

Ohio Department of Job and Family Services
**DARKE 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 **Darke County Job and Family Services** and community partners that delineates roles and responsibilities for referring, reporting, investigating, and prosecuting child abuse and neglect cases. The MOU also identifies procedures for collaborative service provisions needed to ensure child safety, permanence, and well-being, and the minimum requirements of screening, assessment/investigation, and service planning, to meet mandates included in children services legislation passed by the 134th Ohio General Assembly. Two primary goals of this MOU are:

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

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

Screening: The capacity to accept and screen referrals of suspected child abuse, neglect, and/or dependency includes but is not limited to the following: Receiving referrals twenty-four (24) hours/day, seven (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 twenty-four (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. Darke County Job and Family Services

Darke County Job and Family Services is the lead agency for the investigation of child abuse, neglect, or dependency in Darke County. **Darke County Job and Family Services** will coordinate and facilitate meetings, establish standards and protocol for joint assessment/investigation with law enforcement, cross-referrals, collection of forensic evidence, confidentiality, and training of signatories as required by statute. Child Protective Services staff and management will also participate in meetings and trainings as deemed appropriate at the discretion of the Darke County Social Services Administrator or 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 **Darke County Job and Family Services** as soon as possible or within twenty-four (24) hours for investigation of the circumstances; Determining whether allegations of abuse or neglect rise to the level of criminal conduct; Cooperating with **Darke County Job and Family Services** in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; Assisting **Darke County Job and Family Services** in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; Coordinating with **Darke County Job and Family Services** on interviews with principals of the case when there are serious criminal implications; Notifying **Darke County Job and Family Services** of any legal action involving an alleged perpetrator of child abuse or neglect; Responding to **Darke County Job and Family Services'** requests for information regarding the status of the legal action; Providing police record checks for **Darke County Job and Family Services** as necessary or requested as permitted by law; Consulting with **Darke County Job and Family Services** prior to removal of a child from their home when possible; Handling

and coordinating investigations involving a child fatality or near fatality which may have resulted from abuse or neglect.

C. JUVENILE COURT

The Darke County Juvenile Court Judge, or a representative selected by the Judge, 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. DARKE COUNTY PROSECUTOR

The Darke County Prosecutor shall report suspected cases of child abuse and neglect to **Darke County Job and Family Services** or the appropriate law enforcement agency. The Darke County Prosecutor shall represent **Darke County Job and Family Services** in legal actions to protect a child from further harm resulting from child abuse or neglect, except where **Darke County Job and Family Services'** in-house PCSA Attorney is representing them. The **Darke County Job and Family Services** 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 Darke 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 **Darke County Job and Family Services** staff for questions or assistance in the investigation of child abuse and neglect cases and eliminate the need for testimony at the municipal court level by allowing for direct presentation of felony charges to the Grand Jury, when feasible, to minimize trauma to child victims. The prosecuting attorney agrees to aid **Darke County Job and Family Services** in protecting the confidential nature of children services records and

investigations; As well as the special protection afforded to the identity of the reporting source.

E. 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 **Darke County Job and Family Services** and/or local law enforcement as soon as possible or within twenty-four (24) hours.

F. CLERK OF DARKE COUNTY JUVENILE COURT

The Clerk of the Darke County Juvenile Court will collaborate with **Darke County Job and Family Services**, Darke County Prosecutor, and local law enforcement to establish standards and processes for the filing and acceptance of abuse, neglect, and dependency pleadings; Providing notice to the necessary parties; Completing service of process; Sending and receiving communications from the Clerk; Defining acceptable methods of communication; Establishing 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; Dating and timestamping of documents; Determining how and when to expect decisions or entries to be communicated; Providing periodic training for those involved in the investigation of child abuse and neglect and the signatories of this MOU; and being available to **Darke County Job and Family Services** 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; Penalty for failure to report or providing false 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 **Darke County Job and Family Services** or a law enforcement officer.

If a mandated reporter fails to report any suspected child abuse and/or neglect, **Darke County Job and Family Services** shall give written notification of such failure to the Darke County Prosecutor. A copy of the written notification shall be retained in the case record. The penalty for the failure of a person required to report any suspected case of child abuse and/or neglect pursuant to ORC section 2151.421 shall be a misdemeanor of the fourth degree. The penalty is a misdemeanor of the first degree if the child who is the subject of the required report that the offender fails to make suffers or faces the threat of suffering the physical or mental wound, injury,

disability or condition that would be the basis of the required report when the child is under the direct care or supervision of the offender who is then acting in the offender's official or professional capacity or when the child is under the direct care or supervision of another person over whom the offender, while acting in the offender's official or professional capacity, has supervisory control. Failure to report suspected child abuse and/or neglect may also result in civil liability in the form of compensatory or exemplary damages.

B. System for receiving reports

Reports of child abuse or neglect shall be made to **Darke County Job and Family Services** or any law enforcement officer with jurisdiction in Darke County, Ohio. **Darke County Job and Family Services** maintains twenty-four (24) hour coverage for reporting. Staff are available by telephone on a twenty-four (24) hour per day, seven (7) day per week basis. After hours calls are answered by the Darke County Sheriff's Department and forwarded to the on-call **Darke County Job and Family Services** staff. A caseworker and a supervisor are available to respond to emergency situations.

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 **Darke County Job and Family Services** screens in a report of child abuse, **Darke County Job and Family Services** shall notify the appropriate law enforcement agency of the report, unless law enforcement is present, and an arrest is made at the time of the report that results in the appropriate law enforcement agency being notified of the child abuse.

When **Darke County Job and Family Services** screens in a report of child neglect, and an active safety threat is identified within the first seven (7) days of the assessment/investigation, **Darke County Job and Family Services** shall notify the appropriate law enforcement agency within the first seven (7) 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 **Darke County Job and Family Services** receives a referral from a mandated reporter who provides their name and contact information, **Darke County Job and Family Services** shall forward an initial mandated reporter notification to the referent within seven (7) 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 **Darke County Job and Family Services** closes an investigation/assessment reported by a mandated reporter, **Darke County Job and Family Services** shall forward an outcome mandated reporter notification to the referent. The notification will be provided in accordance with the mandated reporter's preference. Information shared with the mandated reporter shall be that permitted by ORC 2151.421 to include a notification that the agency has closed the investigation along with a point of contact.

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

1. PCSA's Response Procedure

When **Darke County Job and Family Services** determines that a report is emergent, **Darke County Job and Family Services** shall attempt a face-to-face contact with the child subject of the report/alleged child victim within one (1) hour of the receipt of the report.

If **Darke County Job and Family Services** identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response.

If it is determined that a child is at risk of being abused, neglected, or dependent, the agency will first attempt to offer appropriate services to preserve and strengthen the family. Separation from the family has a traumatic impact on children and shall only occur when the child cannot be protected or have his/her basic needs met within the primary family.

If a child cannot remain safely within their own home, the agency will utilize one of the following options:

1. Work with the family to develop a temporary, safe living arrangement, with a relative or kin, through safety planning.
2. Work with Darke County Juvenile Court to secure legal authority (i.e. Court Order) for the removal of the child from the home.
3. Request the assistance of law enforcement or a duly authorized officer of the Court for the removal of the child from the home if exigent circumstances requiring immediate intervention exist, and time does not permit to obtain a court order.

Emergency Removals

Darke County Job and Family Services will consider the emergency removal of a child from his/her own home when all of the following conditions exist:

1. The child's safety is at imminent risk and in need of protection from abuse and neglect;
2. The caretaker is unavailable, unable, or unwilling to provide protection from the abuse or neglect;
3. Supportive services cannot provide adequate protection to the child if he/she remains in the home; and
4. The court has issued an emergency order or an Officer Acceptance has been completed by local law enforcement.

When an emergency order has occurred, the employee shall provide the caretaker and the child, when age appropriate, with the following information:

1. The reason for the removal;
2. The name, agency address, and telephone number of the agency regarding the case;

3. The address, hours, and telephone number to Juvenile Court regarding appointing legal counsel for the parent, guardian, or custodian, if known;
4. Date, time, and place the Court hearing will be held to determine if there is a need for continued custody, placement, or other court orders; and
5. Visitation schedule prior to the journalized case plan.

Non-Emergency Removals

Darke County Job and Family Services will remove a child from the home and provide temporary placement when it has determined a child cannot be maintained safely in the home through the implementation of a voluntary safety plan. **Darke County Job and Family Services** shall secure appropriate legal authority through the Darke County Juvenile Court to remove a child from the home. Law enforcement will provide assistance in the execution of the Court order when necessary.

Darke County Juvenile Court may also determine that a child is in need of protection and order the child into the temporary custody of **Darke County Job and Family services** either through the course of regular court activity or upon the filing of a motion by **Darke County Job and Family Services**.

2. Law Enforcement and Response Procedure

Darke County Job and Family Services will request assistance from the appropriate law enforcement agency to facilitate a removal when any of the following conditions exist:

1. The PCSA is denied access to the child and the employee has a court order to allow them access.
2. The PCSA has reason to believe that the child is in immediate danger of serious harm.
3. The personal safety of the child is in question; or
4. The personal safety of the caseworker is in question.

3. Children in Need of Medical Attention Special Response Procedures

If a child is the alleged victim of abuse or neglect and is in need of medical attention, the child shall be expeditiously transported to the closest appropriate medical facility, such as the local hospital, emergency room, urgent care, or health department.

E. Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and/or neglect

Darke County Job and Family Services has the responsibility of conducting a legally sound and effective investigation. It is the agency's responsibility to coordinate the investigation with the local law enforcement agency who has jurisdiction over the case. Methods to be used in interviewing the child, who is the subject of the reports 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 **Darke County Job and Family Services** and the corresponding law enforcement agency.

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

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

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

Darke County Job and Family Services shall follow up with law enforcement to ensure timely assistance and to complete mandated assessment/investigation activities within the forty-five (45) day timeframe. The timeframe can be extended in special circumstances to a maximum of sixty (60) days if law enforcement needs additional time; however, **Darke County Job and Family Services** must make a disposition within the sixty (60) 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 **Darke County Job and Family Services**
- Law enforcement personnel
- County or city prosecuting attorneys, assistant prosecuting attorneys, in-house legal counsel, and their investigative staff.
- Child Advocacy Center as agreed upon by required MOU subscribers.

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

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

- An exigent circumstance exists.
- **Darke County Job and Family Services** has reason to believe that the child is in immediate danger of serious harm.
- **Darke County Job and Family Services** has reason to believe that the worker is, or will be, in danger of harm.
- **Darke County Job and Family Services** has reason to believe that a crime is being committed, or has been committed, against a child.

- **Darke County Job and Family Services** is removing a child from his or her family via an order of the court and the assistance of law enforcement is needed as **Darke County Job and Family Services** has reason to believe the family will challenge the removal.
- **Darke County Job and Family Services** is working with a client who has a propensity toward violence and the assistance of law enforcement is needed to ensure the safety of all involved.
- **Darke County Job and Family Services** is working with a family that has historically threatened to do harm to PCSA staff.

H. Specialized Investigations or Circumstances

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

1. Out-of-Home Care

Darke County Job and Family Services conducts an out-of-home care investigation in response to a child abuse or neglect report that includes an alleged perpetrator who meets one or more of the following criteria:

- Is a person responsible for the alleged child victim's care in an out-of-home care setting as defined in rule 5101:2-1-01 of the Administrative Code.
- Is a person responsible for the alleged child victim's care in out-of-home care as defined in section 2151.011 of the Revised Code.
- Has access to the alleged child victim by virtue of his/her employment by or affiliation to an organization as defined in section 2151.011 of the Revised Code.
- Has access to the alleged child victim through placement in an out-of-home care setting.

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

Joint Investigation Requirements

1. Initial intervention of child abuse and neglect cases can be made by either the social services agency or appropriate law enforcement agency; however, any serious report involving

injury or hospitalization requires a joint cooperative intervention between the agencies.

2. The following types of cases may require a joint investigation:
 - a. Those requiring third party involvement;
 - b. Those involving a child death in which abuse or neglect is suspected as a cause;
 - c. Those involving alleged withholding of appropriate nutrition, hydration;
 - d. Those involving child sexual abuse allegations; and
 - e. Those involving serious physical abuse or neglect that may result in criminal proceedings.
3. Upon receipt of a potentially life-threatening child abuse or neglect report, immediate contact between **Darke County Job and Family Services** and the appropriate law enforcement agency will be made by telephone during business hours, or after-hours through Darke County Sheriff's Office, to jointly plan intervention and investigation.
4. In joint investigations, **Darke County Job and Family Services** and law enforcement will immediately share all statements, reports, and verbal and written observations concerning the abusive or neglectful situations.
5. **Darke County Job and Family Services** shall meet its obligation of maintaining communication with the appropriate law enforcement agency regarding child abuse and neglect investigations. The following guidelines will apply:
 - a. A written report will be filed with law enforcement regarding any investigation involving the death of a child;
 - b. Written reports will be filed as requested by law enforcement agencies; and
 - c. Telephone contact will be maintained to share information on joint investigations.
6. **Darke County Job and Family Services** will report suspected felonies to law enforcement authorities. If further investigation is required, the Darke County Prosecuting Attorney will collaborate with the appropriate law enforcement agency or **Darke County Job and Family Services** in preparing the case for criminal charges.
7. If law enforcement is unable to conduct the joint interview with an involved party within the mandated time frames, **Darke County Job and Family Services** will conduct interviews within their mandated timeframes. This includes elongated timeframes created by permissible waivers and extensions.

2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the Administrative Code, **Darke County Job and Family Services** shall request a third-party investigation be conducted by a local law enforcement agency or a

PCSA in a contiguous county when there is potential for a conflict of interest because one of the following parties is a principal of the report:

- Any employee of an organization or facility that is licensed or certified by the Ohio Department of Job and Family Services (ODJFS) or another state agency and supervised by the PCSA.
- A foster caregiver, pre-finalized adoptive parent, adoptive parent, relative, or kinship caregiver who is recommended, approved, or supervised by the PCSA.
- A type B family childcare home or type A family childcare home licensed by ODJFS when the 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.

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

In joint investigations, **Darke County Job and Family Services** and law enforcement will immediately share all statements, reports and verbal and written observations concerning the abusive or neglectful situations.

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

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

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

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

A joint investigation between the social services agency or appropriate law enforcement agency may be required in cases involving a child death where abuse or neglect is suspected as a cause.

A written report shall be filed with law enforcement regarding any investigation involving the death of a child.

A **Darke County Job and Family Services** employee investigating a report of suspected child abuse and neglect shall immediately request the assistance of the appropriate law enforcement agency in cases involving the death of a child from alleged abuse or neglect.

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

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

The withholding of medically indicated treatment is the refusal to provide appropriate nutrition, hydration, medication, or other medically indicated treatment from a disabled infant with a life-threatening condition.

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

In determining whether treatment is medically indicated, reasonable medical judgments made by a prudent physician, or treatment team, knowledgeable about the case and its treatment possibilities are considered. The opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated. Medically indicated treatment does not include the failure to provide treatment to a disabled infant if the treating physician's medical judgment identifies any of the situations listed in OAC section 5101:2-36-07(A)(3)(a-d).

When a referral of alleged withholding of medically indicated treatment from a disabled infant is received by **Darke County Department of Job and Family Services**, it will follow the requirements set forth in 5101:2-36-07 of the Ohio Administrative Code.

A child will be taken to any health care facility as determined by proximity or need.

Health care facility information within Darke County, Ohio:

Wayne Hospital
835 Sweitzer Street
Greenville, Ohio 45331
Hospital: 937-548-1141

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.**

Darke County Job and Family Services has the responsibility of conducting a legally sound and effective investigation. It is the agency's responsibility to coordinate the investigation with the local law enforcement agency who has jurisdiction over the case. Both professional departments must decide how to intervene in a fashion that will maximize the information obtained from the investigation while minimizing the risk of trauma to the alleged child victim and/or family members. Joint interviews should be conducted whenever possible to minimize trauma.

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

Darke County Job and Family Services shall refer all reports involving cases of individuals who aid, abet, induce, cause, encourage, or contribute to a child becoming dependent, neglected, unruly or delinquent, to the Darke County Prosecutor's Office or to the local Law Enforcement of Jurisdiction.

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**

For all reports involving cases of individuals, **Darke County Job and Family Services** will refer to the Darke County Prosecutor's Office or to the local Law Enforcement of Jurisdiction.

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 **Darke County Job and Family Services** shall:

- Refer the reporter to the law enforcement agency in the appropriate jurisdiction.
- Contact the law enforcement agency for entry into the National Crime Information Center (NCIC) database if the child is in the custody of **Darke County Job and Family Services**.
- Contact the National Center for Missing and Exploited Children (NCMEC) if the child is in the custody of **Darke County Job and Family Services**.

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

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

I. Standards and procedures for removing and placing children

1. Emergency

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

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

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

Findings must be made that the agency either did or did not make reasonable efforts to prevent the removal of the child from their home with a brief description of services provided and why those did not

prevent the removal or allow the child to return home, and if temporary custody is granted to the PCSA an additional finding that it would be contrary to the welfare and best interest of the child to continue in the home. If granted, a shelter care hearing must be scheduled the next business day (but not later than seventy-two (72) 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 (10) days from the filing date.

2. **Non-emergency**

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

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

The parties will be served with the complaint and summons to appear before the juvenile court. Unrepresented parties are advised by the juvenile court of their right to counsel. Counsel is appointed for children when abuse is alleged. A Guardian Ad Litem is appointed to all children 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 **Darke County Job and Family Services** to prevent the removal or continued removal or to make it possible for the child to return home safely; and for temporary custody orders to **Darke County Job and Family Services** that it would be contrary to the welfare and best interest of the child to continue in the home. All other temporary orders should be requested and considered at this time.

Darke County Job and Family Services will remove a child from his/her home and provide temporary placement when:

1. The parents sign an agreement for temporary custody of a child;
or
2. Darke County Juvenile Court determines that the child is in need of protection and orders the child to the temporary custody of the agency. This may occur through the course of regular court activity or through the filing of pleadings by **Darke County Job and Family Services**.

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

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 and/or neglect investigations lie with **Darke County Job and Family Services**. Every effort will be made to take in to account other subscribers' requests and concerns relating to services.

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

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

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

VI. CONFIDENTIALITY STATEMENT

Any report made in accordance with ORC section 2151.421 is confidential. Both the information and the name of the person who made the report under section 2151.421 shall not be released to the public for use and shall not be used as

evidence in any civil action or proceeding brought against the person who made the report.

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

ORC section 2151.423 requires **Darke County Job and Family Services** to disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Ohio Revised Code to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect. Likewise, law enforcement, child advocacy center, or other entities are expected to release information to **Darke County Job and Family Services** for the purpose of carrying out its responsibility of protecting children from abuse and/or neglect.

The information received in a report of alleged child abuse or neglect is highly sensitive and should be maintained in confidence. When any person commits, causes, permits, or encourages the unauthorized dissemination of information, **Darke County Job and Family Services** shall give written notification of such unauthorized dissemination to the Darke County Prosecuting Attorney. The reporter's identity is confidential and cannot be confirmed or denied. 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 **Darke County Job and Family Services** as soon as possible. The notification will be sent to the Director in writing describing the circumstances surrounding the breach. The notification will specify the confidential information released, who is responsible for disseminating the confidential information, how it was disseminated, and the parties who have access to the information without authorization. The Director of **Darke County Job and Family Services** shall then refer this information to the prosecutor at their discretion.

Each report of suspected child abuse and neglect is confidential. The information shared with the subscribers of the memorandum of understanding is made available only for the purposes of investigation, treatment, or case management of suspected child abuse and neglect or otherwise deemed to be in the best interest of the child victim or the family.

The information provided in a report and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible as evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

No person shall permit or encourage unauthorized dissemination of the contents of any report made pursuant to the ORC 2151.421 and/or this Memorandum of Understanding. The identity of the referral source shall be considered a part of the report. **Darke County Job and Family Services** shall not release or affirm the identity of any party without the referral source's consent, except for the purpose of judicial testimony, if court intervention is deemed necessary to protect the child. **Darke County Job and Family Services** will work with the prosecuting attorney to protect the identity of all reporters of child abuse and/or neglect whenever possible.

Anyone or any organization participating in good faith in the making of reports of possible child abuse or neglect, and anyone participating in good faith in a judicial proceeding resulting from the report, shall be immune from any civil or criminal liability for injury, death or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

VII. TERMS AND CONDITIONS AND STATUTORY REQUIREMENTS

This MOU must be retained for a period of at least seven (7) years per the State of Ohio records retention schedule. Please refer to **Darke County Job and Family Services** records retention policy for information on forms to be completed and processes to be followed for the destruction of records.

Consultation among the signatories will be done in person, whenever practicable. When an in-person meeting is not possible, the signer may employ the use of alternative methods of communication including but not limited to MS Teams, Skype, Zoom, or telephone as agreed upon by all members. When **Darke County Job and Family Services** is seeking consultation with a signer of this memorandum regarding an active referral of child abuse and/or neglect and has met in person or spoken with another signer, **Darke County Job and Family Services** will make written contact with the appropriate agency by the next working day to request the needed information and make the referral in writing.

The required members shall review and evaluate the terms and conditions of the MOU every biennium. All required members to the MOU will sign the new or updated agreement. **Darke 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 (31) 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 regulations. 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, **Darke County Job and Family Services** is to provide the new required member with the current memorandum. The new member remains bound by the most recently approved version of the memorandum. Their signature is to be obtained and submitted on or before the next biennial review.

A required member to this agreement may terminate their involvement in the MOU for good cause upon giving reasonable written notice to the other required members in this MOU. Such member will provide written notice to the **Darke County Job and Family Services**, Social Services Administrator no less than thirty (30) days prior to their desired termination of involvement. Said notice shall include reason(s) for terminating participation.

Any party may request modifications in writing to all participating parties. All parties shall respond within thirty (30) days of receiving the request for modification.

Darke County Juvenile Court:



Jason Aslinger, Judge

12.22.23
Date

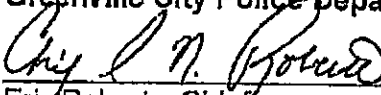
Darke County Sheriff:



Mark Whittaker, Sheriff

12/21/23
Date

Greenville City Police Department:



Eric Roberts, Chief

Retired m10
6/30/2024

Chief Do P. Byr

12.21.23
Date

8/8/2024

Ansonia Police Department:



John Puckett, Chief

12/27/2023
Date

Arcanum Police Department:



Marcus Ballinger, Chief

12/27/23
Date


Versailles Police Department:



Josh Bolin, Chief

12-22-23
Date

Union City Police Department:



Mark Ater, Director of Public Safety

12/27/2023
Date

Miami County Sheriff's Department:

Signature on following page (MAD)
Dave Duchak, Sheriff

Date

Darke County Humane Society:

Linda Barga
Linda Barga, President

12-27-23
Date

Darke County Prosecuting Attorney:

[Signature]
James Bennett, Prosecutor

12/21/2023
Date

Darke County Job and Family Services, Social Services:

Michelle O'Connor
Michelle O'Connor, Administrator

12/21/2023
Date

Darke County Job and Family Services, Director:

Carla E Allen
Carla Allen, Director

12/21/2023
Date

IX. Refusal to Sign

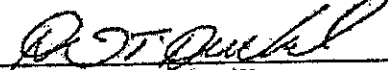
The **Darke County Job and Family Services** attests they attempted to obtain the signature of all required participating agencies as set forth in Section II of this memorandum and as mandated through section 2151.4210 of the Revised Code. However, the following agency(ies) or individual(s) refused to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

Date: _____

Agency, Name, Title: _____

Reason the individual refused to sign: _____

Miami County Sheriff's Department:


Dave Duchak, Sheriff

12/27/23
Date

Darke County Humane Society:

Judy Francis, President

Date

Darke County Prosecuting Attorney:


James Bennet, Prosecutor

12/21/2023
Date

Darke County Job and Family Services, Social Services:

Michelle O'Connor, Administrator

Date

Darke County Job and Family Services, Director:

Carla Allen, Director

Date

IX. Refusal to Sign

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

Date: _____

Agency, Name, Title: _____

Reason the individual refused to sign: _____

X. Board of County Commissioners

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

Matthew W. Axt 12/21/2023 YEA
County Commissioners signature and date/Resolution/Vote

[Signature] 12/21/2023 YEA
County Commissioners signature and date/Resolution/Vote

[Signature] 12/21/2023 YEA
County Commissioners signature and date/Resolution/Vote

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