

Resolution

Number 23-0828

Adopted Date June 27, 2023

APPROVE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNDERSIGNED COMMUNITY PARTNERS ON BEHALF OF WARREN COUNTY CHILDREN SERVICES (WCCS OR THE AGENCY)

BE IT RESOLVED, to approve and authorize the Warren County Board of Commissioners to enter into a Memorandum of Understanding on behalf of the Department of Warren County Children Services and the Undersigned Community Partners mandated to be approved every two years; copy of agreement is attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 27th day of June 2023.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

jc/

cc: Children Services (file)
C/A—Warren Co. Juvenile Court
C/A—Warren Co. Prosecutor
C/A—Warren Co. Sheriff
C/A—Warren Co. Human Services
C/A—Warren Co. Board of DD
C/A—Ohio State Highway Patrol Post 83
C/A—Warren Co. Educational Service Center
C/A—Child Advocacy Center of Warren Co.
C/A—Humane Association of Warren County
C/A—Dayton Children's Hospital
C/A—Carlisle Police Dept.
C/A—Franklin Police Dept.
C/A—Harveysburg Police Dept.
C/A—Loveland Police Dept.
C/A—Maineville Police Dept.
C/A—Middletown Police Dept.
C/A—Morrow Police Dept.
C/A—Mental Health Recovery Board
C/A—Lebanon Police Dept.
C/A—Mason Police Dept.
C/A—Monroe Police Dept.
C/A—Springboro Police Dept.
C/A—Waynesville Police Dept.
C/A—Mason Municipal Court
C/A—Franklin Municipal Court
C/A—Middletown Municipal Court
C/A—Lebanon Municipal Court
C/A—Clearcreek Twp. Police Dept.
C/A—Hamilton Twp. Police Dept.

Ohio Department of Job and Family Services
**WARREN 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 the **Warren County Board of County Commissioners of Warren County Children Services, "WCCS"**, 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 **Warren County Children Services, "WCCS"** is the lead agency for the investigation of child abuse, neglect, or dependency in **Warren County**. The **WCCS** 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 **WCCS** as soon as possible or within **[N/A]** for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with **WCCS** in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting **WCCS** in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with **WCCS** on interviews with principals of the case when there are serious criminal implications; Notifying **WCCS** of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to **WCCS's** requests for information regarding the status of the legal action; Providing police record checks for **WCCS** as necessary or requested as permitted by law; Consulting with **WCCS** 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 **WCCS** or appropriate law enforcement agency. The County Prosecutor shall represent **WCCS** 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 **WCCS** 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 **WCCS** 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 Warren County
Department of Job & Family Services**

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

If the **Warren County Department of Job & Family Services** is a separate agency from **WCCS**, employees within the county agency are expected to report suspected cases of child abuse and neglect to **WCCS** or appropriate law

enforcement agency upon receipt; Collaborate with **WCCS** 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 **WCCS**; Promote ongoing communication between **Warren County Department of Job & Family Services** and **WCCS** regarding mutual clients, including minors under the protective supervision or in the custody of the Agency and/or minor parents; Assist **WCCS** upon request in obtaining case or assistance group information regarding a family when the **WCCS** is assessing Title IV-E eligibility or completing an assessment/investigation of a child at risk or alleged to be abused; Assist **WCCS** 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 **WCCS** 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 **WCCS** 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 **WCCS**, 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 _____, 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 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 **WCCS** or a law enforcement officer.

The penalty for the failure of a person required to report any suspected case of child abuse and/or neglect pursuant to ORC section 2151.421 shall be a misdemeanor of the fourth degree. The penalty is a misdemeanor of the first degree if the child who is the subject of the required report that the offender fails to make suffers or faces the threat of suffering the physical or mental wound, injury, disability or condition that would be the basis of the required report when the child is under the direct care or supervision of the offender who is then acting in the offender's official or professional capacity or when the child is under the direct care or supervision of another person over whom the offender, while acting in the offender's official or professional capacity, has supervisory control. Failure to report suspected child abuse and/or neglect may also result in civil liability in the form of compensatory or exemplary damages.

[Insert county-specific process for notifying the county prosecutor or city law director when a mandated reporter fails to report suspected or known child abuse or neglect.]

B. System for receiving reports

Reports of child abuse or neglect shall be made to **WCCS** or any law enforcement officer with jurisdiction in **Warren** County. If **WCCS** 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.

**** FAILURE TO REPORT for A. Mandated reporters and penalty for failure to report above.**

In the event that WCCS discovers that any mandated reporter of Child Abuse or Neglect failed to report suspected or known child abuse or

neglect, **WCCS** shall notify the Warren County Prosecuting attorney and cooperate regarding any determination of criminal culpability and/or charges being filed and through any form of prosecution.

B. System for receiving reports

CONTACTING WCCS - to report suspected child abuse or neglect

**Monday – Friday 8:00 a.m. to 4:30 p.m. 513-695-1546
Fax Number - 513-695-2957**

Hotline: After hours, weekends, and holidays 513-695-1600

Telephone numbers for **WCCS** Offices are also listed for the public on the **WCCS** website at:

<http://www.co.warren.oh.us/ChildrenServices/default.aspx>

HOTLINE

As permitted by OAC § 5101:2-33-26, the Warren County Department of Emergency Services/Dispatch serves as the answering service for **WCCS** for after hours, weekends, and holidays. Warren County Emergency Services/Dispatch takes the call information when the office is closed and contacts the **WCCS** Hotline On Call Caseworker/Supervisor immediately to provide the reporter name and phone number. Hotline caseworkers contact reporters for additional information to screen all calls and respond to emergency situations, including requests from law enforcement.

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 **WCCS** screens in a report of child abuse, **WCCS** 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 **WCCS** screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/investigation, **WCCS** 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 **WCCS** receives a referral from a mandated reporter who provides their name and contact information, **WCCS** 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 **WCCS** closes an investigation/assessment reported by a mandated reporter, **WCCS** 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 **WCCS** determines that a report is emergent, **WCCS** 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 **WCCS** identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

Safety response options include: in home safety plans, out of home safety plans and legally authorized out of home placements.

TAKING A CHILD INTO CUSTODY & JUVENILE COURT PROCEEDINGS

The parties to this MOU agree that “taking a child into custody” includes the following related responsibilities, regardless of whether the child’s custody is ultimately assumed by WCCS:

1. Activities and responsibilities during the actual removal of the child(ren);
2. Duties the next day after the removal;
3. Assisting prosecutor in preparation of case, such as providing information, reports, etc.; and
4. Being available to attend and testify, if needed, at future court hearings (e.g., shelter care, adjudication, disposition).

Warren County Children Services may take a child into custody or assume custody of a child in any of the ways outlined below:

1. Ex Parte Emergency Shelter Care

WCCS may take a child into custody, pursuant to Juvenile Rule 6. During regular office hours, removal necessitates consulting with the prosecutor’s office, which will advise WCCS and assist in obtaining an ex parte shelter care hearing and order from the Juvenile Court.

2. Ex Parte Emergency Telephone Order

After-hours or in exigent circumstances when an ex parte court hearing cannot be timely scheduled, a removal by WCCS involves obtaining a telephone ex parte order from the Juvenile Judge or designated magistrate. To initiate a telephone ex parte removal, WCCS may consult with the prosecutor’s office for assistance in reaching the Juvenile Court Judge or designated magistrate. Following any ex parte telephone removal, a shelter care hearing will be held in Juvenile Court before the end of the next business day following the day such order was issued, but not later than seventy-two (72) hours after the issuance of the order.

3. Ex Parte Law Enforcement Officer Removal to WCCS Custody

WCCS may take a child into custody upon acceptance of the child from a law enforcement officer or duly authorized officer of the court. Pursuant to OAC § 5101:2-42-04, upon acceptance of the child, WCCS shall request an ex parte order from the court and shall file a petition authorizing the continued placement of the child within twenty-four (24) hours or the next working day, if applicable.

Pursuant to ORC § 2151.421 (F), no law enforcement officer shall remove a child about whom a report of abuse or neglect is made from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the children's services agency located in the county conducting the investigation of the report as determined in consultation with WCCS and section § 2151.422 of the Revised Code (ex: children brought to Warren County who may have a residence outside the county or children living in domestic violence or homeless shelters may be appropriate placed in another county agency's custody).

A law enforcement officer, pursuant to Juv.R. 6(A)(3), may take a child into custody when any of the following conditions exist:

(a) There are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, and the child's removal is necessary to prevent immediate or threatened physical or emotional harm;

(b) There are reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary to prevent immediate or threatened physical or emotional harm;

(c) There are reasonable grounds to believe that a parent, guardian, custodian, or other household member of the child has abused or neglected another child in the household, and that the child is in danger of immediate or threatened physical or emotional harm;

(d) There are reasonable grounds to believe that the child has run away from the child's parents, guardian, or other custodian;

(e) There are reasonable grounds to believe that the conduct, conditions, or surroundings of the child are endangering the health, welfare, or safety of the child;

(f) During the pendency of court proceedings, there are reasonable grounds to believe that the child may abscond or be removed from the jurisdiction of the court or will not be brought to the court; or

(g) A juvenile judge or designated magistrate has made an ex parte order, telephone or otherwise, to take the child into custody based on finding probable cause to believe any of the conditions listed in (a)-(c) above exist.

4. Non Ex Parte Order for Custody

During a court proceeding relating to disposition or review of a case plan for a child previously found to be an abused, neglected, or dependent child, or as an order relating to the disposition of an unruly child, the Juvenile Court may order a child to be placed in the temporary custody of WCCS. The Agency shall be notified of such order by the Juvenile Court.

5. Gathering Child Medical History During Removal

Warren County Children Services caseworkers shall attempt to speak with parent(s) or relatives concerning pertinent background information, such as the child's allergies, medications, and medical history. Medical treatment needed for a child removed by law enforcement requires a Juvenile Court ex parte order for permission to treat. Therefore, in circumstances where a law enforcement officer removes a child and places the child in WCCS custody, if the child necessitates medical attention, WCCS must obtain a telephone ex parte order for custody in order to grant permission to treat.

2. Law Enforcement and Warren County Child Advocacy Center (CAC) Response Procedure

The CAC of Warren County is a community collaborative of multiple disciplines involved in investigating child sexual and physical abuse and extreme neglect. When case criteria are met, the CAC's established protocol shall be followed by each of the undersigned agencies who are also parties to the CAC Interagency Agreement and multidisciplinary team.

A complete copy of the protocol for the CAC can be obtained by contacting the CAC at 513-695-3100. The provisions relating to the CAC contained herein highlight important steps in the multidisciplinary response as they relate to the operating procedures to be employed by all of the undersigned concerned officials in the execution of their responsibilities pursuant to this MOU and ORC § 2151.421. If any conflict arises between or among provisions of this interagency MOU and the CAC protocol, the CAC protocol shall control.

Intake/Coordination-

Cases that meet the criteria for the CAC include the following when the alleged victim is a child under the age of 18:

- Sexual abuse**
- Serious physical abuse**
- Can include severe cases of neglect and dependency, including:**
 - *Witness to violence or abuse**
 - *Child exhibiting problem sexualized behaviors**
 - *Adult victims with developmental disabilities, if appropriate**
 - *Child human trafficking victims**
 - *Drug endangered children (where the child's physical health or well-being may be at risk because of extended exposure to drug manufacturing or where it is suspected the child may have ingested a controlled substance)**
- Other cases may be appropriate, to be evaluated on a case by case basis**

Cases meeting the criteria for the CAC shall be referred to the CAC. Any agency, including WCCS, law enforcement, or medical or mental health providers may refer a case to the CAC. Cases are referred by one of the following methods:

- 1) Fax a report to (513) 695-3120; or**
- 2) Call (513) 695-3100**

The agency which first receives the report of a CAC case should cross-report to other investigative agencies in addition to referral to the CAC. Upon intake, each member of the multidisciplinary team shall transmit a copy of its referral or report to the CAC. Forensic interviews can be scheduled by calling the CAC at (513) 695-3100. A Family Service Coordinator will be assigned to the case.

Forensic Interviews-

Alleged perpetrators are not permitted at the CAC. Adolescents and adults alleged to have engaged in sexual behavior with a child should be interviewed at another location. Registered sex offenders will not be permitted at the CAC.

Prior to the interview, the multidisciplinary team, including law enforcement, WCCS, the victim advocate, and the family services coordinator, will meet to discuss the allegation of abuse, including what evidence or reports exist at the time of the interview. Members of the multidisciplinary team shall advise caregivers and children that recording an interview is the best way

to preserve the child's information regarding an allegation of abuse, but that it will not be used in lieu of testimony in court.

A member of the CAC staff, trained in forensic interviewing, will conduct all interviews with children at the CAC. Only members of the multidisciplinary team are permitted to observe the interview, from a designated observation area. Victim advocacy services are provided during the interview by the Victim Witness Coordinator from the Warren County Prosecutor's Office or by a CAC staff person. Following the interview, the multidisciplinary team will meet to clarify the information obtained from family and the disclosure, if any, from the child, as well as any services or plan for the child's safety or well being.

A copy of the recorded interview becomes the property of the law enforcement agency member of the multidisciplinary team with jurisdiction over the alleged incident. Each law enforcement officer taking possession of a recorded interview is responsible for appropriate labeling and handling of that single copy of the recorded interview and ensuring that no duplications are made or transmitted. The law enforcement agency with custody of the recording is responsible for following its agency procedures for maintaining evidence.

Offender Interrogation-

Interrogation of the alleged offender is the responsibility of law enforcement. A report concerning the interview shall be promptly prepared and shared with WCCS.

After-Hours Response-

A CAC emergency response is appropriate if:

- 1) The alleged offender is living in the home of the alleged child victim and there is no known protector or plan of protection for the child;
- 2) In cases involving sexual abuse, if the alleged offense took place within 72 hours or if evidence is believed to exist, even if the alleged offender is not in the home of the alleged child victim; or
- 3) The alleged child victim is admitted to the hospital or received medical treatment.

To request a forensic interview after hours, WCCS or law enforcement should contact the operator at Dayton Children's Hospital at (937) 641-3000, and ask the operator to contact the CAC manager immediately.

Medical Services-

Medical evaluations are scheduled by the CAC Family Service Coordinator who is responsible for communicating relevant history and outcome of the forensic interview to the physician prior to the appointment. Every child and adolescent suspected to be the victim of sexual maltreatment will be offered a medical evaluation. Children who need either an emergent, an urgent, or a non-urgent sexual abuse examination will be seen either in the emergency room department at Dayton Children's Hospital or the CARE Clinic.

3. Children in Need of Medical Attention Special Response Procedures

WCCS may learn or determine that a child is in need of Medical Attention which can be emergent, urgent or non-urgent.

a. Children who need an emergent or urgent medical examination will be seen in the emergency room department at Dayton Children's Hospital or the most appropriate medical provider given the circumstances.

b. If the child was being examined or treated at another medical facility or the CAC and needed additional or special care, the medical care facility or CAC would make appropriate referrals.

c. If the medical attention need is non urgent, the child will be referred to their pediatrician or appropriate medical care provider.

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 **WCCS** 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 **WCCS** 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. **WCCS** 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 **WCCS** is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by **WCCS** 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 **WCCS** upon request.

The **WCCS** agrees not to proceed without the advice and consent of the prosecutor's office when a criminal investigation is being conducted concurrently. **WCCS** 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.

When reported allegations are shared and the determination has been made that a joint WCCS and law enforcement assessment and investigation is required, the WCCS caseworker and law enforcement officer will discuss available reports and how to obtain these; individuals involved and plans for interviews; and any involvement with the CAC of Warren County, if appropriate, as outlined in section C below. In joint investigations, with coordination between law enforcement and WCCS, law enforcement may conduct alleged perpetrator interviews with notification to WCCS of the results. In situations which do not involve the CAC, WCCS and law enforcement will follow the guiding principles as stated in section (B) below (Special Assistance Requests). Any changes in these procedures shall be discussed by both agencies and an alternate agreement shall be developed. Proper case management protocol, as well as open communication, will guide team planning.

Confidentiality-

During and after the joint assessment and/or investigation, WCCS and law enforcement will share information (statements/findings) with the objective of reducing redundancies in investigative activities, such as repeating interviews with any family members. Each agency shall keep the other updated as to the status of any continued assessment, investigation, intervention, services provided, and court proceedings. WCCS shall only disseminate information authorized pursuant to applicable Ohio Administrative Code sections, including but not limited to OAC §§ 5101:2-33-21 and 5101:2-33-22. Information will be shared with the CAC of Warren County according to the CAC protocol

and section C below. Multi-Disciplinary Team case reviews shall be confidential, and the information restricted to parties directly involved with the investigations and services, for example, the investigators, service providers, and CAC staff. Unauthorized dissemination of confidential information will be reported by WCCS supervisors to the county prosecuting attorney, after notifying the Agency Director. The confidentiality provisions of HIPAA (Health Insurance Portability and Accountability Act of 1996) and FERPA (Family Educational Rights and Privacy Act) will be honored.

WCCS 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, WCCS 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 WCCS
- Law enforcement personnel
- County or city prosecuting attorneys, assistant prosecuting attorneys, in-house JFS legal counsel if applicable, and their investigative staff
- Forensic interviewing staff of Warren County Child Advocacy Center
- Whenever possible and CAC interviewing criteria are met, the forensic interviewing staff of Warren County Child Advocacy Center shall be the preferential interviewing agency

G. Standards and procedures for WCCS requests for law enforcement assistance

Assessments/Investigations and home visits initiated after-hours from the WCCS emergency hotline will almost always necessitate assistance from law enforcement.

Warren County Children Services has an obligation to involve/request law enforcement assistance in a timely manner, including such cases as deserted children, sex trafficking or human trafficking, amber alerts, and missing children.

A law enforcement agency may serve as the third party to an assessment/investigation of child abuse or neglect, regardless of

whether a conflict of interest exists for WCCS pursuant to OAC § 5101:2-36-08(A). WCCS shall request the assistance of law enforcement as a third party if the child abuse or neglect report alleges a criminal offense.

WCCS may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist:

- An exigent circumstance.
- **WCCS** has reason to believe that the child is in immediate danger of serious harm.
- **WCCS** has reason to believe that the worker is, or will be, in danger of harm.
- **WCCS** has reason to believe that a crime is being committed, or has been committed, against a child.
- **WCCS** worker must conduct a home visit after regular **WCCS** business hours, and a law enforcement escort is requested as a standard operating procedure.
- **WCCS** is removing a child from his or her family via an order of the court, and the assistance of law enforcement is needed as **WCCS** has reason to believe the family will challenge the removal.
- **WCCS** 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.
- **WCCS** is working with a family that has historically threatened to do harm to PCSA staff.

WARREN COUNTY SPECIAL ASSISTANCE REQUESTS

By Law Enforcement

In some circumstances law enforcement may need to call WCCS to request assistance. WCCS will respond and help law enforcement ensure a safe plan for the child, including such cases as children witnessing domestic violence, drug overdose, or other criminal activity; deserted children (formerly known as safe havens for newborns); Amber Alerts; and missing children. Response times for hotline caseworkers on call may be somewhat longer than during regular office hours.

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 **WCCS** and the law enforcement agency of jurisdiction.

1. Out-of-Home Care

WCCS 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.

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

Out-of-home care includes such organizations or settings as foster homes, pre-finalization adoptive placements, child daycare centers, family daycare providers, group homes, detention facilities, residential facilities, day camps, hospitals, schools, and others defined in OAC §§ 5101:2-1-01 and ORC 2151.011A)(28).

Out-of-home care child neglect includes failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child. The failure to provide reasonable supervision as described above can result in sexual or physical abuse of the child by any person, but resulting sexual or physical abuse is not necessary in order to meet the definition of out-of-home care child neglect. Out-of-home care child neglect also includes:

- Failure to develop a process for administration of prescription or psychotropic drugs, assuring they are administered as prescribed, and reporting unfavorable or dangerous side effects to the prescribing physician;**
- Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of a child;**
- Confinement to a locked room without monitoring by staff;**
- Failure to provide ongoing security for prescription and nonprescription medications; and**

-Isolation of a child for a period of time when there is a substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

Warren County Children Services will conduct a specialized assessment/investigation pursuant to OAC § 5101:2-36-04 if a report of abuse or neglect involves an alleged perpetrator who is responsible for the subject child's care in an out-of-home care setting or has access to the subject child by virtue of his or her employment by or affiliation to an out-of-home care organization. The Agency will request an independent third-party assessment/investigation, as required by OAC § 5101:2-36-08, where the identity of the principal of the report creates a potential conflict of interest. The Agency shall request and document assistance of a third party within twenty-four (24) hours of identification of a conflict of interest.

Warren County Children Services will attempt to coordinate the interview with the alleged child victim if another agency is required to conduct its own assessment or investigation by statute or administrative rule (ex: a state licensing agency), in order to minimize the number of interviews of the child.

Warren County Children Services may request assistance from law enforcement to conduct interviews of the alleged perpetrator in order to assess his or her knowledge of the allegation of out-of-home care child neglect. The Agency may also request assistance from the county prosecutor if WCCS is refused access to the alleged child victim or any records necessary to conduct the specialized assessment/investigation. The Agency shall not provide witness statements, police reports, or other investigative reports to the out-of-home care setting or organization.

2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the OAC, **WCCS** 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.

WCCS shall request that law enforcement serve as the third party when a report alleges a criminal offense. **WCCS** 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**

WCCS is governed by ORC section 307.622 and must have a child fatality review board.

Child Fatality Review Board

The local health department and its child fatality review board is responsible for generating information pertaining to any child fatalities pursuant to ORC §§ 3701.045 and 307.623. Annually, this board meets to review all child deaths in the county. Information obtained and reviewed from this board collaboration is confidential.

4. Child Fatality- Death of a child in the custody of WCCS

WCCS follows section 5101:2-42-89 of the OAC following the death of a child in its custody.

INVESTIGATIONS INVOLVING CHILD FATALITY/ NEAR FATALITY

Any of the undersigned agencies with knowledge of a child fatality or near fatality, including cases involving abusive head trauma, shall report that information to WCCS if the child was a resident of Warren County at the time of the death or near-death incident.

Warren County Children Services is guided by OAC rules, Agency policy, and this MOU concerning activities, procedures, and investigations following a child fatality or near fatality. This includes general screening procedures outlined in OAC § 5101:2-36 and Agency procedures outlined in OAC § 5101:2-42-89. If the death of a child is the result of suspected child abuse or neglect, WCCS will follow investigation and assessment procedures outlined in OAC § 5101:2-36-01 regarding suspected child abuse and neglect as determined by law enforcement, medical or WCCS personnel. Warren County Children Services will notify law enforcement of the death of a child, update the Statewide Automated Child Welfare Information System (SACWIS), and participate in the Child Fatality Review committee. Other parties may be notified of fatalities of children in Agency custody, per the Agency Director. These parties may include the Prosecutor's office, Juvenile Court, and/or legal representatives as deemed necessary.

If a child in the custody of WCCS dies, WCCS will notify law enforcement within one hour of its knowledge of the child's death and comply with the provisions of OAC § 5101:2-33-26.

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

WCCS 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).

WCCS screening will gather and maintain current information regarding the name, address, and telephone number of each appropriate health care facility within Warren County.

- **The information will be maintained on a list updated annually and the Providers will be maintained in SACWIS.**
- **The information will include 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.**
- **The information will also include the name and chairperson of the appropriate health care facility's review committee, if such a committee exists.**
- **WCCS shall screen in medical neglect reports per screening guidelines and initiate the assessment/investigation by face to face or telephone contact with the health care facility's administrator or designee. WCCS will obtain information as required in 5101:2-36-07 and document in SACWIS.**
- **WCCS shall contact the CAC, Dayton Children's or other appropriate medical consultant within 24 hours to assist in evaluating the disabled infant's medical information.**
- **WCCS shall follow procedures in 5101:2-37-02 if the child is determined to be in immediate danger of serious harm and pursue any necessary legal remedies.**
- **WCCS shall attempt face to face contact with the disabled infant's parent, guardian or custodian initially within 24 hours and ongoing every 5 days until contact is made. The contact will meet requirements in 5101:2-36-07 and completion of the Safety Assessment.**
- **WCCS in cooperation with the medical consultant shall conduct and document interviews with the attending physician and health care facility staff to make appropriate determinations per 5101:2-36-07 regarding the disabled infant.**

- WCCS will conduct and/or document required interviews with the alleged perpetrator to complete the report disposition and make all required notifications to the alleged perpetrator, the disabled infant's parents, the administrator, director or designee of the health care facility, the owner or governing board of the health care facility and the appropriate licensing and supervising authorities of the health care facility.
 - WCCS will cooperate with law enforcement and the county prosecutor regarding the investigation and determinations that the attending physician failed to provide medically indicated treatment or failed to inform the disabled infant's parent, guardian or custodian of available treatment options.
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

Human Trafficking

The trafficking of children constitutes a severe form of child abuse and neglect, whereby an offender profits from the control and exploitation of the child. Any mandated reporter in Ohio must report suspected cases of juvenile human trafficking to either the local children services agency or local law enforcement. Upon receiving a report of suspected human trafficking, WCCS is required to make a referral to law enforcement and/or involve law enforcement in any investigation.

Each of the undersigned agencies or offices shall be responsible for training its relevant personnel relating to screening and/or identification of suspected human trafficking, including red flags and indicators of the trafficking of youth, pursuant to that agency or office's policies or protocols. See The Supreme Court of Ohio's Juvenile Human Trafficking, Ohio Laws & Safe Harbor Response Card

(<http://www.supremecourt.ohio.gov/JCS/CFC/resources/juvenileHumanTrafficking.pdf>).

When child human trafficking is suspected, a referral shall be made to the CAC of Warren County, pursuant to the procedures outlined in Section C below and the CAC of Warren County Protocol. Referral to the CAC of Warren County does not substitute for a mandated reporter's duty to report suspected cases of juvenile human trafficking to either WCCS or local law enforcement.

Pursuant to Ohio's Safe Harbor law (ORC § 2152.021(F)), a juvenile court may initiate a hearing to determine whether a

juvenile defendant's complaint should be subject to diversion proceedings, when the child agrees to such a hearing, and when the child is charged with an act that, if charged as an adult, would be a violation of ORC § 2907.24 (solicitation); ORC § 2907.241 (loitering to engage in solicitation); or ORC § 2907.25 (prostitution). If a court initiates a diversion protocol in such a case, the prosecuting attorney shall be notified and be given an opportunity to participate in a hearing and object to granting diversion and to make recommendations relating to diversion actions. Additionally, the court shall appoint a guardian ad litem for the child, separate from his or her attorney. Warren County Children Services will also be notified of any such hearing.

Warren County Children Services will screen in an abuse or neglect report relating to the child if: the child's medical examination reasonably indicates abuse and/or neglect; someone other than the parent delivered the child to the peace officer, hospital employee, or emergency service worker; or the child is determined to be more than thirty (30) days old.

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

Cases involving reports of individuals contributing to the delinquency of a child that do not meet the screening standards for opening a case are referred to law enforcement. The undersigned agencies work together in cases where children involved in Human Trafficking or Sex Trafficking is suspected. Warren County Children Services follows federal and state guidelines in reporting and recording this information.

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

Cases involving reports of 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 appropriate legal consent that do not meet the screening standards for opening a case are referred to law enforcement. The undersigned agencies work together in cases where children are runaways and/or involved in Human Trafficking or Sex Trafficking is suspected.

Warren County Children Services follows federal and state guidelines in reporting and recording this information.

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, **WCCS** 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 **WCCS** custody.
- Contact the National Center for Missing and Exploited Children (NCMEC) if the child is in **WCCS** custody.

Upon request of law enforcement, **WCC** shall provide assistance and cooperation in the investigation of a missing child, including the immediate provision of any information possessed by **WCCS** that may be relevant in the investigation.

Law enforcement shall notify **WCCS** 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.

2. Non-emergency

Upon receiving a report alleging child abuse, neglect, and/or dependency, **WCCS** 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, **WCCS** 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 **WCCS** 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 **WCCS** 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. [Optional Section(s)]

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

ROLES AND RESPONSIBILITIES OF WARREN COUNTY BOARD OF DEVELOPMENTAL DISABILITIES- As required in rule 5123-17-02 of the Ohio Administrative Code, all allegations of abuse or neglect as defined in sections 2151.03 and 2151.031 of the Ohio Revised Code of an individual under the age of twenty-one years shall be immediately reported to the local PCSA. The notification may be made by the provider or by the county board of developmental disabilities. The Warren County Board of Developmental Disabilities (WCBDD) shall ensure that the notification has been made. Reported allegations made involving individuals served by the WCBDD should be shared between WCBDD and WCCS, as well as any assessment and investigation information. The WCCS caseworker and WCBDD Investigative Agent will discuss available reports and how to obtain these; individuals involved and plans for interviews; and any involvement with the CAC of Warren County or law enforcement. If WCCS receives a referral regarding an individual served by WCBDD, the screener will send the referral to WCBDD. (There are cases that WCBDD will investigate that are not screened in by WCCS.) If WCCS investigates an allegation with an individual served by WCBDD, WCBDD does not investigate the allegation but can assist in the investigation. The summary of the completed WCCS investigation will be provided to WCBDD. Except when WCCS or law enforcement is conducting an investigation, the WCBDD Investigative Agents shall commence an administrative investigation for major unusual incidents including abuse and neglect involving individuals eligible to receive services through the WCBDD.

DESERTED CHILD PROCEDURES

In accordance with ORC §§ 2151.3516 and 2151.3517, a peace officer, a hospital employee, or an emergency services worker, while acting in an official capacity, shall take possession of a deserted child, not older than thirty (30) days, who has no apparent signs of abuse or neglect, and whose parent delivers the child to that person without expressing an intent to return for the child.

Upon receiving a report of a deserted child, WCCS will respond within one hour.

The person taking possession of a deserted child shall deliver to WCCS the following information:

- Date and time the child was left with the individual
- All information regarding the child left by the parent(s)
- “Voluntary Medical History For Safe Havens” form (JFS 01672), if completed by the child’s parent
- All clothing articles left with the child

Warren County Children Services will accept emergency temporary custody of the child, and shall arrange for the child to be examined by a physician (if not already completed at the time of delivery to a medical facility) within one hour of face-to-face contact with the child. Warren County Children Services shall obtain a medical examination report from the physician.

Warren County Children Services shall contact the following agencies to determine if a child matching the description of the child has been reported missing:

- Local law enforcement
- Ohio’s missing children’s information clearinghouse (<http://www.mcc.ag.state.oh.us/>)
- National center for missing and exploited children (<http://www.missingkids.com/>)
- Ohio’s Anti-Human Trafficking Hotline

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 **WCCS** 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.

[NA]

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 **WCCS**. 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. **WCCS** 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.

WCCS will work to resolve internal conflict by communicating, collaborating, and clarifying the conflict issues and roles and responsibilities with the participants. If a required participant refuses to sign or engage in the process, WCCS will consult the Warren County prosecutor for assistance and available options. If all efforts fail, the MOU can be completed with notations of any participant who refused and their reasons in Section IX.

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 **WCCS** 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, **Warren County Child**

Advocacy Center, Warren County Bd of Developmental Disabilities, and other entities are expected to release information to **WCCS** 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 **WCCS** 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 **WCCS** 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 **WCCS** 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 **WCCS** 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, **WCCS** 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. **WCCS** 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 Warren County MOU will be reviewed, updated and signed in June 2023 and every two years thereafter..**

If any individual serving as a signatory changes mid-term, **WCCS** 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. **The terminating member must submit their written notice at least 30 days prior to the date of their termination. WCCS will share the request for termination with all members and finalize the member's termination within 30 days of the request. WCCS will ensure updates to the MOU and/or signature pages are completed as required.**

If modifications to the MOU are needed, members will submit written notice of the need for modification to WCCS. WCCS will share the information to all members and obtain members' responses within 30 days of the modification request. If approved, WCCS will ensure a new MOU is updated, reviewed, approved and signed by all members within 60 days of the request. The MOU will be submitted to JFS for approval and then posted.

If members determine that a member should be terminated, WCCS will contact the identified member to notify that their membership will be terminated within 30 days. WCCS will ensure updates to the MOU and/or signature pages are completed as required.

Shannon Jones
SHANNON JONES, President, Warren County Commissioner
Is this agency a participating member of the CAC referenced in Section II(G)?

6.27.23
Date
 Yes No

David G. Young
DAVID G. YOUNG, Warren County Commissioner
Is this agency a participating member of the CAC referenced in Section II(G)?

6.27.23
Date
 Yes No

Tom Grossman
TOM GROSSMAN, Warren County Commissioner
Is this agency a participating member of the CAC referenced in Section II(G)?

6.27.23
Date
 Yes No

Shawna Jones
SHAWNA JONES, Director, Warren County Children Services
Is this agency a participating member of the CAC referenced in Section II(G)?

6-6-23
Date
 Yes No

Judge Joseph W. Kirby
JUDGE JOSEPH W. KIRBY, Judge, Warren County Juvenile Court
Is this agency a participating member of the CAC referenced in Section II(G)?

6-8-23
Date
 Yes No

David P. Fornshell
DAVID P. FORNSHELL, Warren County Prosecutor
Is this agency a participating member of the CAC referenced in Section II(G)?

6-14-23
Date
 Yes No

Deborah Feldman
DEBORAH FELDMAN, President and CEO, Dayton Children's Hospital
Is this agency a participating member of the CAC referenced in Section II(G)?

6/8/23
Date
 Yes No

Larry Sims
SHERIFF LARRY SIMS, Warren County Sheriff
Is this agency a participating member of the CAC referenced in Section II(G)?

06/08/2023
Date
 Yes No

Will Rogers
CHIEF WILL ROGERS, Carlisle Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

06.06.2023
Date
 Yes No

John D. Terwill
CHIEF JOHN D. TERWILL, Clear Creek Township Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

6-6-23
Date
 Yes No

Adam Colon
CHIEF ADAM COLON, Franklin Division of Police
Is this agency a participating member of the CAC referenced in Section II(G)?

6-6-23
Date
 Yes No

Scott Hughes
CHIEF SCOTT HUGHES, Hamilton Township Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?


6-6-23
Date
 Yes No

Richard Pottenger
CHIEF RICHARD POTTENGER, Harveysburg Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

6-14-23
Date
 Yes No

Jeff Mitchell
CHIEF JEFF MITCHELL, Lebanon Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

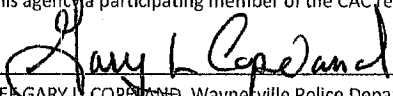
6/16/23
Date
 Yes No


CHIEF MICHAEL GABRIELSON, Loveland Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

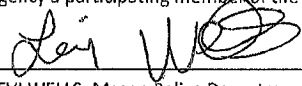
6-8-2023
Date
 Yes No

LIEUTENANT MATT SCHMENK, Ohio State Highway Patrol-Post 83
Is this agency a participating member of the CAC referenced in Section II(G)?

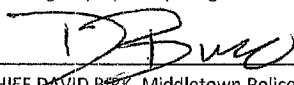
Date
 Yes No
6-6-23


CHIEF GARY L. COPELAND, Wayneville Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?


Date
 Yes No
6-6-23


CHIEF LEVI WELLS, Mason Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

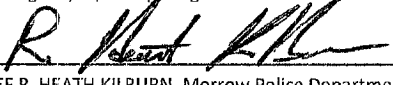
Date
 Yes No
6-8-23


CHIEF DAVID BRK, Middletown Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

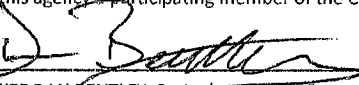
Date
 Yes No
6-6-23


CHIEF BOB BUCHANAN, Monroe Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

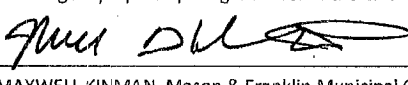
Date
 Yes No
6-14-23


CHIEF R. HEATH KILBURN, Morrow Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

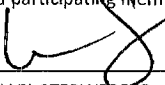
Date
 Yes No
6-6-23


CHIEF DAN BENTLEY, Springboro Police Department
Is this agency a participating member of the CAC referenced in Section II(G)?

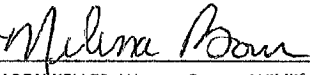
Date
 Yes No
6-19-23


MAXWELL KINMAN, Mason & Franklin Municipal Court Prosecutor
Is this agency a participating member of the CAC referenced in Section II(G)?

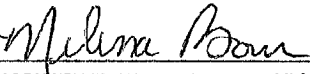
Date
 Yes No
6-7-23


CAPTAIN MICHAEL STERWERF, Caesars Creek Rangers
Is this agency a participating member of the CAC referenced in Section II(G)?

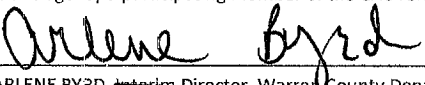
Date
 Yes No


MELISSA BOUR, Director, Warren County Communications Center Department of Emergency Services
Is this agency a participating member of the CAC referenced in Section II(G)?

Date
 Yes No
6/7/2023


JASON KELLER, Warren County Wildlife Officer
Is this agency a participating member of the CAC referenced in Section II(G)?

Date
 Yes No
6/2/2023


ARLENE BYRD, ~~Interim~~ Director, Warren County Department of Human Services
Is this agency a participating member of the CAC referenced in Section II(G)?

Date
 Yes No

stinson
→

DHED STATE HIGHWAY PATROL

LT. MATT SCHMIDTKE

POST COMMANDER

6-27-23

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Agency, Name, Title

Date

Is this agency a participating member of the CAC referenced in Section II(G)?

Yes No

Joanne Hurley

JOANNE HURLEY, Executive Director, Warren County Humane Society
Is this agency a participating member of the CAC referenced in Section II(G)?

6/14/23

Date
 Yes No

Megan Manuel

MEGAN MANUEL, Superintendent, Warren County Board of Developmental Disabilities
Is this agency a participating member of the CAC referenced in Section II(G)?

6/7/2023

Date
 Yes No

[Signature]

KELLY MCKOY, Lebanon Municipal Court Prosecutor
Is this agency a participating member of the CAC referenced in Section II(G)?

6/8/2023

Date
 Yes No

Libby Nicholson

AMY FORNSHELL, Manager, Child Advocacy Center of Warren County
Is this agency a participating member of the CAC referenced in Section II(G)?

6/15/2023

Date
 Yes No

AMB

ASHLEY BRET LAND, Middletown Municipal Court Prosecutor
Is this agency a participating member of the CAC referenced in Section II(G)?

6/13/2023

Date
 Yes No

Colleen Chamberlain

COLLEEN CHAMBERLAIN, Executive Director, Mental Health Recovery Services of Warren & Clinton Counties
Is this agency a participating member of the CAC referenced in Section II(G)?

6/13/23

Date
 Yes No

APPROVED AS TO FORM

Kathryn M. Horvath
Kathryn M. Horvath
Asst. Prosecuting Attorney

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

The **WCCS** 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.

[Ohio State Highway Patrol-Post 83 has not refused to sign; however, a signature has been unable to be obtained to date. Attempts were made on 6/6/23 at the Chief's Association Meeting, via email on 6/6/23, 6/20/23, and via phone on 6/15/23. Attempts will continue to be made to secure a signature which can then be added to the document for final inclusion.]

Date: 6/20/23

Agency, Name, Title: **ODNR Division of Wildlife**

Reason the individual refused to sign:

[The Deputy Legal Counsel for ODNR Division of Wildlife indicated they are not a necessary signatory for the MOU and therefore do not wish to sign. Other signatures had already been obtained on the same page; however, this entity will be removed prior to the next update.]

X. Board of County Commissioners

The **Warren County Children Services** shall submit the MOU signed by all participating agencies to the **Warren** 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.

County Commissioners signature and date/Resolution/Vote

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