

Union County Department of 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 **Union County Department of Job and Family Services (UCDJFS)** 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; and~~
- 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 ability 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. UCDJFS

The **UCDJFS** is the lead agency for the investigation of child abuse, neglect, or dependency in **Union County**. The **UCDJFS** 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 **UCDJFS** 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 **UCDJFS** in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting **UCDJFS** in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with **UCDJFS** on interviews with principals of the case when there are serious criminal implications; Notifying **UCDJFS** of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to **UCDJFS's** requests for information regarding the status of the legal action; Providing police record checks for **UCDJFS** as necessary or requested as permitted by law; Handling and coordinating investigations involving a child fatality or near fatality which may have resulted from abuse or neglect.

C. JUVENILE COURT

The Juvenile Court Judge or the Judge's designee, 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 Court 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 Prosecuting Attorney shall report suspected cases of child abuse and neglect to **UCDJFS** or appropriate law enforcement agency. The County Prosecutor shall represent **UCDJFS** in legal actions to protect a child from further harm resulting from child abuse or neglect.

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 Prosecuting Attorney is to determine, based upon the facts, whether criminal culpability exists and if enough evidence exists for a matter to be prosecuted. The Prosecuting Attorney will be available to law enforcement and **UCDJFS** 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 **UCDJFS** 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. Union County Humane Society

Union County Humane Society (UCHS) is 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 **UCDJFS** or local law enforcement.

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 through consultation between and among the signatories to this Memorandum of Understanding.

A. Mandated reporters and penalty for failure to report

Persons identified as mandated reporters in Ohio Revised Code section 2151.421, while acting in official or professional capacity, must 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 **UCDJFS** or a law enforcement officer.

A mandated reporter who fails to make the report required under R.C. 2151.421 may be subject to civil and/or criminal liability.

The violation of the general duty to report under R.C. 2151.421 is misdemeanor of the fourth degree; the violation is enhanced to a misdemeanor of the first degree if the victim is under the direct care or supervision of the offender or if the offender has supervisory control over the perpetrator against the victim.

A mandated reporter may be liable for compensatory and exemplary damages to the child who would have been the subject of a report not made.

B. System for receiving reports

Reports of child abuse or neglect must be made to **UCDJFS** or any law enforcement officer with jurisdiction in **Union County**. **UCDJFS** receives after-hour calls through Union County Sheriff's Office who forwards all calls to **UCDJFS** on-call children services worker. The public is informed of after-hours reporting opportunities through the UCDJFS website.

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 that has jurisdiction unless an arrest is made at the time of the report that results in the appropriate PCSA that has jurisdiction being contacted concerning the alleged incident involving the child.

When **UCDJFS** screens in a report of child abuse, **UCDJFS** shall notify the appropriate law enforcement agency of the report, unless law enforcement is present and makes an arrest at the time of the report that results in the appropriate law enforcement agency being notified of the child abuse.

When **UCDJFS** screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/investigation, **UCDJFS** shall promptly 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 **UCDJFS** receives a referral from a mandated reporter who provides their name and contact information, **UCDJFS** shall send an initial notification to the mandated reporter within seven days after the initial report. Information shared with the mandated reporter shall include the information permitted by ORC 2151.421(K):

- Whether the agency has initiated an investigation of the report;
- Whether the agency is continuing to investigate the report;
- Whether the agency 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 **UCDJFS** closes an investigation/assessment reported by a mandated reporter, **UCDJFS** shall send an outcome notification to the mandated reporter. Information shared with the mandated reporter shall be as permitted by ORC 2151.421 to include a notification that the agency has closed the investigation along with a point of contact.

These notifications will be provided, in accordance with the mandated reporter's preference.

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

1. UCDJFS's Response Procedure

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

UCDJFS has three (3) safety responses available when there is an active safety threat.

- In-home safety plan: a voluntary safety plan developed with a family in response to an active safety threat. It is designed to enable a child to remain in the same home as the

caregiver(s) with a responsible party moving into the home. An in-home safety plan is the least restrictive type of safety plan. To approve a responsible party, UCDJFS completes local criminal checks, reviews Statewide Automated Child Welfare Information System (SACWIS) history, completes a National Sex Offender Public Website (NSOPW) search, and completes drug screens on any responsible party when the case is drug related, or if the responsible party has substance use history.

- Out-of-home safety plan: a voluntary safety plan developed with a family in response to an active safety threat. It is designed to enable a child to remain in the legal custody of their parent, guardian, or custodian while residing with a relative or kin outside of his or her own home, OR the person of concern moving out of the home. To approve a responsible party, UCDJFS completes local criminal checks, reviews Statewide Automated Child Welfare Information System (SACWIS) history, completes a National Sex Offender Public Website (NSOPW) search, and completes drug screens on any responsible party when the case is drug related, or if the responsible party has substance use history.
- Legally authorized out-of-home placement: The children services' supervisor will contact Union County's Juvenile Judge or Magistrate and provide the needed information to request to take physical custody of a child. If the court authorizes removal, The children services caseworker will then contact the law enforcement of jurisdiction and remove the child pursuant to rule 5101:2-39-01 of the Administrative Code.

2. Law Enforcement Response Procedure

When Law Enforcement determines that a report is emergent, they will respond to emergency cases as defined by their specific departmental protocols. Law Enforcement will contact **UCDJFS** within one (1) hour of receipt of the report.

3. Children in Need of Medical Attention Special Response Procedures

Children in Need of Medical Attention should be taken to Nationwide Children's Hospital main campus emergency room (ER) located at:

700 Childrens Drive
Columbus, OH 43205

614-722-2000

Situations when children should be taken to a medical facility include but not limited to:

- Allegations of sexual abuse
 - Children should be taken to Nationwide Children's Hospital ER if the incident occurred within 72-hours.
 - If the incident occurred over 72-hours, children should be seen at The Center for Family Safety and Healing located at:

655 East Livingston Avenue
Columbus, OH 43205

(614) 722-8200

- Allegations or indication that the child has been seriously or repeatedly physically injured as a result of abuse and/or neglect.
- The extent of the alleged abuse could cause unseen injuries (such as internal injuries or brain injuries).
- There is indication that the child suffers from malnourishment.
- There is indication that the child may need medical treatment.
- The child has been exposed to or had contact with methamphetamine production and/or fentanyl
- An infant who is not mobile and has marks or bruises.
- The child has an injury, and the parent, child or caretaker has provided an explanation of the injury that is not credible or is suspicious.
- The child has unusual bruises, marks, or signs of extensive or chronic physical injury.
- The child has an injury alleged or suspected to be from abuse and the parent/caregiver/alleged perpetrator has previously been found to be a perpetrator of severe physical injury/serious physical harm.

In investigations involving child death in which abuse/neglect is suspected cause, caseworkers must also request medical exams for any siblings or other child(ren) residing or visiting the home

Exception: Exceptions may be made depending on the specifics of an investigation (example: a child's death which is solely attributed to unsafe sleep).

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

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

UCDJFS 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, **UCDJFS** must make a disposition regarding the allegations 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:

- Caseworker and supervisory staff of **UCDJFS**
- Law enforcement personnel
- County prosecuting attorney, and assistant prosecuting attorneys
- Children's Advocacy Center (CAC) personnel

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

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

- An exigent circumstance exists.
- **UCDJFS** has reason to believe that the child is in immediate danger of serious harm.
- **UCDJFS** has reason to believe that the worker is, or will be, in danger of harm.
- **UCDJFS** has reason to believe that a crime is being committed, or has been committed, against a child.
- **UCDJFS** is removing a child from his or her family via an order of the court and the assistance of law enforcement is needed as **UCDJFS** has reason to believe the family will challenge the removal.
- **UCDJFS** 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.
- **UCDJFS** 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 **UCDJFS** and the law enforcement agency of jurisdiction.

1. Out-of-Home Care

UCDJFS 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.

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

Whenever possible, **UCDJFS**, law enforcement and other investigative parties will conduct joint investigations to promote an efficient, consistent, and timely process. A joint investigative process may include the following:

- Sharing of all information at the onset of the case
- Joint interviewing of all or certain parties in the case
- Sharing of information gathered at interviews
- Development of investigative and/or service strategies by the investigative staff
- Shared dispositions and possible recommendations to the family, the prosecutor's office, or other service providers

2. Third-Party Investigations

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

- 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.

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

UCDJFS supervisory staff will handle and coordinate joint investigations with law enforcement and share investigative reports with the law enforcement personnel assigned to the case.

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

UCDJFS is governed by ORC section 307.622 and has a child fatality review board. The agency Director serves as the required UCDJFS member of the Union County Child Fatality Review Board established by the Union County Health Department. **Child Fatality- Death of a child in the custody of UCDJFS**

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

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

UCDJFS 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).

- **UCDJFS's** assigned investigator will gather and maintain current information regarding the name, address, and telephone number of each appropriate health care facility within the cases' jurisdiction.
- **UCDJFS's** assigned investigator will identify and maintain the current name, title, and telephone number of each facility's contact person involved with the case of withholding of medically indicated treatment from disabled infants with life-threatening conditions.
- **UCDJFS's** assigned investigator will conduct interviews with the parent, guardian, or custodian, attending physician, health care administrator and/or staff responsible for the disabled infant's care. The investigator will review the infant's medical records in their entirety and consult with the Prosecutor's Office to obtain advice and consent.

5. 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

UCDJFS and law enforcement will collaborate on their investigation, sharing information to the greatest extent possible, working towards what is in the best interest of the child from a protective and legal standpoint. At the initial stage, team members should confer to determine whether the matter calls for a joint investigation. Communication and collaborative planning between systems should occur at each step of the investigation. All systems will work collaboratively and respectfully with all teammates in the effort to maximize the child's safety while maintaining the integrity of the investigation. The investigators may, as needed, confer with the Prosecutor's Office throughout the investigation to modify and further develop their plan.

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

UCDJFS follows the procedures described in Chapter 5101:2-36 of the OAC for responding to these reports.

7. **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**

UCDJFS follows the procedures described in Chapter 5101:2-36 of the OAC for responding to these reports.

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

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

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

I. Standards and procedures for removing and placing children

1. Emergency

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

An ex parte order may be issued with or without a complaint being filed. Prior to taking the child into custody the judicial factfinder 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 UCDJFS 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, **UCDJFS** 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, **UCDJFS** shall approach the juvenile court and file a complaint alleging the child(ren) to be abused, neglected, or dependent per ORC 2151.27. The matter will be set for a shelter care/preliminary protective hearing expeditiously by the juvenile court.

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

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

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

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

V. CONFLICT RESOLUTION

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 **UCDJFS**. 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. **UCDJFS** will assist these agencies, but in no way, interfere or jeopardize a criminal investigation or prosecution.

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

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

VI. CONFIDENTIALITY STATEMENT

Any report made in accordance with ORC section 2151.421 is confidential. Neither the information nor 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, except as specifically permitted by law.

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 **UCDJFS** 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, and other entities are expected to

release information to **UCDJFS** 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 **UCDJFS** 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 **UCDJFS** 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 **UCDJFS** 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 **UCDJFS** 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, **UCDJFS** 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. **Union 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.

If any individual serving as a signatory changes mid-term, **UCDJFS** 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.

A required member may request a modification to this MOU by providing the request to the Director of **UCDJFS**. **UCDJFS** will review the request and if applicable seek in-person review with all required members.

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. **UCDJFS** is to consult with the Union County Prosecutor Office to explore available remedies.

Signatures on Next Page

Jim Wade Union County Human Services 7/19/23
Agency, Name, Title Date

Agency, Name, Title Date
Union County Sheriff's Office, Malcolm J. "Jamie" Patton, Sheriff

Agency, Name, Title Date
Marysville Division of Police, Tony Brooks, Chief

Agency, Name, Title Date
Richwood Police Department, Jim Hill, Chief

Agency, Name, Title Date
Union County Humane Society, Tim Coan, Executive Director

Agency, Name, Title Date
Union County Juvenile Court, Honorable Rick Rodger, Judge

Agency, Name, Title Date
Union County Prosecuting Attorney, David Phillips, Prosecuting Attorney

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Jim Wine Union County Human Services 7/19/23
Agency, Name, Title Date

Union Co Sheriff M. Patton Sheriff 11/7/23
Agency, Name, Title Date
Union County Sheriff's Office, Malcolm J. "Jamie" Patton, Sheriff

Agency, Name, Title Date
Marysville Division of Police, Tony Brooks, Chief

Agency, Name, Title Date
Richwood Police Department, Jim Hill, Chief

Agency, Name, Title Date
Union County Humane Society, Dr. Amy Welker, Director of Animal Care

Agency, Name, Title Date
Union County Juvenile Court, Honorable Rick Rodger, Judge

Agency, Name, Title Date
Union County Prosecuting Attorney, David Phillips, Prosecuting Attorney

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Jim Wine Union County Human Services
Agency, Name, Title

7/19/23
Date

Agency, Name, Title
Union County Sheriff's Office, Malcum J. "Jamie" Patton, Sheriff

Date

Tony Brooks
Agency, Name, Title
Marysville Division of Police, Tony Brooks, Chief

9-26-23
Date

Agency, Name, Title
Richwood Police Department, Jim Hill, Chief

Date

Agency, Name, Title
Union County Humane Society, Dr. Amy Welker, Director of Animal Care

Date

Agency, Name, Title
Union County Juvenile Court, Honorable Rick Rodger, Judge

Date

Agency, Name, Title
Union County Prosecuting Attorney, David Phillips, Prosecuting Attorney

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Agency, Name, Title

Date

Jim Wise Union County Human Services 7/19/23
Agency, Name, Title Date

Agency, Name, Title Date
Union County Sheriff's Office, Malcolm J. "Jamie" Patton, Sheriff

Agency, Name, Title Date
Marysville Division of Police, Tony Brooks, Chief

Jim Hill

Agency, Name, Title Date
Richwood Police Department, Jim Hill, Chief

Agency, Name, Title Date
Union County Humane Society, Dr. Amy Welker, Director of Animal Care

Agency, Name, Title Date
Union County Juvenile Court, Honorable Rick Rodger, Judge

Agency, Name, Title Date
Union County Prosecuting Attorney, David Phillips, Prosecuting Attorney

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Jim Wise Union County Humane Services 7/19/23
Agency, Name, Title Date

Agency, Name, Title Date
Union County Sheriff's Office, Malcolm J. "Jamie" Patton, Sheriff

Agency, Name, Title Date
Marysville Division of Police, Tony Brooks, Chief

Agency, Name, Title Date
Richwood Police Department, Jim Hill, Chief

Union County Humane Society, Tim Coan 11/7/23
Agency, Name, Title Date
Union County Humane Society, Dr. Amy Welker, Director of Animal Care
EXECUTIVE DIRECTOR

Agency, Name, Title Date
Union County Juvenile Court, Honorable Rick Rodger, Judge

Agency, Name, Title Date
Union County Prosecuting Attorney, David Phillips, Prosecuting Attorney

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Jim Lane Union County Human Services 7/19/23
Agency, Name, Title Date

Agency, Name, Title Date
Union County Sheriff's Office, Malcolm J. "Jamie" Patton, Sheriff

Agency, Name, Title Date
Marysville Division of Police, Tony Brooks, Chief

Agency, Name, Title Date
Richwood Police Department, Jim Hill, Chief

Agency, Name, Title Date
Union County Humane Society, Dr. Amy Welker, Director of Animal Care

Rick Rodger

Agency, Name, Title Date
Union County Juvenile Court, Honorable Rick Rodger, Judge

Agency, Name, Title Date
Union County Prosecuting Attorney, David Phillips, Prosecuting Attorney

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Jim Wade Union County Human Services 7/19/23
Agency, Name, Title Date

Agency, Name, Title Date
Union County Sheriff's Office, Malcolm J. "Jamie" Patton, Sheriff

Agency, Name, Title Date
Marysville Division of Police, Tony Brooks, Chief

Agency, Name, Title Date
Richwood Police Department, Jim Hill, Chief

Agency, Name, Title Date
Union County Humane Society, Dr. Amy Welker, Director of Animal Care

Agency, Name, Title Date
Union County Juvenile Court, Honorable Rick Rodger, Judge

David Phillips Prosecuting Attorney 12/14/2023
Agency, Name, Title Date
Union County Prosecuting Attorney, David Phillips, Prosecuting Attorney

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

Agency, Name, Title Date

IX. Refusal to Sign

The **UCDJFS** attests they attempted to obtain the signature of all required participating agencies as set forth in Section II of this memorandum and as mandated through section 2151.4210 of the Revised Code. However, the following agency(ies) or individual(s) refused to sign this MOU.

Date:

Agency, Name, Title:

Reason the individual refused to sign:

X. Board of County Commissioners

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

County Commissioners signature and date/Resolution/Vote

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