

TUSCARAWAS COUNTY COMMISSIONERS

Chris Abbuhl – Greg Ress – Kristin Zemis

**COMMISSIONER'S JOURNAL 87
DECEMBER 18, 2023**

RESOLUTION (1083-2023) MOU – TUSCARAWAS COUNTY CHILD ABUSE AND NEGLECT

It was moved by Commissioner Zemis, seconded by Commissioner Ress to approve the following memorandum of understanding as approved to form by Ryan Styer, County Prosecutor:



389 16th Street SW
New Philadelphia, Ohio 44663
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www.tcjfs.org

December 15, 2023

Tuscarawas County Commissioners
125 E. High Avenue
New Philadelphia, Ohio 44663

Re: Tuscarawas County Child Abuse and Neglect Memorandum of Understanding

Dear County Commissioners,

Enclosed with this letter you will find a County Child Abuse and Neglect Memorandum Of Understanding with signatures from statutorily required partners. In the year 2022, the 134th General Assembly of Ohio adopted substitute House Bill Number 4 to amend sections 2151.4210 through 2151.4224 of the Revised Code regarding County Child Abuse and Neglect Memorandums Of Understanding. This Memorandum must be adopted by a resolution of the board of county commissioners by the 31st day of December 2023.

This Memorandum of Understanding establishes the normal operating procedures for the county partners to use as part of their respective responsibilities in investigations of child abuse and neglect. The goals of this Memorandum of Understanding eliminate all unnecessary interviews of children who are the subject of reports of abuse or neglect and provides only one interview for a child who is the subject of a report of child abuse or neglect.

The Memorandum of Understanding includes the roles and responsibilities of handling emergency and non-emergency cases of abuse and neglect. It provides standards and procedures to be used when handling and coordinating investigations of abuse and neglect. This includes establishing the procedure for the interviewing methods used with the child, who interviews the child, and where the interview takes place.

This current version of the Memorandum of Understanding also incorporates the use of Noah's Hope Child Advocacy Center during investigations of child abuse and neglect to align with the goal of reducing the amount of unnecessary child interviews. Confidential information that is gathered during an investigation may be disclosed to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from child abuse or neglect.

A review of this Memorandum of Understanding will occur biennially to evaluate whether updates are necessary to the memorandum's terms and procedures.

Tuscarawas County Job and Family Services requests that this Child Abuse and Neglect Memorandum of Understanding be reviewed by the County Commissioners in accordance with section 2151.4215 of the Revised Code to evaluate if the Memorandum meets the requirements under section 2151.4210 to 2151.4212 of the Revised code and move to adopt the Memorandum.

Respectfully,

A handwritten signature in black ink that reads "Nichole John".

Nichole John, Social Service Supervisor
Protective Unit

T CJFS helps people achieve safety, security, and self-sufficiency.

North's Hope CAC

Mandy Willott, Executive Director

11/6/2023

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section 11(G)? ☒ Yes ☐ No

Tuscarawas County Prosecutor

11/16/23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☒ Yes ☐ No

Executive Director

12/8/23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☐ Yes ☐ No

Krista M. Dutton, Director TCAP

12/8/23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☐ Yes ☐ No

Donna L. Dwyer, Director

12/12/2023

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☒ Yes ☐ No

New Philadelphia Police

12-12-23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☒ Yes ☐ No

Port Washington P.D. Chief

12-12-23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☒ Yes ☐ No

Dover P.D. Chief

12-12-23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☒ Yes ☐ No

Bolivar P.D. Chief

12-12-23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☒ Yes ☐ No

Tuscarawas P.D. Chief

12-12-23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☐ Yes ☐ No

Tuscarawas Co. Sheriff

12-12-23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☒ Yes ☐ No

Tuscarawas Co. Sheriff

12/12/23

Agency, Name, Title

Is this agency a participating member of the CAC referenced in Section 11(G)? ☐ Yes ☒ No

Ohio Department of Job and Family Services
Tuscarawas County Job and Family Services
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 **Tuscarawas County Job and Family Services** and community partners that delineates roles and responsibilities for referring, reporting, investigating, and prosecuting child abuse and neglect cases. The MOU also identifies procedures for collaborative service provisions needed to ensure child safety, permanence, and well-being, and the minimum requirements of screening, assessment/investigation, and service planning, to meet mandates included in children services legislation passed by the 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 Tuscarawas County Job and Family Services is the lead agency for the investigation of child abuse, neglect, or dependency in Tuscarawas County. The Tuscarawas County Job and Family Services will coordinate and facilitate meetings, establish standards and protocol for joint assessment/investigation with law enforcement, cross-referrals, collection of forensic evidence, confidentiality, and training of signatories as required by statute. 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 Tuscarawas County Job and Family Services as soon as possible or within 24 hours for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with Tuscarawas County Job and Family Services in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting Tuscarawas County Job and Family Services in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with Tuscarawas County Job and Family Services on interviews with principals of the case when there are serious criminal implications; Notifying Tuscarawas County Job and Family Services of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to Tuscarawas County Job and Family Service's requests for information regarding the status of the legal action; Providing police record checks for Tuscarawas County Job and Family Services as necessary or requested as permitted by law; Consulting with Tuscarawas County Job and Family Services 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 Tuscarawas County Job and Family Services or appropriate law enforcement agency. The County Prosecutor shall represent Tuscarawas County Job and Family Services in legal actions to protect a child from further harm resulting from child abuse or neglect unless the Prosecutor has granted consent for the appointment of an in-house PCSA Attorney pursuant to 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 Tuscarawas County Job and Family Services staff for questions or assistance in the investigation of child abuse and neglect cases and eliminate the need for testimony at the municipal court level by allowing for direct presentation to the Grand Jury, when feasible, to minimize trauma to child victims. The prosecuting attorney agrees to aid Tuscarawas County Job and Family Services in protecting the confidential nature of children services records and investigations; As well as the special protection afforded to the identity of the reporting source.

E. COUNTY DEPARTMENT OF JOB & FAMILY SERVICES [If not part of a combined agency]

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

If the [Enter the name of the CDJFS here] is a separate agency from [Enter the name of the PCSA here], employees within the county agency are expected to report suspected cases of child abuse and neglect to [Enter the name of the PCSA here] or appropriate law enforcement agency upon receipt; Collaborate with [Enter the name of the PCSA here] 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 [Enter the name of the PCSA here]; Promote ongoing communication between [Enter the name of the CDJFS here] and [Enter the name of the PCSA here] regarding mutual clients, including minors under the protective supervision or in the custody of the Agency and/or minor parents; Assist [Enter the name of the PCSA here] upon request in obtaining case or assistance group information regarding a family when the [Enter the name of the PCSA here] is assessing Title IV-E eligibility or completing an assessment/investigation of a child at risk or alleged to be abused; Assist [Enter the name of the PCSA here] 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 [Enter the name of the PCSA here] in locating suitable relatives or kin that may be available as familial support for the child(ren) or as a placement option.

E. 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 Tuscarawas County Job and Family Services or local law enforcement.

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

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

The Children's Advocacy Center (CAC) will establish internal protocols regarding the investigation of CAC cases, participate in training as needed, work jointly and cooperatively in their established role with the other team members in the investigation of CAC cases, and attend and exchange information when meeting with Tuscarawas County Job and Family Services, 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 [Enter the name of the CDJFS/PCSA here], 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 [Enter the name of the CDJFS/PCSA here] 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 Tuscarawas County Job and Family Services 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.

When any mandated reporter fails to report suspected child abuse or neglect as required by ORC 2151.421, Tuscarawas County Job and Family Services is required to give written notification to the County Prosecuting Attorney, the appropriate City Law Director, or Village Solicitor.

B. System for receiving reports

Reports of child abuse or neglect shall be made to Tuscarawas County Job and Family Services or any law enforcement officer with jurisdiction in Tuscarawas County. If Tuscarawas County Job and Family Services contracts with an outside source to receive after-hour calls, a copy of the signed agreement shall be attached to this MOU which indicates that all reports with identifying and demographic information of the reporter and principals will be forwarded to a designated children services worker within an hour of receipt, confidentiality requirements will be met, and how the public is informed of after-hours reporting opportunities.

Reports of suspected child abuse may be made to Tuscarawas County Job and Family Services at 389 16th Street SW New Philadelphia Ohio 44663, by phone (330) 556-6720, email tuscpcs@jfs.ohio.gov, or with any law enforcement agency. Tuscarawas County Job and Family Services has staff available to receive reports by telephone 24 hours a day, seven days a week. The referant may contact Tuscarawas County Sheriff's Office, non-emergency phone line, (330) 339-2000 for any referrals after regular business hours, weekends, or holidays. An on-call caseworker and a supervisor are available during these times to respond to emergency situations. Law enforcement may access staff after business hours, weekends and holidays following the same procedure. The daily hours are posted on the Agency website at tcjfs.org, on Facebook, published on all Agency literature, and in all advertisements.

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 Tuscarawas County Job and Family Services screens in a report of child abuse, Tuscarawas County Job and Family Services 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 Tuscarawas County Job and Family Services screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/investigation, Tuscarawas County Job and Family Services shall notify the appropriate law enforcement agency within the first seven days of the assessment/investigation unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being notified of the child neglect.

C. Responding to mandated reporters

When Tuscarawas County Job and Family Services receives a referral from a mandated reporter who provides their name and contact information, Tuscarawas County Job and Family Services shall forward an initial mandated reporter notification to the referent within seven days. The notification will be provided, in accordance with the mandated reporter's preference. Information shared with the mandated reporter shall include the information permitted by ORC 2151.421(K):

- Whether the agency 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 Tuscarawas County Job and Family Services closes an investigation/assessment reported by a mandated reporter, Tuscarawas County Job and Family Services shall forward an outcome mandated reporter notification to the referent. The notification will be provided in accordance with the mandated reporter's preference. Information shared with the mandated reporter shall be that permitted by ORC 2151.421 to include a notification that the agency has closed the investigation along with a point of contact.

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

1. PCSA's Response Procedure

When Tuscarawas County Job and Family Services determines that a report is emergent, Tuscarawas County Job and Family Services 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 Tuscarawas County Job and Family Services identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

The Agency makes every attempt to prevent the removal of a child from his/her home by court order. The following are some options the caseworker would use to assure the safety of the child without removal, (1) removing the offender from the home by a Temporary Protection Order (TPO) or voluntary with a Safety Plan in place for the family (2) having the parents voluntarily place the child with an appropriate relative or third party (3) executing an Agreement for Temporary Custody of a Child (JFS 01645) in which parents agree that removing the child from the home is in his/her best interest. This requires the written approval of the Director or the Director's Designee and agreement of the Agency's in-house counsel (4) Developing a Safety Plan wherein the environment can be made safe immediately (5) Contacting appropriate service providers to immediately engage services and interventions that would alleviate the risk to the child. When parents do not agree to one of the above - listed options or the safety of the child cannot be assured, the decision regarding removal of the child from his/her home must be considered. The decision must be made in consultation with the worker, the supervisor, and in-house counsel.

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

Law Enforcement will send notification of suspected child abuse or neglect to Tuscarawas County Job and Family Services to determine whether a referral to Noah's Hope Child Advocacy Center is appropriate. Tuscarawas County Job and Family Services will notify Noah's Hope Child Advocacy Center and the appropriate law enforcement when a Child Advocacy Center interview is needed. Tuscarawas County Job and Family Services will follow the procedures outlined in the Tuscarawas County Child Advocacy Center, DBA Noah's Hope Interagency Agreement (2020). When Tuscarawas County Job and Family Services determines that a referral does not meet criteria for Agency services, but Law Enforcement is involved and the child will benefit from services provided by Noah's Hope Child Advocacy Center, the Agency will send a referral to Noah's Hope Child Advocacy Center and notify the law enforcement agency within 24 hours of the decision.

3. Children in Need of Medical Attention Special Response Procedures

When Tuscarawas County Job and Family Services is notified that a child has been seriously injured from abuse/neglect (i.e. shaken baby/sexual assault within the last 72 hours), the child must be taken to Akron Children's Hospital to be examined. If the alleged sexual assault occurred within the last 72 hours, Akron Children's

Hospital will conduct a forensic interview with the child along with a SANE exam. If the child was seen at Akron Children's Hospital, but an examination was not completed and the child received a first responder interview, a forensic interview will be completed at Noah's Hope Child Advocacy Center if the Agency determines services are necessary.

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 **Tuscarawas County Job and Family Services** and the corresponding law enforcement agency.

To the extent possible investigative interviews of children who are the alleged victims of reports of abuse and/or neglect where criminal activity is suspected, including reports of human trafficking, are cooperatively planned by **Tuscarawas County Job and Family Services** and the law enforcement agency of the jurisdiction.

Every effort will be made by the signatories of this MOU to prevent or reduce duplicate interviews of the victims or witnesses. When feasible, to reduce trauma complete only one interview with the alleged child victim/ child subject of the report. **Tuscarawas County Job and Family Services** 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 **Tuscarawas County Job and Family Services** is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by **Tuscarawas County Job and Family Services** to meet the agency investigative requirements set forth in rule. Law enforcement or the prosecutor's office will forward a written summary of the interview to **Tuscarawas County Job and Family Services** upon request.

The **Tuscarawas County Job and Family Services** agrees not to proceed without the advice and consent of the prosecutor's office when a criminal investigation is being conducted concurrently. **Tuscarawas County Job and Family Services** will not jeopardize a criminal investigation but will work with law enforcement to protect the safety of the child victim or witnesses. Law enforcement will be the lead agency in the collection of

forensic evidence and will coordinate with the necessary facilities to obtain and store such evidence properly.

The mission of the Noah's Hope Child Advocacy Center is to provide a specialized, comprehensive, multi-disciplined approach to child abuse from disclosure through treatment to reduce further trauma and promote recovery and resiliency for children and families.

The following MDT is assembled under R.C. 2151.427:

The Sheriff or his/her designee;

The Investigating law enforcement officer;

The Director of Tuscarawas County Job and Family Services or his/her designee;

The CPS investigator;

The Prosecuting Attorney or his/her designee;

The Director of the ADAMHS Board or his/her designee;

The treating mental health professional (case specific);

The treating medical health professional (case specific);

A victim advocate from the Prosecutor's Office;

The director of the CAC; and

Others, identified as significant to a specific case (i.e.: probation workers, victim advocates, caseworkers, school personnel, etc.).

The MDT shall carry out the responsibilities of R.C. 2151.426 and 2151.427 and the procedures set forth herein.

The members of the MDT are committed to participating in case review at regularly scheduled meetings organized and presided over by the CAC director.

Tuscarawas County Job and Family Services 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, Tuscarawas County Job and Family Services 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 Tuscarawas County Job and Family Services
- Law enforcement personnel
- County or city prosecuting attorneys, assistant prosecuting attorneys, in-house JFS legal counsel if applicable, and their investigative staff
- Noah's Hope Child Advocacy Center director and certified forensic interviewers
- When criminal activity is suspected, interviews with the alleged child victim should be in the least stressful, safest environment possible and when available conducted at Noah's Hope Child Advocacy Center. In the event a child is not able to be interviewed at Noah's Hope Child Advocacy Center during a joint investigation, the alleged child victim will be interviewed by the Child Protective Service worker and law enforcement with the CPS worker being the lead questioner.
- In joint investigations, the Tuscarawas County Job and Family Services and law enforcement agencies will share immediately all statements, reports, and verbal and written opinions concerning the abusive or neglectful situations.

G. Standards and procedures for Tuscarawas County Job and Family Services requests for law enforcement assistance

Tuscarawas County Job and Family Services may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist:

- An exigent circumstance.
- Tuscarawas County Job and Family Services has reason to believe that the child is in immediate danger of serious harm.
- Tuscarawas County Job and Family Services has reason to believe that the worker is, or will be, in danger of harm.
- Tuscarawas County Job and Family Services has reason to believe that a crime is being committed, or has been committed, against a child.
- Tuscarawas County Job and Family Services worker must conduct a home visit after regular Tuscarawas County Job and Family Services business hours, and a law enforcement escort is requested as a standard operating procedure.
- Tuscarawas County Job and Family Services is removing a child from his or her family via an order of the court, and the assistance of law enforcement is needed as Tuscarawas County Job and Family Services has reason to believe the family will challenge the removal.
- Tuscarawas County Job and Family Services is working with a client who has a propensity toward violence, and the assistance of law enforcement is needed to ensure the safety of all involved.

- **Tuscarawas County Job and Family Services** is working with a family that has historically threatened to do harm to PCSA staff.

H. Specialized Investigations or Circumstances

To the extent possible, investigative interviews of children who are the alleged child victims/child subjects of the report of abuse and neglect where criminal activity is suspected, including reports of human trafficking, physical and sexual abuse, domestic violence, child endangering, or the like, are cooperatively planned by **Tuscarawas County Job and Family Services** and the law enforcement agency of jurisdiction.

1. Out-of-Home Care

Tuscarawas County Job and Family Services 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.

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

A caseworker investigating a report of suspected child abuse and neglect shall immediately notify the appropriate law enforcement agency when an out-of-home investigation is required. Tuscarawas County Job and Family Services has the responsibility of conducting a legally sound and effective investigation. It is also their responsibility to coordinate the investigation with the local law enforcement agency that has jurisdiction over the case. Both professional departments must decide how to intervene in a fashion that will maximize the information obtained from the investigation while minimizing the risk of trauma to the alleged child victim and/or family members. It is important to remember that every investigation is stressful for a child and a family, but that it does not have to be traumatic.

When agreeable to both law enforcement and Tuscarawas County Job and Family Services, investigative interview of children who are the subject of reports of abuse and neglect where criminal activity is suspected will be jointly planned and conducted by Tuscarawas County Job and Family Services and the respective law enforcement agency at the Noah's Hope Child Advocacy Center. Tuscarawas County Job and Family Services will work jointly with law enforcement to ensure that an alleged child victim's safety is secured; mandates are met; and without interfering with the criminal investigation.

2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the OAC, Tuscarawas County Job and Family Services 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 ODJFS 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.

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

The interviews with alleged offenders will be conducted by both law enforcement and a Children Services worker, when possible. Law enforcement is typically in charge of this interview due to their specialized training and legal connection to the court system. Interviews with the alleged offender should maximize the element of surprise and are generally conducted in a law enforcement setting. Interviews should never be knowingly done at the Advocacy Center. The purpose of the interview is to gather information regarding the alleged abuse, assess the danger to which the alleged offender is a risk to the child, and to persuade the offender to cooperate with a plan to ensure the safety of the child.

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

Tuscarawas County Job and Family Services is governed by ORC section 307.622 and must have a child fatality review board.

Law Enforcement should notify Children Services immediately when it is suspected that the death of a child was caused by abuse or neglect. Children Services will conduct a records check for any current or previous involvement with the family. Law Enforcement and Children Services may collaborate in the investigation. Both Law Enforcement and Children Services may be involved in interviewing parents, guardians, custodians, other children in the home, witnesses, and other professionals involved in the case. Copies of all records (Law Enforcement, Children Services, Medical, Coroner, etc.) may be shared by Law Enforcement and Children Services.

Law Enforcement can be the lead agency in conducting interviews with the alleged perpetrators. Law Enforcement can determine when the case is ready to be sent to the Prosecutor.

4. Child Fatality- Death of a child in the custody of Tuscarawas County Job and Family Services

Tuscarawas County Job and Family Services follows section 5101:2-33-14 of the OAC following the death of a child in its custody.

If a child in the temporary custody or a planned permanent living arrangement of Tuscarawas County Job and Family Services dies, TCJFS will: Notify the law enforcement agency with jurisdiction within one hour of its knowledge of the child's death. Contact the parent, guardian, or custodian within one hour of its knowledge of the child's death. Complete the JFS 01987 Child Fatality Report Face Sheet and send it to the ODJFS within five (5) working days after receiving the report. This report shall be sent electronically. Notify the local department and/or the child fatality review board. Assist the family in planning funeral arrangements, if requested.

If a child in the permanent custody of TCJFS dies, TCJFS will: Notify the law enforcement agency with jurisdiction within one hour of its knowledge of the child's death. Determine whether the notification of the parent, guardian, custodian, or other relatives is appropriate. Complete the JFS 01987 and send it to ODJFS as described above. Notify the local health department and/or the child fatality review board. Assume responsibility for funeral arrangements.

If the death of a child is the result of suspected child abuse or neglect, TCJFS will: Follow investigative procedures set forth for Out-of-Home Care Child Abuse or Neglect procedures and Third Party Investigative Procedures when: Suspected child abuse and neglect as determined by law enforcement, medical or TCJFS personnel. Prior involvement with TCJFS or any member of the household including: open in-home voluntary cases, open court ordered protective supervision, open intake assessments within twelve months of the fatality, a closed, inactive case within twelve months of the fatality.

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

Tuscarawas County Job and Family Services follows the procedures described in section 5101:2-36-07 of the OAC for responding to these reports.

The withholding of medically indicated treatment is the refusal to provide appropriate nutrition, hydration, medication, or other medically

indicated treatment from a disabled infant with a life-threatening condition.

Medically indicated treatment includes the medical care most likely to relieve, or correct, the life-threatening condition. Nutrition, hydration, and medication, as appropriate for the infant's needs, are medically indicated for all disabled infants; in addition to, the completion of appropriate evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions on behalf of the disabled infant.

In determining whether treatment is medically indicated, reasonable medical 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).

Tuscarawas County Job and Family Services will do the following:

- **Gather and maintain current information regarding the name, address, and telephone number of each appropriate health care facility within its jurisdiction.**
- **Identify and maintain the current name, title, and telephone number of each facility's contact person for allegations involving withholding of medically indicated treatment from disabled infants with life-threatening conditions.**
- **Identify and maintain the name and chairperson of the appropriate health care facility's review committee, if such a committee exists.**
- **Complete face-to-face or telephone contact with the health care facility's administrator, or designee, within one hour from the time the referral was screened in as a report.**
- **Obtain the following information from the health care facility's administrator, or designee, regarding the current condition of the disabled infant, including but not limited to: The physical location of the disabled infant within the hospital; age, diagnoses or diagnosis and the prognosis; problem requiring treatment; immediate actions necessary to keep the disabled infant alive; whether or not the withholding of life-sustaining treatment has been recommended; whether or not the withholding of life-sustaining treatment has been implemented; whether or not the parent, guardian, or custodian has refused to consent to life-sustaining treatment; whether or not the hospital chose to sustain life-supporting care for the immediate future, preceding 96 hours from the date and time the PCSA initiated the report, while the**

assessment/investigation is underway; whether or not sustenance or medication is being denied.

- TCJFS shall involve a qualified medical consultant within twenty-four hours from the time the referral was screened in as a report to assist in the evaluation of the disabled infant's medical information, including medical records, obtained during the preliminary medical assessment.
- If TCJFS determines the child to be in immediate danger of serious harm, TCJFS shall follow procedures outlined in O.A.C. rule 5101:2-37-07.
- TCJFS shall pursue any legal remedies, including the initiation of legal proceedings in a court of competent jurisdiction to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child or to prevent the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.
- TCJFS shall attempt a face-to-face contact in order to conduct an interview with the alleged child victim's parent, guardian, or custodian no later than twenty-four hours from the time the referral was screened in as a report.
- TCJFS shall, in cooperation with the medical consultant, conduct and document interviews with the attending physician and the health care facility's staff. The purpose of the interviews is to: determine the measures that the health care facility staff attending to the disabled infant has taken to provide medically indicated treatment to the disabled infant; determine whether or not the disabled infant's attending physician with the consent of the disabled infant's parent, guardian, or custodian will sustain needed life-supporting care for twenty-four hours while TCJFS continues the assessment/investigation; Determine if any of the following conditions of and risk to the disabled infant were concluded by the attending physician's and/or staff's assessment (The disabled infant is chronically and irreversibly comatose; the provision of medical treatment would merely prolong dying, not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions, or otherwise be futile in terms of the survival of the disabled infant; the provision of medical treatment would be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances would be inhumane); Verify if plans have been made to convene a meeting of the health care facility review committee or to adopt the recommendations of the appropriate health care facility review committee, and the meeting has been held; Confirm the disabled infant's age; Confirm the disabled infant's diagnoses or diagnosis; Determine if the withholding of life-sustaining treatment has been recommended; Determine if

the withholding of life-sustaining treatment has been implemented (Identify the treatment necessary for the disabled infant's life or health that is being denied; Determine if sustenance or medication is being denied.); Determine if the parent, guardian, or custodian refused to consent to life-sustaining treatment; Determine if the hospital will sustain life-supporting care for the immediate future while TCJFS's assessment/investigation is conducted, if applicable; Identify the treatment or sustenance being provided to the disabled infant, if applicable; Determine if there is consensus regarding the medical diagnoses among the treatment team; Document and identify if there were/have been any differing opinions among the treatment team; Document the names of all medical consultants involved including their qualifications/credentials; Determine which members of the treatment team discussed the case with the parent, guardian, or custodian; Determine if a hospital review process has occurred and document the review process and recommendations if applicable.

- TCJFS shall conduct and document all face-to-face interviews with the alleged perpetrator, unless law enforcement or the county prosecutor or medical consultant will interview the alleged perpetrator pursuant to the procedures delineated in the county child abuse and neglect memorandum of understanding, in order to assess his/her knowledge of the allegation.
- TCJFS shall advise the alleged perpetrator of the allegations made against him/her at the time of initial contact. The initial contact between TCJFS and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment/investigation process.
- TCJFS shall conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the assessment/investigation to obtain relevant information regarding the safety of and risk to the child (TCJFS shall exercise discretion in the selection of collateral sources to protect the family or out-of-home care setting's right to privacy, TCJFS shall protect the confidentiality of the principles, people shall not be randomly interviewed, TCJFS shall conduct interviews of additional staff that may have information relevant to the investigation).
- TCJFS shall complete the report disposition and arrive at a final case decision by completing the Family Assessment tool in Ohio SACWIS no later than forty-five days from the date TCJFS screened in the referral as a child abuse and/or neglect report. TCJFS may extend the time frame by a maximum of fifteen days when information needed to determine the report disposition and final case decision cannot be obtained within

forty-five days and the reasons are documented in the case record pursuant to O.A.C. rule 5101:2-36-11.

- TCJFS shall not waive the completion of the report disposition.
 - TCJFS shall have an interpreter present for all interviews if TCJFS has determined that a principal of the report has a language or any other impairment that causes a barrier in communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.
 - TCJFS shall notify the alleged perpetrator in writing of the report disposition and the right to appeal the disposition within two working days of completion of the assessment/investigation.
 - TCJFS shall notify the the alleged child victim's parent, guardian, or custodian in writing of the report disposition and case decision within two working days.
 - No later than three working days from the date of the completion of the report disposition, TCJFS shall provide written notification of the report disposition to the following entities, as applicable, in accordance with rules 5101:2-33-21 and 5101:2-36-12 of the Administrative Code (Administrator, director, or other chief administrator of the health care facility, the owner or governing board of the health care facility, the appropriate licensing and supervising authorities of the health care facility).
 - TCJFS shall notify law enforcement if it is determined that the attending physician failed to provide medically indicated treatment or failed to inform the alleged child victim's parent, guardian, or custodian of the available treatment options.
 - No later than fifteen calendar days from the completion date of the report disposition and case decision, TCJFS shall notify the Ohio Department of Job and Family Services (ODJFS) that a neglect report involving a disabled infant was assessed/investigated. The notification shall include the intake identification number established within the Ohio Statewide Automated Child Welfare Information System (Ohio SACWIS).
 - TCJFS shall maintain all materials obtained as a result of the assessment/investigation in the case record.
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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

TCJFS will follow procedures for handling and coordinating joint investigations. TCJFS will make every effort to ensure child safety and utilize Noah's Hope Child Advocacy Center for

interviews with the child victim. Law enforcement will take the lead on the Alleged Perpetrator interview. Records of the investigation will be shared between the investigating agencies and/or MDT.

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

Follow screening guidelines.

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

Follow screening guidelines.

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, Tuscarawas County Job and Family Services 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 Tuscarawas County Job and Family Services custody.
- Contact the National Center for Missing and Exploited Children (NCMEC) if the child is in Tuscarawas County Job and Family Services custody.

Upon request of law enforcement, Tuscarawas County Job and Family Services shall provide assistance and cooperation in the investigation of a missing child, including the immediate provision of any information possessed by Tuscarawas County Job and Family Services that may be relevant in the investigation.

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

I. Standards and procedures for removing and placing children

1. Emergency

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

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

Juv. R 6 orders can be issued in-person, by phone, video conference, or otherwise. Reasonable grounds must exist to believe the child's removal is necessary to prevent immediate or threatened physical or emotional harm.

Findings must be made that the agency either did or did not make reasonable efforts to prevent the removal of the child from their home with a brief description of services provided and why those did not prevent the removal or allow the child to return home, and if temporary custody is granted to the PCSA an additional finding that it would be contrary to the welfare and best interest of the child to continue in the home. If granted, a shelter care hearing must be scheduled the next business day (but not later than seventy-two hours) after the emergency order has been issued. If the ex parte motion is denied, the matter must be set for a shelter care hearing within ten days from the filing date.

When Tuscarawas County Job and Family Services determines that emergency circumstances exist and the removal of a child(ren) is necessary, the agency worker will follow the procedure outlined in the Tuscarawas County Job and Family Service policy Procedure for Removal of a Child from the Home (800.08).

2. Non-emergency

Upon receiving a report alleging child abuse, neglect, and/or dependency, **Tuscarawas County Job and Family Services** commences an investigation in accordance with the requirements of section 2151.421 of the ORC. If the final case decision rises to the level of court involvement, **Tuscarawas County Job and Family Services** shall approach the juvenile court and file a complaint alleging the child(ren) to be abused, neglected, or dependent per ORC 2151.27. The matter will be set for a shelter care/preliminary protective hearing expeditiously by the juvenile court.

Reasonable oral or written notice of the time, place, and purpose of the hearing must be provided to the parents, guardian, or custodian unless they cannot be found. The same parties are also entitled to notification that a case plan may be prepared, the general requirements, and possible consequences of non-compliance with the case plan.

The parties will be served with the complaint and summons to appear before the juvenile court. Unrepresented parties are advised by the juvenile court of their right to counsel. Counsel is appointed for children when abuse is alleged. A guardian ad litem is appointed to all children subjects of abuse, neglect, or dependency proceedings. A separate guardian ad litem may be appointed to minor parents or parents who appear mentally incompetent.

The judicial fact finder must determine whether there is probable cause that the child is abused, neglected, or dependent, the child is in need of protection, whether or not there is an appropriate relative or kin willing to assume temporary custody of the child, reasonable efforts were made by **Tuscarawas County Job and Family Services** to prevent the removal or continued removal or to make it possible for the child to return home safely, and for temporary custody orders to **Tuscarawas County Job and Family Services** that it would be contrary to the welfare and best interest of the child to continue in the home. All other temporary orders should be requested and considered at this time.

Refer to **Tuscarawas County Job and Family Service policy Procedure for Removal of a Child from the Home (800.08)**.

J. [Optional Section(s)]

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

In the event of a disaster, Tuscarawas County Job and Family Services will follow procedures outlined in the Tuscarawas County Job and Family Services Disaster Plan. The Tuscarawas County Job and Family Services Director and managers will provide information as soon as possible when a situation occurs using the emergency phone call list (if possible). Notifications will also be made to the local news, radio, Ohio ODJFS. If the phone system is inoperable, child abuse and adult abuse reports should be reported to the Tuscarawas County Sheriff's Office at 330-339-2000. They will notify the on-call agency worker.

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 Tuscarawas County Job and Family Services as the lead agency and notification of the trainings will be provided to the signatories of this agreement. By agreeing to participate in the county MOU process signatories express a commitment to attend training opportunities when presented.

A training will be scheduled upon request of any participating member.

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 Tuscarawas County Job and Family Services. Every effort will be made to take into account other subscribers' requests and concerns relating to services.

Criminal investigations and prosecution remain the responsibility of the prosecuting attorney and appropriate law enforcement agencies. Tuscarawas County Job and Family Services will assist these agencies, but in no way, interfere or jeopardize a criminal investigation or prosecution.

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

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

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 Tuscarawas County Job and Family Services 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, Noah's Hope Child Advocacy Center, and other entities are expected to release information to Tuscarawas County Job and Family Services 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 Tuscarawas County Job and Family Services as soon as possible. The notification will be sent to the Director in writing describing the circumstances surrounding the breach. The notification will specify the 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 Tuscarawas County Job and Family Services 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 Tuscarawas County Job and Family Services 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 Tuscarawas County Job and Family Services is seeking consultation with a signer of this memorandum regarding an active referral of child abuse and/or neglect and has met in person or spoken with another signer, Tuscarawas County Job and Family Services will make written contact with the appropriate agency by the next working day to request the needed information and make the referral in writing.

The required members shall review and evaluate the terms and conditions of the MOU every biennium. All required members to the MOU will sign the new or updated agreement. Tuscarawas County Job and Family Services is to submit the MOU to the Board of County Commissioners for review and approval with enough time for any revisions to be made prior to December thirty-first of the year.

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

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

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

VIII. SIGNATURES OF EACH PARTICIPATING AGENCY

The signature section authorizes the participating parties of the agreement to begin enactment of MOU protocols and activities. The participating members agree to follow the terms of this MOU and to meet at minimum once every biennium to review terms and conditions, evaluate if updates are needed, and sign a new or amended MOU. The terms and conditions of the MOU will be reviewed every other year by all participating members. The next review will take place in 2025 and every other year thereafter.

If any individual serving as a signatory changes mid-term, Tuscarawas County Job and Family Services is to provide the new required member with the current memorandum. The new member remains bound by the most recently approved version of the memorandum. Their signature is to be obtained and submitted on or before the next biennial review.

A required member to this agreement may terminate their involvement in the MOU for good cause upon giving reasonable written notice to the other required members in this MOU.

Tuscarawas County Job and Family Services will initiate and address any requested and/or required modifications to the agreement with all parties on an as needed basis.

A required member to this agreement will notify the Tuscarawas County Job and Family Services Director in writing thirty (30) days in advance if they plan to terminate their involvement in the MOU and the reason(s) why.

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

The Tuscarawas County Job and Family Services 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.

[Option to repeat the following block of information in the event more than one agency/individual refuses to sign]

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 and the attempts to solve the identified barrier.]

X. Board of County Commissioners

The Tuscarawas County Job and Family Services shall submit the MOU signed by all participating agencies to the Tuscarawas 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.

 12-18-2023 (1083-2023) passed
County Commissioners Signature and Date/Resolution/Vote


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

ATTACHMENTS

[If the PCSA contracts with an outside source to receive after-hour calls, a copy of the signed agreement must be attached 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.]

VOTE: Chris Abbuhl, yes;
Kristin Zemis, yes;
Greg Ress, yes;

I hereby certify the above and foregoing to be a true and correct account of the proceedings as had by and before the Board on the day and year first written above.


Rhonda Jordan, Clerk