Clients and substitute caregivers will be tracked in SACWIS.
- The agency will also keep hard copy files documenting necessary information about clients and substitute caregivers.

Continuity of Services:

- Families receiving in home services, children in substitute care, and kinship care placements will continue to receive case management and home visits from the caseworker and service providers if they are available.

Maintenance and Security of Records:

- All agency records in hard copy form shall be kept in locked filing cabinets, desks, or the locked file room for closed files.
- All court records in hard copy form shall be kept in the individual's file, which is stored in locked filing cabinets, desks, or the locked file room for closed files.

Coordination of Services:

- Children Services will communicate and coordinate services with law enforcement and medical providers through the on call pager system. The on call caseworker shall respond to all emergency situations reported by these agencies.

This applies to children in custody, as well as children who have no known or available parent, guardian or custodian.

- Children Services staff shall review and be familiar with this disaster plan and be familiar with the protocols if a disaster should take place. Each employee will be provided with a copy of the building evacuation plan.

Emergency Shelters:

- There are currently no emergency shelters in Shelby County. Children Services has a county affiliation with the local Red Cross chapter and would coordinate services with them during a time of disaster. In the event of a disaster, employees may contact the Emergency Management Office at 800 Fair Rd. Sidney, OH 45365 937-492-5635 for the location of the nearest emergency shelter.

Neighboring Counties:

- Shelby County is a member of the 7 county collaborative which includes neighboring counties. In the event of a disaster, counties will respond to situations within their own county. There is no consortium available in this county regarding disasters.

If a report is received of a deserted child then the agency will immediately contact the court to assume custody and place in a safe placement then will follow rule OAC 5101:2-36-06.

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 **Shelby County Department of Job and Family Services/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.

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 **Shelby County Department of Job and Family Services/Children Services Division**. Every effort will be made to take in to 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. **Shelby County Department of Job and Family Services/Children Services Division** will assist these agencies, but in no way, interfere or jeopardize a criminal investigation or prosecution.

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

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

VI. CONFIDENTIALITY STATEMENT

Any report made in accordance with ORC section 2151.421 is confidential. Both the information and the name of the person who made the report under section 2151.421 shall not be released to the public for use and shall not be used as evidence in any civil action or proceeding brought against the person who made the report.

Children services records are not public records and are exempt from Ohio's Sunshine Laws under ORC 149.43. Children Services records are confidential in nature and should be treated accordingly.

ORC section 2151.423 requires **Shelby County Department of Job and Family Services/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, **Shelby County Department of Job and Family Services/Children Services Division**, and other entities are

expected to release information to **Shelby County Department of Job and Family Services/Children Services Division** for the purpose of carrying out its responsibility of protecting children from abuse and/or neglect.

The confidentiality provisions of this MOU will survive the expiration or termination of this agreement.

Information regarding the report and/or investigation of alleged abuse or neglect may be shared only when dissemination is authorized by OAC section 5101:2-33-21 and in accordance with the procedures outlined in OAC section 5101:2-33-21. The unauthorized dissemination of confidential information is a misdemeanor and is punishable by law.

In the event of unauthorized dissemination of information, the party who learns of the breach of confidentiality will notify the Director of **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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 **Shelby County Department of Job and Family Services/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, **Shelby County Department of Job and Family Services/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. **Shelby County Department of Job and Family Services/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 number of required signatures will vary widely by county. It will be helpful to have the signatures take up the entirety of 1 page so counties can copy it to use for as many signature pages as needed."*

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 . **Every two years letters will be sent to all participating parties to see if any updates or changes are needed and participants will meet as necessary to gather signatures.**

If any individual serving as a signatory changes mid-term, **Shelby County Department of Job and Family Services/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. **If a member chooses to terminate their involvement in the MOU they will send a written notice to the other members 30 days prior to termination of their involvement.**

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

The **Shelby 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: **[Enter date of refusal]**

Agency, Name, Title: **[Enter the name of the agency, required individual, and their title]**

Reason the individual refused to sign:

[Enter the reason the individual refused to sign the text box]

X. Board of County Commissioners

The **Shelby County Department of Job and Family Services/Children Services Division** shall submit the MOU signed by all participating agencies, to the **Shelby County Board of County Commissioners**. The participating agencies will ensure there is adequate time for both the County Board of Commissioners and ODJFS review and approval process along with any returns for correction prior to the end of the contractual period.

Robert A. Guillogget 11-21-2023

County Commissioners signature and date/Resolution/Vote

The Board of Shelby County County Commissioners hereby review and approve the Shelby 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.]


Shelby County Juvenile Court, Jeffrey J. Beigel, Juvenile Court Judge

10/26/23
Date


Village of Fort Loramie Police Department, Nathan Brown, Police Chief


10/24/23
Date


Shelby County Sheriff's Office, James R. Frye, Sheriff

10/20/23
Date


Anna Police Department, Darrin Goudy, Police Chief


10/31/23
Date


Botkins Police Department, Mark Jordan, Police Chief

11/3/23
Date


Sidney Police Department, Mark McDonough, Police Chief


10/25/23
Date


Shelby County Prosecutor's Office, Tim Sell, Prosecutor


10.25.23
Date


Shelby County Animal Shelter, Kelli Ward, Deputy

10/25/2023
Date


Jackson Center Police Department, Charles Wirick, Police Chief

10/23/2023
Date


Shelby County Department of Job & Family Services, Tina Hooks, Director

10/24/23
Date