

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN ASHTABULA COUNTY COMMUNITY PARTNERS AND THE ASHTABULA COUNTY CHILDREN SERVICES BOARD TO ADDRESS CHILD ABUSE AND NEGLECT, OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

WHEREAS, Tania Burnett, Director of the Ashtabula County Children Services Agency, has presented a Memorandum of Understanding for the approval of the Board, to-wit:

Scope: the MOU addresses child abuse and neglect as required by sections of the Ohio Revised Code and the Ohio Administrative Code. It is an agreement among Ashtabula County Children Services Board 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 services 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 are: the elimination of unnecessary interviews of children who are the subject of reports of child abuse or neglect and when feasible, conducting only one interview of a child who is the subject of a report of child abuse or neglect.

Partners:

AC Court of Common Pleas- Juvenile Division	Andover Police Department
AC County Sheriff's Office	Ashtabula City Police Department
Conneaut City Police Department	Geneva City Police Department
Geneva on the Lake Police Department	Jefferson Police Department
North Kingsville Village Police Department	Orwell Police Department
Roaming Shores Police Department	AC Prosecutor
AC Dept. of Job and Family Services	AC Humane Society
Ashtabula Area Child Advocacy Center	AC Children Services

Cost: No cost to the county

Term: Participating members to meet at minimum once every biennium to review terms and conditions, evaluate if updates are needed and sign a new or amended MOU. The MOU member may terminate their involvement in the MOU for good cause upon giving reasonable written notice to the other required members in the MOU. ACCSB will review the MOU biennially with the parties to amend any section agreed to by the parties; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio that the Memorandum of Understanding as noted above is approved in accordance with the copy now on file in this office.

BE IT FURTHER RESOLVED that the President of the Board, on behalf of the Board of Commissioners of Ashtabula County, is authorized to execute any and all necessary documents.

ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE

Resolution No. 2023-642

December 28, 2023

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN ASHTABULA COUNTY COMMUNITY PARTNERS AND THE ASHTABULA COUNTY CHILDREN SERVICES BOARD TO ADDRESS CHILD ABUSE AND NEGLECT, OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

Upon the motion of J.P. Ducro IV, seconded by Casey R. Kozlowski.

VOTE:

Casey R. Kozlowski
Kathryn L. Whittington
J.P. Ducro IV

Aye
Absent
Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

Ohio Department of Job and Family Services
ASHTABULA COUNTY MEMORANDUM OF UNDERSTANDING TO
ADDRESS CHILD ABUSE AND NEGLECT

I. STATEMENT OF PURPOSE

This memorandum of understanding (hereinafter MOU) to address child abuse and neglect is required by sections 2151.4220, 2151.4221, 2151.4222, 2151.4223, 2151.4225, 2151.4226, 2151.4228, 2151.4229, 2151.4230, 2151.4231, 2151.4232, 2151.4233, and 2151.4234 of the Ohio Revised Code and section 5101:2-33-26 of the Ohio Administrative Code. It is an agreement among Ashtabula County Children Services Board 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. Public Children Services Agency (PCSA)

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

B. Law Enforcement

The County Sheriff and each Chief of the local political subdivisions will have responsibility for: taking referrals/reports alleging child abuse and neglect from any source within their respective jurisdiction; Referring reports to ACCSB as soon as possible or within 24 hours of receiving the report for investigation of the circumstances; determining whether allegations of abuse or neglect rise to the level of criminal conduct; cooperating with ACCSB in a joint and thorough investigation when the information contained in the report lends itself to allege a present danger; assisting ACCSB in hazardous situations where the provision of protective services or the investigation of child abuse or neglect is impeded; coordinating with ACCSB on interviews with principals of the case when there are serious criminal implications; notifying ACCSB of any legal action involving an alleged perpetrator of child abuse or neglect; responding to ACCSB's requests for information regarding the status of the legal action; providing police record checks for ACCSB as necessary or requested as permitted by law; consulting with ACCSB prior to removal of a child from their home when possible; handling and coordinating investigations involving a child fatality or near fatality which may have resulted from abuse or neglect.

C. Juvenile Court

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

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

D. County Prosecutor

The County Prosecutor shall report suspected cases of child abuse and neglect to ACCSB or appropriate law enforcement agency. The County Prosecutor shall represent ACCSB 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 County Prosecutor will be available to law enforcement and ACCSB 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 ACCSB 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 Service

If the Ashtabula County Department of Job and Family Services is a separate agency from ACCSB, employees within the county agency are expected to report suspected cases of child abuse and neglect to ACCSB or appropriate law enforcement agency upon receipt; collaborate with ACCSB to assist families in caring for their children; assure that children at risk of abuse and neglect receive protective services; assure service coordination for families already involved with the ACCSB; promote ongoing communication between Ashtabula County Department of Job and Family Services and ACCSB regarding mutual clients, including minors under the protective supervision or in the custody of the agency and/or minor parents; assist ACCSB upon request in obtaining case or assistance group information regarding a family when the ACCSB is assessing Title IV-E eligibility or completing an assessment/ investigation of a child at risk or alleged to be abused; assist ACCSB in obtaining addresses and attempts to locate parents whose whereabouts are unknown, pursuant to OAC 5101:2-33-28; And where applicable and permitted assist ACCSB in locating suitable relatives or kin that may be available as familial support for the child(ren) or as a placement option.

F. Local Animal Cruelty Reporting Agency

The local animal cruelty reporting agencies are to investigate reports of animal abuse and neglect within the county and, pursuant to ORC 2151.421, report suspected cases of child abuse and neglect that may be observed during the commission of their duties to ACCSB 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 ACCSB, law enforcement, and other signatories of this agreement.

- H. Clerk of County Common Pleas Court (Optional per statute, but benefits to inclusion should be considered per county)
 Not Applicable (if selected this section is not relevant.)

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 ACCSB or a law enforcement officer.

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

If ACCSB becomes aware that a mandated reporter failed to report suspected or known child abuse and/or neglect to the agency or the appropriate law enforcement agency, ACCSB will provide this information to the county prosecutor's office.

B. System for Receiving Reports

Reports of child abuse or neglect shall be made to ACCSB or any law enforcement officer with jurisdiction in Ashtabula County. ACCSB will accept reports of child abuse/neglect via telephone (440-998-1811), in-person (3914 C Court, Ashtabula, OH 44004) and facsimile (440-992-6828) during its regular business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. ACCSB maintains an after-hours hotline to receive reports of child abuse/neglect 24 hours/day seven days/week, including holidays. The hotline is available by calling the agency's regular office number (440-998-1811) and following the prompts to speak to the hotline case worker.

When a law enforcement officer receives a report of possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, the law enforcement officer shall refer the report to the appropriate PCSA unless an arrest is made at the time of the report that results in the appropriate PCSA being contacted concerning the alleged incident involving the child.

When ACCSB screens in a report of child abuse, ACCSB 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 ACCSB screens in a report of child neglect, and an active safety threat is identified within the first seven days of the assessment/ investigation, ACCSB 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 ACCSB receives a referral from a mandated reporter who provides their name and contact information, ACCSB 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 has initiated an investigation of the report;
- Whether the agency is continuing to investigate the report;
- Whether the agency is otherwise involved with the child who is the subject of the report;
- The general status of the health and safety of the child who is the subject of the report;
- Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

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

D. Roles and Responsibilities for Handling Emergency Cases of Child Abuse, Neglect, and Dependency

1. PCSA's Response Procedure

When ACCSB determines that a report is emergent, ACCSB shall attempt a face-to-face contact with the child subject of the report/alleged child victim within one hour of the receipt of the report.

If ACCSB identifies an active safety threat at any point during the assessment/investigation, the caseworker or supervisor shall implement a safety response. When possible, the first choice for a safety response will be to develop an in-home or out-of-home safety plan with the family that allows the parents to maintain custody while ensuring child safety. ACCSB will work with the parents to secure a safe plan for their children; this may include the involvement of a voluntary kin placement. If the parents will not agree to one of these plans, the ACCSB case worker will consult with an ACCSB supervisor regarding the possible need for an ex parte court order for custody. If the

decision is made to request custody, the case worker or supervisor will contact the Ashtabula County Juvenile Court Magistrate or Judge to request the ex-parte order. If the order is granted, ACCSB will work with the family to locate a kinship caregiver for the child/ren. If no kinship family is available, ACCSB will secure an alternative placement for the child/ren.

2. Law Enforcement Response Procedure

When law enforcement responds to a situation and believes that a child or children are in immediate danger or at serious risk of harm during regular business hours (8:00 a.m.-4:30 p. m.), the responding officer will contact ACCSB to request assistance. If the situation occurs outside of normal business hours, the officer will call the ACCCSB hotline case worker to attempt to make a safety plan with the parents for the child/ren to go to a kinship home for the night. If the parents agree to voluntarily allow the child/ren to go to a kinship home, the officer will provide the name and address of the home to ACCSB. If the parents will not agree to the safety plan, ACCSB will contact Ashtabula County Juvenile Court to request an ex parte custody order and secure placement for the child/ren. Officers will standby until the case worker arrives and the child/ren leave with the case worker. Officers will assist the ACCSB case worker in executing the custody order if necessary.

3. Children in Need of Medical Attention Special Response Procedures

When ACCSB or Law Enforcement believes that a child is in need of immediate medical treatment, an ambulance will be requested to transport the child to the nearest hospital. ACCSB will determine whether or not the family should be with the child at the hospital or if a case worker will accompany the child. If ACCSB has been granted custody, ACCSB will provide permission to treat at the hospital's request. The hospital should call the agency at 440-998-1811 (if after-hours, follow the prompts to speak to a supervisor.) If there is a need for the child to be seen by the Ashtabula Area Child Advocacy Center due to sexual abuse allegations, ACCSB will make those arrangements for the child and family. If the alleged sex abuse occurred within 72 hours of the report, the child should be taken to the emergency room and referred for a SANE exam.

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

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

ACCSB shall follow up with law enforcement to ensure timely assistance to complete child welfare mandated assessment/investigation activities within the forty-five (45) day timeframe. The timeframe can be extended in special circumstances to a maximum of sixty (60) days if law enforcement needs additional time to make contact with the alleged perpetrator. If law enforcement is unable to interview the alleged perpetrator within the child welfare mandated timeframes, ACCSB must make a case disposition based on the child's interview and the evidence collected and notify the parents, alleged child victim and alleged perpetrator of its findings per OAC 5101:2-36-03, 04, 05, 07.

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 ACCSB
- Law enforcement personnel
- County or city prosecuting attorneys, assistant prosecuting attorneys, and their investigative staff
- Director of Ashtabula Area Child Advocacy Center and other trained staff

ACCSB case workers will interview all alleged child victims of child abuse and neglect, except in special 3rd party investigations where law enforcement, or the Director of the CAC may interview them. The Agency's Traditional Intake workers as well as CAC staff have been trained to conduct forensic interviews for child sexual abuse investigations.

Law Enforcement and prosecuting attorneys should not attempt to interview child victims of sexual abuse unless they have been trained using a CAC approved model for interviewing.

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

ACCSB may request the assistance of law enforcement during an assessment/ investigation if one or more of the following situations exist: An exigent circumstance exists.

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

1. Out-of-Home Care

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

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

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

ACCSB will request assistance from the Ashtabula Area Child Advocacy Center and the appropriate law enforcement agency to conduct interviews involving an out-of-home care giver licensed by ACCSB. The Child Advocacy Center agrees to interview the alleged child victims and law enforcement agrees to interview the alleged perpetrators.

2. Third-Party Investigations

In accordance with section 5101:2-36-08 of the OAC, ACCSB shall request a third-party investigation

be conducted by a local law enforcement agency or a PCSA in a contiguous county when there is potential for a conflict of interest because one of the following parties is a principal of the report:

- Any employee of an organization or facility that is licensed or certified by the Ohio Department of Job and Family Services (ODJFS) or another state agency and supervised by the PCSA.
- A foster caregiver, pre-finalized adoptive parent, adoptive parent, relative, or kinship caregiver who is recommended, approved, or supervised by the PCSA.
- A type B family childcare home or type A family childcare home licensed by ODJFS when the ODJFS has assumed the powers and duties of the county children services function defined in Chapter 5153. of the Revised Code.
- Any employee, or agent of ODJFS or the PCSA as defined in Chapter 5153. of the Revised Code.
- Any authorized person representing ODJFS or the PCSA who provides services for payment or as a volunteer.
- A foster caregiver or an employee of an organization or facility licensed or certified by ODJFS and the alleged child victim is in the custody of, or receiving services from, the PCSA that accepted the report.
- Any time a PCSA determines that a conflict of interest exists. The PCSA shall document in the case record if a conflict of interest is identified.

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

ACCSB shall enlist the assistance of a contiguous county's PCSA to conduct alleged child victim and alleged perpetrator interviews when the alleged abuse or neglect has occurred in a foster home licensed by ACCSB or in a kinship home approved by ACCSB or in any other situation where there is a perceived conflict of interest. If the contiguous county's PCSA is unable to assist ACCSB, then ACCSB will request the assistance of the appropriate law enforcement agency to conduct the interviews.

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

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

- The Executive Director of ACCSB shall participate in the county's Child Fatality Review Board

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

ACCSB follows section 5101:2-33-14 of the OAC following the death of a child in its custody.

- ACCSB shall notify law enforcement within one hour of being notified of the child's death and assist in any investigation resulting from the child's death.
- ACCSB shall notify the child's parent, guardian or custodian within one hour of being notified of the child's death.
- Complete the JFS 01987 "Child Fatality Report Face Sheet" and send it to the Ohio department of job and family services (ODJFS) within five working days after receiving the report.

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

ACCSB 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}.

- The three hospitals within the jurisdiction of ACCSB are Ashtabula County Medical Center (440-992-2262), UH Conneaut Medical Center (440-593-1131) and UH Geneva Medica Center (440-466-1141)
- ACMC Chief Nursing Officer, Amanda Clark, (440-992-2262) UH Conneaut Chief Medical Officer, (440-593-1131), UH Geneva Chief Medical Officer, Kevin Andryc, (440-466-1141).
- Cases involving alleged medical withholding will be screen in as Alternative Response cases. ACCSB case worker will assess the family's willingness to comply with medical advice and collect information from medical professionals to determine the appropriate safety plan for the child.

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

When ACCSB receives a report of abuse or neglect that may constitute a crime, ACCSB will call the appropriate law enforcement agency to ensure the initial report was received. ACCSB will provide law enforcement the opportunity to be present for alleged child victim interview. If the child is interviewed at the CAC, ACCSB will provide a copy of the DVD to law enforcement. ACCSB will provide reports from collateral contacts and any other information it has gathered pertaining to the alleged abuse. If it is agreed that law enforcement will conduct the alleged perpetrator interview, ACCSB will ask that the interview take place during the child welfare mandated timeframe of forty-five (45) days or sixty (60) days if an extension is needed. Law enforcement may or may not want the ACCSB case worker to be present during the alleged perpetrator interview. If ACCSB is not present for the alleged perpetrator interview, the case worker will request a copy of law enforcement's interview for the ACCSB file.

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

ACCSB will report these instances to the appropriate law enforcement agency for

investigation.

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

ACCSB will report these instances to the appropriate law enforcement agency for investigation.

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 ACCSB shall:

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

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

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

- I. Standards and procedures for removing and placing children

1. Emergency

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

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

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

Findings must be made that the agency either did or did not make reasonable efforts to prevent the

removal of the child from their home with a brief description of services provided and why those did not prevent the removal or allow the child to return home, and if temporary custody is granted to the PCSA an additional finding that it would be contrary to the welfare and best interest of the child to continue in the home. If granted, a shelter care hearing must be scheduled the next business day (but not later than seventy-two 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, ACCSB 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, ACCSB 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 ACCSB 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 ACCSB 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. Disaster Plan

In the event that ACCSB staff are unable to physically report to work, ACCSB has developed a work-from-home policy that allows reports of child abuse and neglect to be made via the agency hotline. Cases will be screened via a screening meeting conducted on Microsoft Teams and assigned for assessment/investigation. County 911 operators will also be provided the agency hotline numbers so they may be called directly by law enforcement if needed. Case worker hotline: 440-645-8476. Supervisor Hotline: 440-645-6203.

If all cell towers are down and Wi-Fi is unavailable in Ashtabula County, Trumbull County, Lake County or Geauga County PCSAs will receive emergency calls.

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 ACCSB 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 when presented.

V. CONFLICT RESOLUTION

When a conflict occurs among count 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 ACCSB. 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. ACCSB 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 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 ACCSB 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, Ashtabula Area Child Advocacy Center, and other entities are expected to release information to ACCSB 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 ACCSB 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 ACCSB 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 ACCSB 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 ACCSB 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, ACCSB 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. ACCSB 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, ACCSB is to provide the new required member with the current memorandum. The new member remains bound by the most recently approved version of the memorandum. Their signature is to be obtained and submitted on or before the next biennial review.

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

ACCSB will review the MOU biennially with the parties to amend any section agreed to by the parties.

Albert J. Campese

Ashtabula County Court of Common Pleas-Juvenile Division
Albert Campese, Judge

8/25/23

Date

Chris Baker

Andover Police Department
Christopher Baker, Chief

6/15/2023

Date

William Niemi

Ashtabula County Sheriff's Office
William Niemi, Sheriff

6/15/23

Date

Robert Stell

Ashtabula City Police Department
Robert Stell, Chief

11-14-23

Date

Michael Colby

Conneaut City Police Department
Michael Colby, Chief

6/15/2023

Date

John Camper

Geneva City Police Department
John Camper, Chief

6-15-2023

Date

Kyle Cawley

Geneva-on-the-Lake Police Department
Kyle Cawley, Chief

10/27/2023

Date

Chris Mackensen

Jefferson Police Department
Chris Mackensen, Chief

8-17-23

Date

Shannon Krensky

North Kingsville Village Police Department
Shannon Krensky, Chief

8-17-23

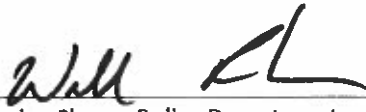
Date

Chad Fernandez

Orwell Police Department
Chad Fernandez, Chief

12-18-23

Date



Roaming Shores Police Department
William Roskos, Chief

12-18-23
Date



Ashtabula County Prosecutor
Colleen O'Toole, Prosecutor

1-17-2023
Date



Ashtabula County Department of Job & Family Services
Patrick Arcaro, Executive Director

08-2-2023
Date



Ashtabula County Humane Society
, Humane Officer

11-14-2023
Date



Ashtabula Area Child Advocacy Center
Kerri Mongenel, Director

10-15-23
Date



Ashtabula County Children Services
Tania Burnett, Director

12/7/2023
Date

Ashtabula County Commissioners
25 West Jefferson Street
Jefferson, OH 44047-1092

Board of County Commissioners

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



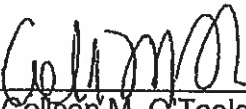
County Commissioners signature and date/Resolution/Vote

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

Signature Page

Agreement Title: **Ashtabula County Child Abuse and Neglect MOU**

Approved as to Legal Form Only:

By:  _____
Colleen M. O'Toole,
Ashtabula County Prosecutor

Contact: Lisa Hawkins, Clerk

Dated: _____, 2022.

CD 2022-CON-0180

«Reference Number»
Reviewed by: _____ on _____