

Ohio Department of Job and Family Services

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

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

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

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

Assessment and Investigation: The capacity to investigate and assess accepted reports of suspected child abuse, neglect, and/or dependency, includes responding to emergency reports within one (1) hour and non-emergency reports within twenty-four (24) hours; conducting an initial Safety Assessment using a standardized CAPM (Comprehensive Assessment Planning Model) tool within the timeline prescribed in the Ohio Administrative Code; completing a more in-depth CAPM Family Assessment including a clinical and actuarial risk assessment within forty-

five (45) working days with the option of a fifteen (15) day extension for extenuating circumstances as prescribed in the Ohio Administrative Code; working collaboratively with other investigative agencies when appropriate; making traditional response case dispositions within required timeframes; evaluating the need for protective, prevention, or supportive services and/or court involvement; and documenting all activities and case determinations.

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

II. ROLES AND RESPONSIBILITIES OF EACH PARTICIPATING AGENCY

A. ECDJFS

The Erie County Department of Job and Family Services is the lead agency for the investigation of child abuse, neglect, or dependency in Erie County. The Erie County Department of Job and Family Services will coordinate and facilitate meetings, establish standards and protocol for joint assessment/investigation with law enforcement, cross-referrals, collection of forensic evidence, confidentiality, and training of signatories as required by statute. Child Protective Services staff and management will also participate in meetings and trainings as deemed appropriate at the discretion of the Director.

B. LAW ENFORCEMENT

The County Sheriff and the Chief of Police of each 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 Erie County Department of Job and Family Services as soon as possible or within **seven (7) days** for investigation of the circumstances; determining whether allegations of abuse or neglect rise to a level of criminal conduct for determination by County Prosecutor of criminal charges; cooperating with Erie County Department of 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 Erie County Department of 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 Erie County Department of Job and Family Services on interviews with principals of the case when there are serious criminal implications; assisting other agencies in notifying Erie County Department of Job and Family Services of any legal action involving an alleged perpetrator of child abuse or neglect;

assisting other agencies in responding to Erie County Department of Job and Family Services' requests for information regarding the status of the legal action; providing police record checks for Erie County Department of Job and Family Services as necessary or requested as permitted by law; consulting with Erie County Department of Job and Family Services prior to removal of a child from their home when possible; and handling and coordinating investigations involving a child fatality or near fatality which may have resulted from abuse or neglect.

C. JUVENILE COURT

The most senior Juvenile Judge in point of service of the county or their representative, selected by the Judge, if more than one, will be responsible for attending meetings concerning the MOU, entering into agreements with the other signatories of the MOU regarding the court's responsibility to timely hear and resolve child abuse, neglect, and dependency matters, signing the MOU, and updating the MOU or approving any amendment.

The juvenile court has a duty to exercise jurisdiction over adults and children to hear and decide matters as permitted by the Ohio Revised Code Chapters 2151 and 2152. The court is responsible for issuing orders regarding the care, protection, health, safety, mental and physical best interest of children. The Juvenile Judge shall ensure that due process of law is achieved; hear evidence and issue findings of fact and conclusions of law as to any abused, neglected, or dependent child; order timely and safe permanency dispositions for children; and preserve the family environment whenever possible while keeping the child(ren)'s health and safety paramount.

D. COUNTY PROSECUTOR

The County Prosecutor shall report suspected cases of child abuse and neglect to Erie County Department of Job and Family Services or appropriate law enforcement agency. The County Prosecutor shall represent Erie County Department of Job and Family Services in legal actions to protect a child from further harm resulting from child abuse or neglect unless the Prosecutor has granted consent for the appointment of an In-house PCSA Attorney pursuant to Ohio Revised Code chapters 309 and 305.

The prosecuting attorney may inquire into the commission of crimes within the county. The prosecuting attorney shall prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party, except for those required to be prosecuted by a special prosecutor or by the attorney general. The County Prosecutor is to determine, based upon the facts, whether criminal culpability exists and if enough evidence exists for a matter to be prosecuted. The prosecutor will be available to law enforcement and Erie County Department of Job and Family Services staff for questions or assistance in the investigation of child abuse and neglect cases and eliminate the need for testimony at the municipal court level by allowing for direct presentation to the Grand Jury, when

feasible, to minimize trauma to child victims. The prosecuting attorney agrees to aid Erie County Department of Job and Family Services in protecting the confidential nature of children services records and investigations, as well as the special protection afforded to the identity of the reporting source.

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

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

F. LOCAL ANIMAL CRUELTY REPORTING AGENCY

The local animal cruelty reporting agencies are to investigate reports of animal abuse and neglect within the county and, pursuant to ORC 2151.421, report suspected cases of child abuse and neglect that may be observed during the commission of their duties to Erie County Department of Job and Family Services or local law enforcement.

G. CHILDREN'S ADVOCACY CENTER

The Children's Advocacy Center (CAC) will establish internal protocols regarding the investigation of CAC cases, participate in training as needed, work jointly and cooperatively in their established role with the other team members in the investigation of CAC cases, and attend and exchange information when meeting with Erie County Department of Job and Family Services, law enforcement, and other signatories of this agreement.

Memorandum of Understanding for Michael's House (CAC) is attached as Exhibit A.

H. CLERK OF COUNTY COMMON PLEAS COURT (Optional per statute, but benefits to inclusion should be considered per county)

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

III. SCOPE OF WORK

The key objective of this MOU is to clearly define the roles and responsibilities of each agency in the provision of child protective services.

A. Mandated reporters and penalty for failure to report

Persons identified as mandated reporters per Ohio Revised Code section 2151.421, while acting in official or professional capacity, shall immediately report knowledge or reasonable cause to suspect the abuse or neglect of a child in accordance with that section. Reports shall be made to Erie County Department of Job and Family Services or a law enforcement officer.

When any mandated reporter fails to report suspected child abuse or neglect as required by ORC 2151.421, Erie County Department of Job and Family Services shall submit written notification to the County Prosecuting Attorney, or the appropriate City Director of Law or Village Solicitor. 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 Erie County Department of Job and Family Services or any law enforcement officer with jurisdiction in Erie County.

On-Call Procedures for Erie County Job and Family Services are attached as Exhibit B.

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

C. Responding to mandated reporters

When Erie County Department of Job and Family Services receives a referral from a mandated reporter who provides their name and contact information, Erie County Department of Job and Family Services shall forward an initial mandated reporter notification to the referent within seven days. The notification will be provided, in accordance with the mandated

reporter's preference. Information shared with the mandated reporter shall include the information permitted by ORC 2151.421(K):

- Whether the agency or center has initiated an investigation of the report;
- Whether the agency or center is continuing to investigate the report;
- Whether the agency or center is otherwise involved with the child who is the subject of the report;
- The general status of the health and safety of the child who is the subject of the report;
- Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

When Erie County Department of Job and Family Services closes an investigation/assessment reported by a mandated reporter, Erie County Department of 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

For an emergency report, Erie County Department of Job and Family Services shall attempt a face to face contact with the alleged child victim within one hour from the time the referral was screened in to assess child safety and to interview the alleged victim. For all other reports, Erie County Department of Job and Family Services shall attempt a face to face contact or complete telephone contact within twenty- four hours from the time the referral was screened in with the principal of the report or collateral source who has knowledge and current information about the child's safety.

With all reports, Erie County Department of Job and Family Services shall conduct an investigation to determine:

- Circumstances surrounding the injury, abuse or neglect;
- If the child is safe
- The cause thereof;
- The person(s) responsible; and
- The need to protect the child from further harm.

Such an investigation shall include, but is not limited to:

- A face-to-face interview with the alleged child victim;

- A face-to-face interview with the alleged perpetrator (this may be conducted by a law enforcement officer rather than the ECDJFS if so requested by ECDJFS or any other mandated subscriber, or if in the best interest of the criminal investigation);
- A face-to-face interview with the child's caretaker(s);
- Determine if supportive services are necessary, the supportive services will be made available to the child, his or her parent, guardian, or custodian as determined by the assessments, PCSA, or court orders. Any person who requests or consents to receive protective services shall receive such services only after an investigation and determination of a need for protective services has been completed

Cases shall be referred to appropriate law enforcement officer when:

- Requesting assistance to complete any mandated or necessary investigation requirements;
- The agency has reason to believe that a crime is being committed, or has been committed against a child including all cases involving out-of-home care, including human trafficking;
- The agency has reason to believe that the child or worker is in immediate danger or serious harm, or will be, in danger of harm
- A third-party investigation is required;
- Involves a missing child, or the death of a child;
- Involves allegedly withholding of medically indicated treatment from disabled infants with life-threatening conditions.

If Erie County Department of 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.

When possible and appropriate, Erie County Department of Job and Family Services shall implement a JFS 01409 "Comprehensive Assessment Planning Model - I.S., Safety Plan for Children" if the PCSA determines a child is in immediate danger of serious harm due to an active safety threat. (OAC:5101:2-37-02) (When removal of the child from the care and control of his/her parents or other persons appears necessary, Erie County Department of Job and Family Services may ask for the parent's cooperation to ensure child's safety through a safety plan (OAC:5101:2-37-02). If Erie County Department of Job and Family Services is unable to ensure the safety of the ACV, the worker can (after consultation with a Supervisor) can seek a Legally Authorized Safety Plan which includes the request for Temporary Custody of child. Temporary Custody can be obtained by a voluntary temporary care agreement, an ex-parte order from the judge, or law enforcement can remove under Juvenile Rule 6."

Erie County Department of Job and Family Services shall cooperate with the village solicitor, city law director, county prosecutor, or Family Court Judge as necessary, concerning cases of child abuse or neglect in efforts to protect

(through court action) such children as are brought to their attention.

Erie County Department of Job and Family Services shall provide non-emergency temporary care when Erie County Family Court has determined a child to be in need of protection and has ordered in the course of court activity, concerning a complaint of child abuse and neglect, temporary custody to and placement by the agency. ECDJFS shall request assistance for the appropriate law enforcement officer to remove a child when the agency is denied access to the child, the caretaker or the child offers resistance to the order of removal, or the personal safety of the ECDJFS employee is jeopardized. At the time of removal, the agency will provide the parent or caretaker with a copy of the court order, any court appearance dates if known, an explanation of the reasons for the removal, and the ECDJFS name, phone number, address, and name of case worker to be contacted regarding case, and the name and telephone number of the employee designated by the court to provide appointment of counsel for those who cannot afford to do so. If a parent or caretaker is not present at removal or when removal occurs in an out-of-home care setting, the same information will be provided or an attempt made to provide the information will be made within twenty-four (24) hours.

Erie County Department of Job and Family Services shall consider whether the emergency removal and placement of a child is necessary when any of the following conditions exist:

- The child is at imminent risk and in need of protection from child abuse or neglect.
- The caretaker is unavailable, unable or unwilling to provide protection from child abuse or neglect.
- Supportive services cannot provide adequate protection to the child if he remains in his own home.

Erie County Department of Job and Family Services, but may not be limited to, utilizing one of the following options, when removal of a child is necessary and the caretaker is available, able, and willing to cooperate with the Erie County Department of Job and Family Services in making alternate placement plans:

- Assist the caretaker in placing the child with the child's relative.
- Execute an ODJFS 1645 Agreement for Temporary Custody of a Child pursuant to OAC 5105:2-42-06 and 5101:2-42-08 if the caretaker is a parent or guardian.

Erie County Department of Job and Family Services shall petition the Family Court for an emergency order to remove the child when removal of the child is necessary and the caretaker is unable, unavailable, or unwilling to cooperate with Erie County Department of Job and Family Services in making alternate placement plans. Erie County Department of Job and Family Services shall explore placement of the child with the child's relative

or an adult with whom the child has a relationship before considering other placement resource.

Erie County Department of Job and Family Services shall request assistance from the appropriate law enforcement agency to remove a child when Erie County Department of Job and Family Services is unable, due to the immediacy of the situation, to obtain a court order authorizing the removal of a child. If there is no court order, Erie County Department of Job and Family Services and appropriate law enforcement agency shall comply with Ohio Juv. R. 6.

2. Law Enforcement and Friends of Michael's House Response Procedure

The Michael's House Erie County Child Advocacy Center Protocol is attached as Exhibit C.

3. Children in Need of Medical Attention Special Response Procedures

As more fully set forth in Exhibit B (On-Call Procedures for Children Services), the following procedure shall be followed for children in need of medical attention:

"Children who appear to have been abused or otherwise need immediate medical attention should be taken directly to the hospital by the parents or law enforcement. The On-call worker will meet the officers at the hospital and will assess from interview with the parents, the child or other, what action needs to be taken for the child's safety. The On-Call worker shall immediately develop and implement a JFS 01409 "Comprehensive Assessment Planning Model - I.S., Safety Plan for Children" if the PCSA determines a child is in immediate danger of serious harm due to an active safety threat. (OAC:5101:2-37-02) (When removal of the child from the care and control of his/her parents or other persons appears necessary, the On-call worker may ask for the parent's cooperation to ensure child's safety through a safety plan (OAC:5101:2-37-02). If the On-call worker is unable to ensure the safety of the ACV, the worker can (after consultation with On-call Supervisor) can seek a Legally Authorized Safety Plan which includes the request for Temporary Custody of child. Temporary Custody can be obtained by a voluntary temporary care agreement, an ex-parte order from the judge, or law enforcement can remove under Juvenile Rule 6."

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 Erie County Department of 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 Erie County Department of Job and Family Services and the law enforcement agency of the jurisdiction.

Every effort will be made by the signatories of this MOU to prevent or reduce duplicate interviews of the victims or witnesses. When feasible, to reduce trauma complete only one interview with the alleged child victim/ child subject of the report. Erie County Department of Job and Family Services agrees to be the lead agency in scheduling the time, place, and location of joint interviews as well as notifying all participants.

Before starting the interview, the participants will determine who is to be present in the room, who will be asking the questions, what areas are to be covered, and who will be the scribe for the interview. Audio and video recordings may be used when necessary.

When law enforcement or the prosecutor's office interviews a participant in a criminal investigation and a representative of Erie County Department of Job and Family Services is not present, the interviews conducted by law enforcement or the prosecutor's office may be used by Erie County Department of 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 Erie County Department of Job and Family Services upon request.

The Erie County Department of 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. Erie County Department of 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.

Pursuant to the Michael's House Protocol, law enforcement shall provide an officer or detective to conduct case investigation, to interview the alleged perpetrator outside of the CAC and to prepare search warrants to secure evidence necessary for the investigation of the case.

Erie County Department of Job and Family Services shall follow up with law enforcement to ensure timely assistance and to complete mandated assessment/investigation activities within the forty-five-day timeframe. The

timeframe can be extended in special circumstances to a maximum of sixty days if law enforcement needs additional time, however, Erie County Department of Job and Family Services must make a disposition within the sixty-day timeframe.

F. Standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected

The categories of personnel who may conduct interviews of children who are the subjects of reports of alleged abuse, neglect, and/or dependency are limited to the following:

- Casework and supervisory staff of Erie County Department of Job and Family Services;
- Law enforcement personnel; and
- County or city prosecuting attorneys, assistant prosecuting attorneys, in-house JFS legal counsel if applicable, and their investigative staff.

G. Standards and procedures for Erie County Department of Job and Family Services requests for law enforcement assistance

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

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

1. Out-of-Home Care

Erie County Department of 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 section 5101:2-1-01 of the Administrative Code and section 2151.011 of the Ohio 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; or
- Has access to the alleged child victim through placement in an out-of-home care setting.

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

2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the Ohio Administrative Code, Erie County Department of 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.

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

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

Erie County Department of Job and Family Services is governed by sections 307.622 and 307.623 of the Ohio Revised Code, complies with same and participates in the Erie County Child Fatality Review Board.

Erie County has a longstanding Child Fatality Review Board. The Erie County Child Fatality Review Board is coordinated by the Erie County Health Department / Health Commissioner.

The Review Board consists of the required mandatory members and meets at least annually to review all cases in person. However, whenever a new fatality occurs within the county, an email is sent to the board advising members to log into the secured database to review the fatality. All members review the fatality and comment on the secured site that only board members have access.

While reviewing the cases in person the Board assesses and evaluates each case to determine any trends, patterns and aims to decrease the incidence of preventable child deaths.

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

Erie County Department of Job and Family Services follows section 5101:2-33-14 of the Ohio Administrative Code following the death of a child in its custody.

When the death of a child in the custody of Erie County Department of Job and Family Services occurs, immediate steps will be taken to provide support to staff, caregivers, and family as appropriate. Any death of a child in custody of Erie County Department of Job and Family Services or involved in an open case with Erie County Department of Job and Family Services must be immediately reported to the Deputy Director of Social Programs, Executive Director of Erie County Department of Job and Family Services and Legal Counsel for Children Services. The agency record will be secured by the Deputy Director.

When the death of a child appears to be the result of suspected child abuse or neglect, Erie County Department of Job and Family Services will immediately assemble a child fatality review team. This will include the Deputy Director, Legal Counsel for Children Services, the supervisor and assigned worker for the child and/or family, the supervisor and any non-involved representative or consultant designated by the Deputy Director. The review team will meet within 24 hours but no later than the next working day. If there are other children in the home of the parent or caregiver, an intake case will be opened for immediate assessment of the safety of other children in the home.

If the fatality involves a child in the custody of Erie County Department of Job and Family Services, the following action must be taken:

- Caregiver immediately contacts Erie County Department of Job and Family Services;
- Erie County Department of Job and Family Services, in coordination with appropriate law enforcement agency if a criminal investigation, will notify the child's parent, guardian, or custodian. For children in permanent custody, Erie County Department of Job and Family Services may notify the child's birth parent, previous guardian/custodian, or relatives as appropriate;
- Erie County Department of Job and Family Services will notify the court and law enforcement agency with jurisdiction;
- Erie County Department of Job and Family Services will notify Ohio Department of Job and Family Services (ODJFS), Assigned Technical Assistance Specialist. Erie County Department of Job and Family Services will complete the Child Fatality/Near Fatality record in SACWIS;
- Erie County Department of Job and Family Services will notify the Erie County Child Fatality Review Board;
- Erie County Department of Job and Family Services Quality Improvement Supervisor (Programs Supervisor) will review the case;
- Erie County Department of Job and Family Services will take responsibility for funeral arrangements and expenses for children in permanent custody.

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

Erie County Department of 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 determination is made that the report constitutes an allegation of child neglect under division (C) of Section 2151.03 of the Ohio Revised Code due to the withholding of appropriate nutrition, hydration, medication or medically indicated treatment from a disabled infant with life-threatening conditions, the agency shall involve the assistance of a qualified medical consultant within twenty-four hours from the time the referral was screened in as a report. Medical consultant will assist in the evaluation of the disabled infant's child's medical information, including medical records, obtained during the preliminary medical assessment.

When a determination is made, based upon due consideration of information provided through interviews, medical consultation and review of what constitutes the withholding of medically indicated treatment and reasonable medical judgment as defined in OAC 5101:2-36-07 that medically indicated treatment is being withheld from a disabled infant with life-threatening conditions, and the parents, guardian, or custodian refuses to consent to the provision of appropriate nutrition, hydration, medication or medically indicated treatment, Erie County Job and Family Services shall immediately:

- Request assistance from law enforcement, the county prosecutor, village solicitor, city law director, Juvenile or Common Pleas Court to obtain an emergency court order granting authorization to provide medical care and treatment and will consult with the county prosecutor, city law director or village solicitor, Juvenile or Common Pleas Court concerning possible court actions and will cooperate and assist those previous stated offices in any investigation, or court activities.
- Determine case disposition regarding the allegation that a disabled infant with life-threatening conditions is a neglected child as defined by ORC 2151.3 (C) due to the withholding of appropriate nutrition, hydration, medication, or medically indicated treatment as soon as possible, but never later than thirty (45) calendar days from receipt of the report and provide a copy to the appropriate law enforcement.
- Submit a written summary of all reports and investigations which allege that a disabled infant with life threatening conditions is a neglected child as defined by ORC 2151.3 (C) due to the withholding of appropriate nutrition, hydration, medication, or medically indicated treatment to the ODJFS no later than fifteen (15) calendar days of completion of the Report disposition and case decision. The notification shall include the intake identification number established within the SACWIS system.

Erie County Department of Job and Family Services screening will gather and maintain current information regarding the name, address, and telephone number of each appropriate health care facility within Erie County.

- The information will be maintained on a list updated annually and the Providers will be maintained in the Statewide Automated Child Welfare Information System ("SACWIS").
- The information will include the current name, title, telephone number of each facility's contact person for allegations involving withholding of medically indicated treatment from disabled infants with life-threatening conditions.
- The information will also include the name and chairperson of the appropriate health care facility's review committee, if such committee exists.

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

The procedure set forth in the Memorandum of Understanding (Michael's House), which is attached as Exhibit A, ensures child safety and that a child protective assessment/investigation will not be compromised while concurrently assisting law enforcement with criminal investigation.

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

Reports involving individuals who aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court:

- To become a dependent or neglected child;
- To become an unruly or delinquent child; or
- To leave the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution.

Information will be obtained to allow for a reasonable determination of risk to the child involved and to ascertain whether a suspicion of child abuse and neglect is present. Referrals may be made to other departments for purposes of consultation, investigation, or service delivery depending on the circumstances surrounding the reported case. The departments to which such referrals may be made include, but not limited to a law enforcement department of proper jurisdiction; the Family Court or other court of proper jurisdiction, particularly as it pertains to intake and probation/parole services; the Erie County Prosecuting Attorney, or other legal office of proper jurisdiction.

Missing child reports will be referred to the law enforcement agency of proper jurisdiction. Consultation and information sharing with law enforcement, prosecutor's offices and Erie County Department of Job and Family Services will occur on behalf the missing child as it relates to the child's well-being and best interests.

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

Reports involving individuals who aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court:

- To become a dependent or neglected child;
- To become an unruly or delinquent child; or
- To leave the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution.

Information will be obtained to allow for a reasonable determination of risk to the child involved and to ascertain whether a suspicion of child abuse and neglect is present. Referrals shall be made to other departments for purposes of consultation, investigation, or service delivery depending on the circumstances surrounding the reported case. The departments to which such referrals may be made include, but not limited to a law enforcement department of proper jurisdiction; the Family Court or other court of proper jurisdiction, particularly as it pertains to intake and probation/parole services; the Erie County Prosecuting Attorney, or other legal office of proper jurisdiction.

Missing child reports will be referred to the law enforcement agency of proper jurisdiction. Consultation and information sharing with law enforcement, prosecutor's offices and Erie County Department of Job and Family Services will occur on behalf the missing child as it relates to the child's well-being and best interests.

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, Erie County Department of Job and Family Services shall:

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

Upon request of law enforcement, Erie County Department of 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 Erie County Department of Job and Family Services which may be relevant in the investigation.

Law enforcement shall notify Erie County Department of 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.

The Erie County Missing Child Protocol is attached as Exhibit D.

I. Standards and procedures for removing and placing children

1. Emergency

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

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

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

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

2. Non-emergency

Upon receiving a report alleging child abuse, neglect, and/or dependency, Erie County Department of 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, Erie County Department of 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 Erie County Department of 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 Erie County Department of 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.

- J. In the event of a disaster that disrupts operations, which includes but is not limited to, receiving and investigating child abuse and/or neglect reports, Erie County Department of Job and Family Services shall utilize an Agreement with Lorain County Department of Job and Family Services, which is attached as Exhibit E.

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 Erie County Department of 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.

Erie County Department of Job and Family Services provides mandated reporter training and specialized training, on an as-needed basis.

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 Erie County Department of 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. Erie County Department of 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 Erie County Department of 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, Friends of Michael's House, and other entities are expected to release information to Erie County Department of Job and Family Services for the purpose of carrying out its responsibility of protecting children from abuse and/or neglect.

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

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

In the event of unauthorized dissemination of information, the party who learns of the breach of confidentiality will notify the Director of Erie County Department of

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 Erie County Department of Job and Family Services shall then refer this information to the prosecutor at their discretion.

VII. TERMS AND CONDITIONS AND STATUTORY REQUIREMENTS

This MOU must be retained for a period of at least seven years per the state of Ohio records retention schedule. Please refer to Erie County Department of 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 Erie County Department of 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, Erie County Department of 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. Erie County Department of 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, Erie County Department of 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 written notice of sixty (60) days to the other required members in this MOU.

If this MOU is revised subsequent to approval of ODJFS, the revised MOU shall be resigned by all parties and submitted to ODJFS within ninety (90) days of the latest date in which the MOU is signed.

RESOLUTION NO. 23-368

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
ERIE COUNTY, OHIO, FOR THE PURPOSE OF THE ERIE COUNTY JOB AND
FAMILY SERVICES ENTERING INTO A CHILD ABUSE AND NEGLECT
MEMORANDUM OF UNDERSTANDING**

The Board of County Commissioners of Erie County, Ohio, met this 11th day of December, 2023, in regular session with the following members present:

Patrick J. Shenigo, Mathew R. Old, and Stephen L. Shoffner.

Mr. Shoffner introduced the following resolution and moved its adoption.

WHEREAS, part of House Bill 4 of the 134th General Assembly, the Erie County Department of Job and Family Services are required, for the Public Children Services Agency, to provide a county child abuse and neglect memorandum of understanding; and

WHEREAS, the Erie County Department of Job and Family Services and the Erie County Prosecutor's Office worked together to update Erie County's MOU and the remaining requirement is for the Commissioners to sign the MOU so that Erie County Department of Job and Family Services can submit to the Ohio Department of Job and Family Services by December 31, 2023; **NOW, THEREFORE**

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
ERIE COUNTY, OHIO:**

THAT, this Board hereby executes signatures to the Erie County Child Abuse and Neglect Memorandum of Understanding for Erie County Job and Family Services to continue to be responsible for referring, reporting investigating, and prosecuting child abuse and neglect cases in Erie County, according to the provisions as outlined in the attached document; and

THAT, this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Old seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Shoffner, Aye; Mr. Old, Aye; Mr. Shenigo, Aye

Adopted: December 11, 2023

CERTIFICATE

I, Erin M. Paolano, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #235.

Erin M. Paolano Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator

Hank S. Solowiej
Hank S. Solowiej, CPA

MOU - jfs child abuse and neglect 23-368

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

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

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

Date: _____ **[Enter date of refusal]**

Agency, Name, Title: _____

[Enter the name of the agency, required individual, and their title]

Reason the individual refused to sign:

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

X. Board of County Commissioners


Erie County Job and Family Services shall submit the MOU signed by all participating agencies, to the Board of Commissioners of Erie County. 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.

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




Patrick J. Shenigo
Erie County Commissioner

12/11/23
Date



Mathew R. Old
Erie County Commissioner

12/11/23
Date



Stephen L. Shoffner
Erie County Commissioner

12/11/23
Date

Karen Balconi Ghezzi

Karen Balconi Ghezzi
Erie County Job and Family Services Director

10/27/23
Date

Robert C. DeLamatre

Judge Robert C. DeLamatre
Erie County Juvenile Court

11/1/23
Date

Paul Sigsworth

Sheriff Paul Sigsworth
Erie County Sheriff's Office

11/15/2023
Date

Marc Linder

Chief Marc Linder
City of Bellevue Police Department

11-21-23
Date

Terry Graham

Chief Terry Graham
City of Huron Police Department

11-15-2023
Date

Jared Oliver

Chief Jared Oliver
City of Sandusky Police Department

11/10/23
Date

Chris Hartung

Chief Chris Hartung
City of Vermilion Police Department

11/21/23
Date

Helen Prosowski

Chief Helen Prosowski
Village of Bayview Police Department

11-16-25
Date

James Bartus II

Chief James Bartus II
Village of Kelleys Island Police Department

11/24/23
Date

Bob Meister

Chief Bob Meister
Village of Milan Police Department

11/21/23
Date

Charity Schaefer

Chief Charity Schaefer
Berlin Heights Police Department

11-16-23
Date

Chief Jeffrey Musser

Chief Jeffrey Musser
Perkins Township Police Department

16 Nov. 2023
Date

Kevin Baxter

Kevin Baxter
Erie County Prosecutor

11/6/23
Date

Barb Knapp

Barb Knapp
Erie County Dog Warden

11-8-23
Date

- Signature attached -

Luvada Wilson
Erie County Clerk of Courts

Date

- Signature attached -

~~Karen Russell~~ Tracey Campbell
Firelands Counseling & Recovery

Date

- Signature attached -

Henrietta Whelan
Bayshore Counseling

Date

- Signature attached -

Chief Mike Frank
Erie County Adult Probation

Date

Stacey Spicer

Stacey Spicer
Erie County Juvenile Probation

11-1-23
Date

- Signature attached -

Catherine Hastings
Erie County Adult Parole Authority

Date

Kevin Baxter
Erie County Prosecutor

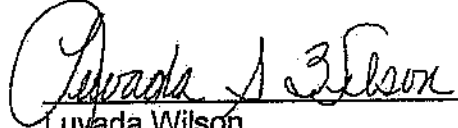
Date

Karen Balconi Ghezzi
Erie County Job and Family Services Director

Date

Barb Knapp
Erie County Dog Warden

Date


Lyvada Wilson
Erie County Clerk of Courts

11/27/23
Date

Chief Charity Schafer
Berlin Heights Police Department

Date

Chief Jeffrey Musser
Perkins Township Police Department

Date

Kevin Baxter
Erie County Prosecutor

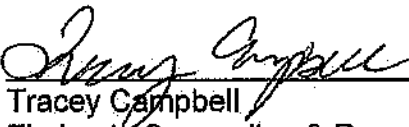
Date

Barb Knapp
Erie County Dog Warden

Date

Luvada Wilson
Erie County Clerk of Courts

Date



Tracey Campbell
Firelands Counseling & Recovery

11/27/23
Date

Henrietta Whelan
Bayshore Counseling

Date

Chief Mike Frank
Erie County Adult Probation

Date

Stacey Spicer
Erie County Juvenile Probation

Date

Chief Charity Schafer
Berlin Heights Police Department

Date

Chief Jeffrey Musser
Perkins Township Police Department

Date

Kevin Baxter
Erie County Prosecutor

Date

Barb Knapp
Erie County Dog Warden


Date

Luvada Wilson
Erie County Clerk of Courts

Date

Karen Russell
Firelands Counseling & Recovery

Date


Henrietta Whelan
Bayshore Counseling

10/27/23
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Chief Mike Frank
Erie County Adult Probation

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Stacey Spicer
Erie County Juvenile Probation

Date

Catherine Hastings
Erie County Adult Parole Authority

Date

Chief Charity Schafer
Berlin Heights Police Department

Date

Chief Jeffrey Musser
Perkins Township Police Department

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Kevin Baxter
Erie County Prosecutor

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Barb Knapp
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Erie County Clerk of Courts

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Karen Russell
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Date

Henrietta Whelan
Bayshore Counseling

Date



Chief Mike Frank
Erie County Adult Probation

11-7-2003
Date

Stacey Spicer
Erie County Juvenile Probation

Date

Catherine Hastings
Erie County Adult Parole Authority

Date

Chief Charity Schafer
Berlin Heights Police Department

Date

Chief Jeffrey Musser
Perkins Township Police Department

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Kevin Baxter
Erie County Prosecutor

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Date

Henrietta Whelan
Bayshore Counseling

Date

Chief Mike Frank
Erie County Adult Probation

Date

Stacey Spicer
Erie County Juvenile Probation

Date


Catherine Hastings
Erie County Adult Parole Authority

Date

10/27/2023

Exhibit A

Memorandum of Understanding for Michael's House (CAC)

MEMORANDUM OF UNDERSTANDING
(Michael's House)

This is a working memorandum of understanding between the Erie County Department of Job and Family Services, Erie County Prosecutor's Office, Erie County Sheriff's Office, Sandusky City Police Department, Huron Police Department, Milan Village Police Department, Castalia Police Department, Perkins Township Police Department, Berlin Heights Police Department, Vermilion City Police Department, Bay View Police Department, Kelleys Island Police Department, Bayshore Counseling Services, Firelands Counseling and Recovery Services of Erie County, Erie County Adult Probation, Erie County Juvenile Probation, Erie County Adult Parole Authority, herein referred to as the "parties".

- I. By this memorandum of understanding, the undersigned parties agree and pledge as follows:
 - A. To recognize the existence of their respective professional services;
 - B. To maintain regular and frequent contact with regard to changes in service elements present within each;
 - C. To avoid duplication in providing services and referrals;
 - D. To provide necessary client information with the use of appropriate release of information adhering to the laws of confidentiality;
 - E. To refer all requests for information to the originating agency;
 - F. To acquaint and refer individuals who may have need of the other's services;
 - G. To support the continuation of a cooperative coordination of the comprehensive system of services now available in Erie County;
 - H. To maintain open communication and case coordination among community professionals and agencies involved in child protection as the law permits;
 - I. To cooperate with the protocol for Michael's House;
 - J. To ensure no information or data gathered will be revealed in any manner to anyone, except as otherwise set out herein, without final order from the Court, except as needed for the child's treatment;
 - K. The jurisdiction of the Child Advocacy Center created as a result of this memorandum shall include physical abuse, in addition to sexual abuse; and
 - L. To collaborate in the fight against human trafficking in practice, through prevention, education, reporting and protection of potential and actual victims of human trafficking;
 - M. The parties to this agreement agree to cooperate with the Children's Advocacy Center multi-disciplinary team;
 - N. The parties to this agreement shall participate in the operation of the Children's Advocacy Center in compliance with standards for full membership established by the National Children's Alliance;
 - O. If any party becomes dissatisfied with the referral process, services rendered, or feedback offered, the parties agree to meet to reconcile the differences.

- II. It is understood and agreed that the entire memorandum of understanding of the parties is contained herein and that this memorandum of understanding supersedes all

oral agreements and negotiations between the parties relating to the subject matter hereof as well as any previous agreements presently in effect between the parties relating to the subject matter hereof. Any alterations, amendments, deletions or waivers of the provisions of this memorandum of understanding shall be valid only when expressed in writing and duly signed by the parties.

- III. It is agreed by the parties that at all times and for all purposes hereunder, each party is independent from the other parties and no employee of one party is an employee of the other parties. It is further agreed that nothing herein contained as intended or should be construed as in any manner creating or establishing a relationship of co-partners between any parties, or as constituting party as an agent, representative, or employee of other parties.
- IV. The provisions of this memorandum of understanding are severable. If any paragraph, section, subdivision, sentence clause or phrase of this memorandum of understanding is for any reason held to be contrary to law, or contrary to any rule of regulation having the force and effect of law, such decision shall not affect the remaining portions of the memorandum of understanding. However, upon the occurrence of such event, any party may terminate this memorandum of understanding forthwith upon the delivery of written notices of termination to the other parties.
- V. The term of this memorandum of understanding is from March 1, 2020 through February 28, 2025.

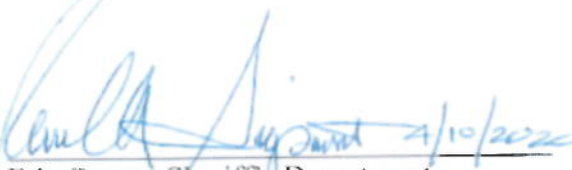
IN WITNESS THEREOF, the parties have agreed to the provisions of this memorandum of understanding.



Erie County Department of Job
and Family Services



Erie County Prosecutor's Office



Erie County Sheriff's Department



Sandusky City Police Department



Huron Police Department



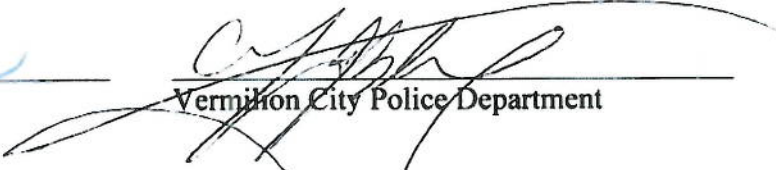
Milan Village Police Department


~~Castalia Police Department~~

~~* no longer
in service.~~



Perkins Township Police Department

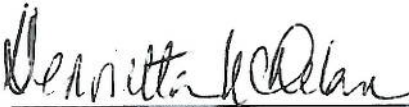

Berlin Heights Police Department


Vermilion City Police Department

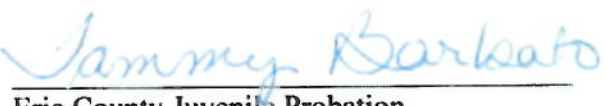

Kelleys Island Police Department


Bay View Police Department


Firelands Counseling and Recovery
Services of Erie County


Bayshore Counseling Services


Erie County Adult Probation


Erie County Juvenile Probation


Erie County Adult Parole Authority

Exhibit B

On-Call Procedures for Erie County Job and Family Services

Erie County Children Services On-Call Procedures

The below procedure is to ensure that all Erie County Children Services is in compliance with OAC, COA requirements, and in order to best serve the children and citizens of Erie County:

Erie County Children Services will designate one social worker to be On-call from Wednesday at 4:30 p.m. to the following Wednesday at 8:00 a.m. The Intake/Investigations Supervisor will provide all Children Services case workers with the On-call coverage sign up sheet. **Seniority in the Children Services unit will be determining factor for the order that Children Services case workers will sign up for On-call coverage.* Children Services Supervisors will sign up for On-call after it has been completed by Children Services workers. The Intake/Investigations Supervisor will type list and provide the Erie County Sheriff's Office with a copy of the Children Services On-call List.

A cell phone will be provided to the Children Services worker assigned to be on-call each week. The Erie County Sheriff's Department will contact the Children Services On-call Worker. The On-call Worker must be able to respond to an Emergency within one hour while they are on-call.

All overtime requests and on-call time must be approved by the On-call Supervisor or designee. The On-Call Worker will submit time for approval through a Timeforce Request no later than the Friday following the end of their scheduled on-call week. The On-Call worker is responsible to send the approving supervisor an e-mail indicating if they want the time in pay or comp time. If this is not completed prior to Time Force being locked down then the time will automatically be calculated as pay.

The Children Services On-call worker will be the primary contact for all reports of abuse/neglect (including Adult Protective Services) and any other after-hours Children Services related calls.

Upon receiving a report/referral, the On-call worker's first action is to speak with the person making the referral. The On-call worker shall ensure at minimum the following information is contained in a completed Child Abuse/Neglect Intake Report Worksheet (JFS 1441) with an allegation of CA/N, Dependency, FINS, and/or I&R, (receipt of all of the following information is not required to screen in a report) ([OAC 5101:2-36-01](#))

1. The names and addresses of the child and his parents or the person or persons having custody of the child;
2. the child's age;
3. the child's & any family members' race & ethnicity
4. type, extent, and duration of the abuse or neglect;
5. alleged perpetrator's access to the child, if applicable
6. the child's current condition
7. the child's current location
8. circumstances regarding the abuse or neglect, or dependency or the circumstances indicating a need for PCSA services
9. information regarding any evidence of previous injuries , abuse, or neglect
10. any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or the known or suspected threat of injury, abuse, or neglect.

The On-call worker will need to do the following after receiving a call:

- A. Consult with the supervisor
- B. Enter report/call into SACWIS
- C. Complete pathway assignment tool
- D. Conduct Screening Decision with direction of the assigned supervisor

- E. Contact law enforcement officials
- F. Initiate Investigation

Any calls that are received or referrals received, narratives, and assessments completed are required to be documented in SACWIS, all information (**screened in/out reports with pathway assignment tool, narratives, pictures and any other documents received or utilized**) regarding the investigation must be completed by 9:00 a.m. the following working day and provided to the Intake/Investigation Supervisor.

If the caller is reporting a situation in which the present safety of the children appears to be at imminent risk, or the caller alleges that the incident is of physical or sexual abuse or severe neglect, an immediate screening decision to Screen-in the report should be made and the law enforcement jurisdiction contacted. The On-call worker then needs to contact the assigned On-call Children Services Supervisor before initiation or conducting any face to face contacts to initiate the investigation. In the event the supervisor cannot be reached and an emergency situation exists, the social worker should contact the Children Services Deputy Director and then the Director. Upon screening the report, it will be assigned a priority rating of Emergency or Non-Emergency by the On-call worker. The following is the criteria for assigning Priority Ratings and their mandatory requirements:

EMERGENCY: Shall be assigned when it is determined that a child is threatened or alleged to be abused or neglected, to an extent that there is imminent risk to the child's life, physical or mental health or safety. Emergency Intakes need to be initiated within one of hour of the screening decision to assess child safety and interview alleged child victim (ACV. Initiation is an attempted face-to-face interview with the ACV. ([OAC 5101:2-36-03 D1](#))

NON EMERGENCY: For all other screened-in reports, the On-call worker must attempt a face-to-face contact or complete a telephone contact within twenty-four hours from the time the referral was screened in, with a principal of the report or collateral source who has knowledge of the alleged child victim's current condition, and can provide current information about the child's safety. ([OAC 5101:2-36-03 D2](#))

*Any calls that are received during the normal working hours on an open case or investigation and continues after the work day, it is that responsibility of the assigned case worker to handle the case and follow up with the appropriate action. Because activity is occurring after-hours it does not automatically transfer to the On-call worker. Any Children Services supervisor or Children Services Deputy Director can requests or assign the On-call worker to complete an activity if the activity is required or necessary to ensure child safety.

Situations which may require immediate action are:

- A. Complaints of severe physical abuse.
- B. Complaints of sexual abuse.
- C. Complaints of abuse of infants or toddlers.
- D. Complaints of severe neglect (e.g., Failure to Thrive)
- E. Complaints of alleging that children or adolescents are suicidal.
- F. Complaints involving abandonment.
- G. Self referrals from parents who state they are unable to cope, feel that they may hurt or kill their children, or desire their children's removal and placement away from home.

Children who appear to have been abused or otherwise need immediate medical attention should be taken directly to the hospital by the parents or law enforcement. The On-call worker will meet the officers at the hospital and will assess from interview with the parents, the child or other, what action needs to be taken for

the child's safety. When removal of the child from the care and control of his/her parents or other persons appears necessary, the On-call worker may ask for the parent's cooperation to ensure child's safety through a safety plan ([OAC:5101:2-37-02](#)). If the On-call worker is unable to ensure the safety of the ACV, the worker can (after consultation with On-call Supervisor) can seek a Legally Authorized Safety Plan which includes the request for Temporary Custody of child. Temporary Custody can be obtained by a voluntary temporary care agreement, an ex-parte order from the judge, or law enforcement can remove under Juvenile Rule 6.

*On-call worker must be accompanied by a law enforcement officer when responding to a complaint after hours or on-call. Exceptions would be calls responded to at the Police or Sheriff's Departments, the hospital with security in close proximity or the juvenile detention home. This policy is in place for safety of the worker.

When requesting Emergency Temporary custody of a child & placing a child in a Substitute care setting while on-call, that worker must complete the Exparte form and the Emergency Temporary Custody complaint ([Temporary Custody Complaint Form](#)) and these must be completed and submitted to our legal department by 9:00 a.m. the next working day.

On-call responsibilities will be rotated among all children services social workers. Prior to being assigned to on-call, the social worker must have successfully passed their probationary period, and completed the Children Services On-call training. See the [On-call Training Procedure](#). * Training will be provided by management and affidavit signed that it occurred.

On-call assignment is done voluntarily as long as the initial worker assigned has ensured that another worker is covering that week. The Intake/Investigations Supervisor will pass around a sign up prior to the end of the previous on call rotation. Workers will be able to sign up for additional weeks of on-call if both that worker and worker giving up the week agree. (Social Workers must completed 2 on-call rotations prior to being able to give away an on-call week on the rotation).

The management of Children Services reserves the right to assign on-call when deemed appropriate. When workers switch weeks with one another or there is a change in phone numbers, it is the responsibility of the workers switching or covering for another worker to document this change and notify the Erie County Sheriff's Office and Sandusky Police Department by faxing over the change and following up with a phone call to ensure they received the fax.

If a worker is unable to find someone to cover the week that they are scheduled, it is their responsibility to cover that week. In the event of a medical concern or needs to be temporarily excused from on-call, management must be notified, in writing, as soon as possible. Management will ask for volunteers to cover the on-call week, if no one volunteers the individual with the lowest seniority will be assigned to cover the on-call week.

Created: 1/31/2012

Effective: 2/9/2012

Exhibit C

Michael's House Erie County Child Advocacy Center Protocol

Michael's House



Erie County Child Advocacy Center Protocol

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Michael's House

The mission of Michael's House is to maintain a Child Advocacy Center in Erie County that will make forensic interviews more efficient and effective by utilizing a dedicated child/family friendly site and a multi-disciplinary team of trained professionals.

Statement of Purpose:

Recognizing that sexual abuse and severe physical abuse of a child is a crime which cannot be addressed by just one agency or discipline acting alone, the multi-disciplinary team hereby seeks to establish workable procedures to be followed from the time a report of abuse is received until the case is concluded. By entering into this program of mutual cooperation, we seek to utilize the unique skills, training and capabilities which each agency possesses in this field. We agree that interagency differences should never prevent us from serving the best interest of the children of Erie County, and that a multidisciplinary approach is the best method of dealing with both the perpetrators and victims of abuse. Through these joint efforts, we hope to:

- Minimize the trauma these crimes and the criminal justice proceedings which follow inflict on the child victim and their non-offending family members.
- Increase the likelihood of conviction of the perpetrators for these offenses.
- Provide support for the child victims and their non-offending family members through immediate and follow-up professional counseling and medical services.
- Ensure that perpetrators face realistic penalties for their crimes, together with mandatory treatment where appropriate.
- Encourage and promote prompt disposition of these cases, giving due consideration to the rights of the accused.

Multidisciplinary Team Members consists of representatives from:

- Erie County Department of Job & Family Services (Children Services)
- Erie County Prosecutor's Office
- Law Enforcement agencies including Erie County Sheriff's Office, Sandusky, Huron, Perkins, Milan, Vermilion, Berlin Heights, Bay View and Kelley's Island Police Departments
- Erie County Adult/Juvenile Probation Departments
- Erie County Adult Parole Authority
- Firelands Counseling & Recovery Services of Erie County
- Bayshore Counseling Services

The procedures outlined herein are intended to be followed in all sexual assault and severe physical abuse cases, which arise out of incidents occurring in Erie County, in which the victim(s) is eighteen years of age or younger or of limited mental capabilities.

Agency Roles

Each agency has a specific role in the protection of children from sexual abuse and serious physical abuse and has established internal protocol in the handling of these cases. The respective members' agency protocols will be maintained and preserved.

However, it is the expectation each team member will also adhere to the following guidelines:

- Each team member will treat all clients and their families with respect regardless of ethnicity, gender, disabilities, sexual orientation, religion, or culture.
- Team members will work jointly, cooperatively, and freely share information collected with other team members involved in the protection of children from sexual abuse and serious physical abuse. Information sharing will follow the Ohio Administrative Code 5101:2-33-76 and Ohio Revised Code 2151.421.
- Each team member will maintain confidentiality on all information discussed, including but not limited to: identity of parties, nature of allegations, forensic interview, results of examinations and treatment, and investigative findings.
- Each team member will attend and exchange information at the Case Review meeting.
- Team members will participate in on-going training and education as needed.

Specific agency roles include but are not limited to:

Children Services:

- Assess risks to the child and takes steps to ensure protection of the child.
- Coordinate with law enforcement in the assessment and investigation of the case.
- Determine the need for ongoing services from Children Services and/or linkage to other services.

Law Enforcement:

- Provide detectives to conduct case investigation.
- Interview the alleged perpetrator outside of the CAC.
- Prepare search warrants to secure evidence necessary to the investigation of the case.

Medical:

- Conduct medical evaluation and treatment of the child's medical condition.

- Documents all medical examinations and collect specimens for forensic evaluation if needed.
- Pursuant to ORC 2151.421, provide a complete medical report, including photos of physical abuse, to the involved law enforcement agency and Children Services.

Mental Health Services:

- Ensure appropriate mental health evaluation and treatment is available to all CAC clients regardless of their ability to pay.
- Available counseling services include crisis intervention, mental health assessment, and evidenced based trauma focused cognitive behavioral therapy.
- Appropriate releases are obtained enabling the therapists to follow up with the CAC as to the child and/or family involvement in counseling for the purpose of case review and case tracking.

Prosecutor's Office:

- Provide victim assistance services.
- Advise on course-direction of the investigation when warranted.
- Review and evaluate evidence if charges should be filed.
- If criminal charges are indicated, initiate proceedings and victim preparation.

Victim Assistance:

- Provide information to victim's families regarding the rights of crime victims
- Provide information to crime victims including but not limited to information on the state Victim Compensation Program, shelter referrals, food referrals, counseling referrals, and emergency needs referrals
- Assist victims and their families in obtaining appropriate protection orders
- Accompany victims and their families to various court hearings
- Assist victims and their families in preparing Victim Impact Statements

Cultural Competency, Diversity and Inclusion

The CAC promotes policies, procedures, and practices that are culturally informed and sensitive. The CAC will make ongoing efforts to increase awareness among staff and the MDT through education and appreciation of the culturally diverse issues as they pertain to the clients they serve. Cultural considerations will be reviewed and incorporated with each CAC case as part of the Intake, Forensic Interview and MDT Case Review. Cultural diverse resources and supports within the community will be accessed when indicated and available.

The CAC and MDT members will participate in community outreach efforts to reach underserved populations. This includes but is not limited to efforts in partnership with Erie County Department of Job and Family Services to provide education to faith-based organizations, schools, foster parents, and detention center staff and youth. The CAC also participates in community activities including but not limited to those held in malls, Safety Fairs and County Fairs.

The CAC shall not discriminate in the provision of services or of employment against any victim, colleague, allied professional, or member of the public on the basis of age, gender, ethnicity, race, national origin, religious belief, political affiliation, qualifying disability (as defined by the Americans with Disabilities Act), or sexual orientation.

Any person may file a written complaint to the CAC Director or Board President; if he/she believes the CAC has discriminated against him/her.

Forensic Interview Procedure

Upon disclosure of an allegation of child sexual abuse, the following organizations must be notified:

- Children Services, which will:
 - Assign an investigative worker who will notify the appropriate law enforcement agency upon receipt of a report alleging sexual or severe physical abuse.
 - Meet with the assigned law enforcement officer to schedule the forensic interview and plan the cooperative investigation.
 - Contact the Prosecutor's office to notify the victim advocate.
 - Obtain a release of information signed by a parent or caregiver.
 - Investigate allegations and assess the safety and well-being of all children in the household.
- Law Enforcement, which will:
 - Notify Children Services whenever allegations of sexual abuse or severe physical abuse are being reported.
 - Assign an appropriately trained officer who will continue the investigation in coordination with Children Services.
 - Consult with the Prosecutor's office when evidence or disclosures are obtained indicating a child is a victim of severe physical or sexual abuse.

The Child Advocacy Center is available twenty-four (24) hours a day, seven (7) days a week and every effort will be made to conduct victim interviews at the Child Advocacy Center. However, if the safety of the child is at risk and the interview must be conducted off-site, the interview shall always occur in a neutral, non-threatening environment that promotes comfort, ensures safety and minimizes trauma. If an emergency should occur, interviews will not be conducted within the presence, vision or earshot of an alleged perpetrator. Under no circumstances will a known alleged perpetrator accompany the alleged child victim to the advocacy center appointment.

Children Services personnel who have completed a minimum of 40 hours of nationally or state recognized forensic interview training that includes child development conduct forensic interviews of children about their possible abuse. They also participate in a minimum of 4 hours of on-going training per year.

Children and/or their families who do not speak or understand the English language will be provided with a translator who will come to the center as needed. Hearing impaired and deaf patients are also accommodated with trained sign language interpreters. North Point Educational Center provides these services at no cost to the patient or their family. Translators and Interpreters are informed of the subject matter they will be translating when they are scheduled. In addition, they are oriented to the CAC process, instructed on the importance of using exact words and not paraphrasing, and must sign a confidentiality form when they arrive. Under no circumstances will the CAC utilize children or family members to translate or interpret.

The investigative team consisting of Children Services, Law Enforcement and Victim Advocate meet prior to the interview to share information and plan case direction.

Non-offending caregivers, lawyers representing caretakers or alleged offenders are not permitted to be present in the interview room or observation area during an interview. Only the interviewer and the alleged child victim shall be in the interview room. All other team members shall observe through the camera monitor located in a separate room.

The interviewer may wear an ear piece for communication purposes with observing team members and/or at the conclusion of the interview, may leave the room to confer with team members regarding additional information needed from the alleged child victim.

The interview process is not a set of rigid rules or questions the interviewer must follow or questions that must be asked. These phases are rapport building, credibility assessment, introduction of task and information gathering, and closure. It is recognized variables exist that may affect the degree to which an interviewer is able to adhere to the interview phases. These include linguistic and cultural issues as well as the individual child's emotional state, cognitive status, and willingness to participate in the interview process.

Upon entering the interview room, the child is guided to an area that will provide an optimal view of the child and interviewer to the closed circuit monitor. The interviewer explains interview rules (i.e., "If I use a word you don't understand, it's OK to tell me you don't understand.")

During the interview, the interviewer poses questions in a non-leading manner. The goal is to guide the child through the questioning, without suggesting answers, thus enabling the child to relate facts. Open-ended questions geared to elicit the child's spontaneous narrative responses are asked to initiate information gathering. The interviewer then poses more focused follow up questions to elicit a detailed description.

Interview aids may be introduced to help facilitate the interview. Age and culturally appropriate anatomical drawings are routinely used during interviews for children depending on their age and/or comfort level.

To close the interview, the interviewer gives the child the opportunity to ask questions and discusses safety issues. The child is then engaged in brief conversation about a neutral topic or pleasant activity.

The victim advocate meets with the non-offending care-giver or guardian while the child is being interviewed to answer questions, explain victims' rights, and discuss referral services. At the completion of the interview, the team meets with the non-offending care-giver or guardian to identify next steps that include the interview of the alleged perpetrator, determine the need for a medical exam and signing a release of information to make medical and mental health referrals.

While reducing the number of interviews of a child victim is a goal of the CAC, it is recognized multiple interviews may be required. When possible, follow up interviews will be conducted jointly by law enforcement and Children Services.

Recording

All abuse interviews conducted at the CAC are recorded on a computer hard drive and maintained for one year. A DVD is provided to Children Services, law enforcement, and if the child disclosed, the prosecutor's office. Parents are informed the interview will be recorded when the interview is scheduled and sign a consent form to record and release a copy of the interview to Children Services, law enforcement and the Prosecutor.

Emergency Response Criteria

An emergency response is defined as "an immediate coordinated response from Children Services, law enforcement, and at times, the Prosecutor's office." An immediate interview is necessary for Children Services and law enforcement to determine whether to invoke Juvenile Rule 6 or the potential need to invoke Juvenile Rule 6 due to factors including but not limited to the following:

- The alleged offender has immediate access to the child or remains in a caretaker position with the child or other children
- The person responsible for the child is not supportive or protective of the child, does not believe the abuse occurred, or is trying to induce the child to recant.
- The potential of family violence toward the child exists due to disclosure of the abuse

In addition, an emergency interview may need to be conducted due to other factors including but not limited to the following:

- The need for immediate medical and/or mental health treatment of victim
- The need to preserve physical evidence
- There is potential for numerous victims
- The logistics of the victim, witness and offender interview, e.g. time, place, order
- The alleged offender is in custody
- The alleged offender is a flight risk

Medical Evaluation

Specialized medical evaluations and treatment are available and accessible to all CAC clients regardless of their ability to pay. In an attempt to avoid multiple examinations, only one medical exam will be conducted per allegation unless medical follow up is required. Children Services coordinates the medical exam and provides the SANE with information about the case prior to the exam. The SANE obtains a medical history to complete the medical evaluation but does not conduct a forensic interview. If the child presents to Firelands Regional Medical Center first, the SANE will make reports to law enforcement and Children Services as required and provide case information.

The purpose of conducting a medical evaluation is:

- To provide crisis intervention
- To provide timely, thorough, and professional forensic evidence collection, documentation, and preservation of evidence
- To evaluate pregnancy risk and offer prevention
- To assess, document, and seek care for injuries
- To appropriately refer victims for follow-up medical care and counseling
- To enhance the ability of law enforcement agencies to obtain evidence and successfully prosecute sexual assault cases

When to Recommend a Medical Exam:

- A. Any child that describes:
 - Vaginal penetration (digital, penile, or foreign object);
 - Anal penetration (digital, penile, foreign object);
 - Contact with an assailant's body fluids, (i.e., semen, saliva, blood, stool or urine);
 - Skin-to-genital contact; or
 - Oral-to-genital contact.
- B. Any child/parent who has concerns about possible physical effects as a result of the abuse, regardless of the type of contact.
- C. There are physical symptoms of a sexually transmitted disease or genital trauma.
- D. Any of the following sexual abuse allegations which generated the initial concern:
 - Clear disclosure from the alleged child victim;
 - There is an eyewitness to the abuse; or
- E. The alleged child victim is between the ages of two (2) and eighteen (18) years at the time the incident occurred (additional guidelines):
 - The alleged child victim is twelve (12) years or younger (has not attained her thirteenth (13) birthday) and is involved in any type of sexual activity;

- If the alleged child victim is thirteen (13) years of age but younger than sixteen (16) years of age and the concern involves non-consensual or consensual sexual activity with an adult eighteen (18) years or older.

Scheduling of the Medical Exam:

Children Services coordinates the medical exam and The SANE obtains a medical history to complete the medical evaluation but does not conduct a forensic interview. If the child presents to Firelands Regional Medical Center first, the SANE will make reports to law enforcement and Children Services as required and provide case information.

Acute Cases

Acute cases are those cases requiring an immediate response. Every effort shall be made to conduct medical exams locally at Firelands Regional Medical Center. Children Services shall coordinate the SANE exam by contacting Safe Harbour, the Domestic Violence Shelter, who shall call the SANE nurse. If the SANE nurse is not available, the child will be sent to the NORD Center in Lorain County.

Children Services shall provide the SANE with information about the case prior to the exam either verbally by phone or in person when they accompany the child to the exam. The SANE obtains a medical history to complete the medical evaluation but does not conduct a forensic interview. If the child presents to Firelands Regional Medical Center first, the SANE will make reports to law enforcement and Children Services as required and provide case information.

Children must be seen on an emergency basis if trace forensic evidence needs to be collected or there are other indications requiring an emergency evaluation. Trace forensic evidence must be collected, using the approved evidence box, when either of the conditions listed below are true (excerpted from the Ohio child and Adolescent Sexual Abuse Protocol, Ohio Department of Health, August 2009):

1. The last episode of sexual abuse/assault occurred within 72 hours if under age 13 or 96 hours if over the age of 13 **AND**
 - A. The history indicates contact with the alleged perpetrator/victim's genitalia **OR**
 - B. The history indicates contact with the alleged perpetrator's semen, blood, or saliva **OR**
 - C. The history indicates a struggle that may have left skin or blood of the alleged perpetrator to be lodged under the victim's fingernails, on the victim's body or clothing **OR**
 - D. The victim's clothing or body may be covered by trace evidence (debris, fibers, etc.) from the alleged crime scene
2. The history of contact with the alleged perpetrator is unclear (i.e., the child is too young to provide a history or a history is unavailable) and there is reason to believe that conditions described in Number 1 above are true.

Clients are eligible to receive treatment by the Tri-County SANE/SART Program if the following triage requirements are met. If the victim:

- Denies loss of consciousness or disorientation related to head trauma
- Is oriented enough to cooperate with and consent to exam
- Denies chest or abdominal trauma
- Denies injury to extremities that result in limited range of motion
- Denies history of foreign objects inserted vaginally or rectally during assault
- Denies rectal or vaginal bleeding since assault (excluding menses)
- Denies known pregnancy
- Assault occurred within last 72 or 96 hours, depending on age

When the patient first arrives at the SANE unit, the SANE will triage for injuries. Any injuries requiring immediate treatment will be stabilized when possible and the patient sent to the Emergency Department. If immediate treatment is not required, the SANE will collect evidence and document injuries prior to referring the patient to the Emergency Department for any necessary treatment.

Medical examinations are conducted and documented per the Ohio Protocol for Sexual Assault Forensic and Medical Examination, February, 2011. The SANE obtains a medical history to complete the medical evaluation but does not conduct a forensic interview. Results of the SANE sexual abuse medical examination exam are shared with MDT members the following day.

Non-Acute cases

Non-acute cases are defined as sexual abuse incidents that occurred greater than 72 – 96 hours based upon ages as above. The Children Services social worker will schedule the forensic interview and make appropriate referrals for medical and mental health. For non-acute cases, clients are referred to their primary care provider.

Mental Health Services

Mental Health services, provided by Firelands Counseling & Recovery Services of Erie County and Bayshore Counseling Services, are available to all CAC clients regardless of their ability to pay. All CAC clients are referred and encouraged to receive appropriate mental health evaluation and treatment. Therapists have been specially trained in evidence-based treatment models including Trauma-Focused Cognitive Behavioral Therapy and Trauma Informed Therapy, to assist victims and their caregivers to address and resolve the issues related to the trauma and abuse. The non-offending care-giver or guardian signs a release of information to ensure mental health referrals are made.

Firelands Counseling & Recovery Services of Erie County is available twenty-four (24) hours a day, seven (7) days a week to respond immediately if a child is experiencing a mental health crisis to assess the need for immediate mental health intervention.

Mental health personnel are never the same individuals conducting forensic interviews. The mental health supervisor routinely attends Case Review in order to provide needed input about mental health concerns. A Release of Information form is obtained by mental health agencies enabling the therapists to follow up with the CAC as to the child's involvement in counseling for the purpose of case review and case tracking.

Victim Advocate Services

Victim support and advocacy services are available free of charge to all CAC child victims and their non-offending family members through the Erie County Prosecutor's Victim Assistance Division. The victim advocate provides initial and on-going support and advocacy. The advocate provides education and support during the forensic interview, provides assistance in obtaining housing, public assistance, child care, transportation and domestic violence intervention when needed. Other duties include but are not limited to:

- Assure victim is fully aware of his/her rights and assist him/her throughout the criminal proceeding. Provide information on Victims of Crime Compensation Fund if applicable and assist with completing the proper forms. Secure Civil Protection Order/Stalking or Sexually Oriented Offense Protection Order, if necessary, for the victim
- Keep the victim's family informed of case status
- Continue communication between law enforcement and prosecution
- Prepare the victim for court and accompany victim to court, and if necessary, transport victim
- If case is not prosecuted, apprise family of reason the case is not prosecuted and recommend counseling if indicated
- If alleged offender is found guilty, assist the victim in creating a Victim Impact Statement for the court
- Help family register in VINE (Victim Information and Notification Every Day) if the offender is incarcerated, assist Parole Board notify victims and family when an offender may be released from prison and offer support to the family when an offender is released from prison regardless of how much time has passed

Child Abuse Task Force/Case Review

The purpose of Child Abuse Task Force/Case Review is to facilitate uniformity of procedure and practice, provide quality assurance that protocol is followed and encourage a multidisciplinary approach among agencies to utilize problem solving strategies in the investigation, prosecution and treatment of all cases. Child Abuse Task Force/Case Review meetings are also utilized to discuss current events as well as trainings and upcoming events.

All new and pending cases involving sexual and severe physical abuse of children are routinely reviewed monthly on the last Wednesday of the month in the Commissioners Chambers, Third floor at 8:30 a.m. and continue to be reviewed until the case is closed to ensure all follow-up recommendations have been addressed. The Children Services Intake Investigative Supervisor/Director of Michael's House shall act as chairperson of Case Review and is responsible to prepare the agenda and mail it out one week in advance of the meeting. A reminder e-mail is sent the day before the meeting and agendas are also available at the meeting.

Members of the Child Abuse Task Force, multidisciplinary team members and agencies involved in the investigation and subsequent follow-up, including court involvement and mental health are invited to attend Child Abuse Task Force/Case Review meetings to discuss new cases, give updates and receive the status of on-going cases. If team members are unable to attend, it is highly encouraged another agency representative familiar with the case attends in their place.

In addition to Child Abuse Task Force/Case Review, quarterly meetings led by the Children Services Intake Investigative Supervisor/Director of Michael's House, are held between Children Services, the victim advocate, Firelands Counseling & Recovery Services of Erie County and Bayshore Counseling Services to specifically discuss how the child is progressing. Information shared during Child Abuse Task Force/Case Review is considered confidential and team members are required to sign a Confidentiality Agreement for every case review meeting they attend.

Case Tracking

All CAC cases are routinely tracked to monitor case progress and case outcomes by the Children Services Intake Investigative Supervisor/Director of Michael's House. Collected data includes demographic and statistical information, identifies the type of abuse, agencies involved, employees assigned, services received during the investigation including medical and mental health, charges filed and final disposition. It provides essential information through which outcomes can be measured and program evaluation.

The Children Services Intake Investigative Supervisor/Director of Michael's House shall be responsible to track and ensure all cases are routinely updated with information gathered during case review from other MDT members and supplied by the prosecutor's office until final disposition. Monthly reports are generated on the number of new cases opened, forensic interviews conducted and demographic information. The report also incorporates all other open

cases that includes all of the collected data and is shared with the Deputy Director of DJFS, the DJFS Quality Assurance Supervisor and the investigative unit.

The Children Services Intake Investigative Supervisor/Director of Michael's House shall also be responsible to complete and submit in a timely manner data reports required by National Children's Alliance.

Confidentiality

All records of all child sexual and severe physical abuse cases shall be kept confidential. Each team member will maintain confidentiality on their individual case files and any information obtained including but not limited to identity of parties, nature of allegations, results of examinations and treatment, and investigative findings.

Translators and Interpreters must sign a confidentiality form before the interview is conducted.

Parents are required to sign a release of information form so referrals to medical and mental health can be made.

Information shared and discussed during Case Review is also considered confidential and all those in present are required to sign a Confidentiality Agreement for every case review meeting they attend.

All requests for information from a non-MDT member shall be referred to the appropriate Children Services or law enforcement investigator to process according to the existing policy of their respective agencies.

Conflict Resolution

In the spirit of multi-disciplinary teamwork, team members must maintain openness for feedback from team members involved on each case. To this end, it is recommended that team members are open to and request constructive feedback during and following each interview or during Case Review.

It is understood that from time to time there may be disagreements among team members that cannot be resolved in the normal course of case discussion. Conflicts from multidisciplinary professionals about team members should be directed to the supervisor of the specific agency or entity represented by that team member at the time of the interview, if possible.

Disclaimer

This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims.

Exhibit D

Erie County Missing Child Protocol

Missing Child Protocol

The below procedure is to ensure that Erie County Children Services is in compliance with OAC requirements as well as ensuring that reasonable efforts are made to locate any missing child that is in the custody of the agency.

The purpose of this procedure is to ensure that a child who is in agency custody and is missing is searched for timely, diligently, and comprehensively.

Within the first two hours of being notified that child is missing: (case worker could include Children Services On-call worker).

- ✓ Case worker should ensure that the appropriate law enforcement agency has been notified that the child is missing. *Law Enforcement may request an updated/current photo of child which should be updated at least annually.
- ✓ If determined to be an emergency, case worker will notify law enforcement and possibly request an Amber Alert (law enforcement will determine if Amber Alert is necessary).
- ✓ Case worker will consult with supervisor or Deputy Director to determine if additional action is needed (contact school, friends, family, employment, etc.)
- ✓ Case worker will contact parents to notify them that the child is missing. *Case worker should utilize initial contact as an attempt to gather information on the child's possible whereabouts.

Within the first 24 hours of being notified that the child is missing:

- ✓ Case worker will contact substitute caregivers, school personnel, family, and/or friends in an attempt to gather information as to the whereabouts/location of child. *Emphasize the importance of locating child to ensure their safety.
- ✓ Case worker will contact the appropriate law enforcement agency and confirm the missing child has been entered into LEADS/NCIC. Caseworker will confirm if charges can be filed on the youth and if a CAPIAS can be issued. Law Enforcement may request an updated/current photo of the child which should be provided upon request.
- ✓ The case worker will register the child with NCMEC (National Center for Missing and Exploited Children)
- ✓ Case worker will notify the child's CASA/GAL.
- ✓ Case worker will notify the child's Juvenile Probation Officer, if applicable.
- ✓ Case worker will initiate a Protective Services Alert.
- ✓ SACWIS will be updated indicating that the child is on LEAVE from placement and enter all required information per OAC 5101:2-42 88 under leave information

Within the first week of being notified that the child is missing:

- ✓ Case worker will contact the appropriate law enforcement agency to determine if there has been any progress or updates on locating child.
- ✓ Case worker will have contacted the family and/or friends (not including the initial contact) in an effort to obtain new information as to the whereabouts of the missing child.
- ✓ Case worker will provide any information obtained as to the possible whereabouts of child to law enforcement.
- ✓ Case worker will consult with supervisor, Deputy Director, and/or law enforcement to determine if child should be reported to the Ohio Attorney General's Office.
- ✓ Case worker will consult with supervisor, Deputy Director, and/or legal counsel to determine if additional steps to locate child should be taken (ie: contacting local media)
- ✓ Case worker will contact substitute caregiver to ensure that any outstanding appointments (medical, counseling, school related, etc.) have been cancelled.
- ✓ Case worker will notify the school of the child's status and provide any necessary update and receive any information regarding educational status.
- ✓ All activities to locate child should be entered into SACWIS
- ✓ Case worker will complete any necessary case plan amendments to reflect the child's AWOL status.

Until the child is located:

- ✓ Case worker will have at least weekly contact with the appropriate law enforcement agency to determine if there has been any progress or updates on locating child
- ✓ Case worker will have at least weekly contact with the parents, substitute caregiver, and friends in an attempt to gather information regarding child's whereabouts and locate the child.
- ✓ Case worker will make good faith attempts to obtain information and follow up on all information in an effort to locate child and ensure safety of child.
- ✓ Case worker will document all contacts and attempts to locate child in SACWIS.

Once a child is located:

- ✓ Case worker will notify the appropriate law enforcement agency to inform of the child's return.
- ✓ Case worker will notify the parents and substitute caregivers to inform them of the child's return. Case worker will inquire if substitute caregivers are willing to have the child return to their home for placement.
- ✓ Case worker will, if necessary, complete placement request if prior placement is not willing to have child return to home for placement.
- ✓ Caseworker will make face to face contact with the youth within 3 days of his/her return and gather information regarding the following:

- The circumstances that contributed to the child running away or being absent from care.
- The events or experiences that took place while the child was AWOL, including if the child is found to be a sex trafficking victim
- Caseworker will thoroughly document these conversations and information in SACWIS.
- ✓ Case worker will ensure that child receives a physical exam within 72 hours of the child's return. *Physical exam may include full body exam, testing for sexually transmitted diseases, pregnancy, and/or drugs.
- ✓ Case worker will notify the child's CASA/GAL, probation officer, and court of the child's return.
- ✓ Case worker will complete any necessary case plan amendments to reflect the child's return from AWOL status and subsequent placement changes.

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*Missing Child Protocol created to ensure that agency is in compliance with all OAC standards. The protocol is to ensure that the best interests of the child are met and to ensure the safety of the child.