

FIRST READING: 12.19.22
SECOND READING: 1.9.23
THIRD READING: 1.23.23

ORDINANCE NO. 87-22
BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN CUYAHOGA COUNTY DIVISION OF CHILDREN & FAMILY SERVICES ("CCDCFS") AND THE CITY OF ROCKY RIVER POLICE DEPARTMENT REGARDING REPORTING AND INVESTIGATIONS OF ABUSE AND NEGLECT, ATTACHED HERETO AS EXHIBIT A

WHEREAS: The City of Rocky River Police Department desires to enter into a Memorandum of Understanding with the Cuyahoga County Division of Children and Family Services ("CCDCFS") for the purpose of agreeing to comply with the protocol that provides for prompt reporting and investigations of abuse and neglect; and

WHEREAS: by entering into this memorandum of understanding the Rocky River Police Department joins other law enforcement agencies operating under the terms and conditions of the Memorandum of Understanding attached as Exhibit A; and

WHEREAS: the Rocky River City Council deems it to be in the best interest of the City to authorize the Mayor to enter into the Memorandum of Understanding.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. - That the Mayor be and she is hereby authorized to enter into a Memorandum of Understanding between the Cuyahoga County Division of Children and Family Services and the Rocky River Police Department regarding the protocol for reporting and investigations of abuse and neglect according to the terms and conditions in Exhibit A attached.

SECTION 2. - That this Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of public peace, health and safety, and for the further reason that it is appropriate for the Rocky River Police Department to join other law enforcement agencies in this regard, and provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: January 23rd, 2023

James W. Moran
JAMES W. MORAN
President of Council

PRESENTED
TO MAYOR: January 23rd, 2023

APPROVED: January 23rd, 2023

ATTEST:

Susan G. Pease
SUSAN G. PEASE

Pamela E. Bobst
PAMELA E. BOBST
Mayor

City of Rocky River }
County of Cuyahoga } ss

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 87-22 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 23 DAY OF JANUARY, 20 23 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW, THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 87-22

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 23rd DAY OF JANUARY, 20 23.

Susan G. Pease
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 23rd day of JANUARY, 20 23.

Andrew J. Pease
Clerk of Council of the City of Rocky River, Ohio

**CUYAHOGA COUNTY, OHIO
CHILD ABUSE AND NEGLECT
MEMORANDUM OF UNDERSTANDING**



Revised
9/22

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Introduction

Law enforcement officers and child protection specialists (“CPS”) share a common and important role: determine if child abuse or neglect has occurred, who is responsible, and what actions are necessary to protect the child. In Cuyahoga County, both groups work to ensure the child’s immediate physical safety and to minimize the effects of trauma associated with abuse and neglect, including limiting the number of times a child is interviewed. Positive and collaborative interaction between law enforcement and CPS promotes better outcomes for children.

The State of Ohio requires the Cuyahoga County Division of Children & Family Services (“CCDCFS”) and law enforcement agencies to coordinate investigations and share information. As CPS and police are often the first responders to an incident, they are able to set the tone for an efficient and thoughtful investigation that may ultimately involve professionals from many disciplines. This *Memorandum of Understanding* (“MoU”) delineates the roles and responsibilities of each official and agency in assessing or investigating cases of child abuse or neglect in Cuyahoga County.

Working as a team, all who respond to allegations of abuse and neglect can help **assure safety** and **reduce trauma**, the two most important outcomes for our children.

OVERVIEW

LEGAL AUTHORITY

The MoU is required by section 2151.4220 of the Ohio Revised Code (ORC) and section 5101:2-33-26 of the Ohio Administrative Code (OAC).

PURPOSE

The MoU sets forth the expected and normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities regarding child abuse or neglect with respect to the following sections of the ORC:

1. ORC 2151.421 – Duty to report child abuse or neglect; investigation and follow-up procedures
2. ORC 2919.21(C) – Nonsupport or contributing to nonsupport of dependents
3. ORC 2919.22 (B)(1) – Endangering children
4. ORC 2919.23 (B) – Interference with custody
5. ORC 2919.24 - Contributing to unruliness or delinquency of a child

REQUIRED SUBSCRIBERS

Ohio Revised Code section 2151.4220 requires the following signatories to this MoU:

- A juvenile judge or the juvenile judge's representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative upon the judge's review and approval (for example, Administrative Juvenile Judge);
- The county peace officer (The Cuyahoga County Sheriff);
- All chief municipal peace officers within the County;
- Other law enforcement officers handling child abuse and neglect cases in the County;
- The prosecuting attorney of the County;
- If the public children services agency is not the County department of job and family services, the county department of job and family services;
- The county humane society; and,
- If the public children services agency participated in the

execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

The Division of Children and Family Services (CCDCFS), which is the Public Children Services Agency (PCSA) serving Cuyahoga County, Ohio, shall also be a signatory.

CCDCFS and a subscriber may agree to attach an addendum to this MoU to expand on their working relationship and to assist with the way they conduct joint investigations.

Ohio Administrative Code (OAC) section 5101:2-33-26 requires that this MoU be amended when any individual serving as a required signatory/subscriber (in the bullet points above) changes. It shall be the responsibility of the newly appointed signatory/subscriber to inform the Director of CCDCFS of the change. CCDCFS shall then initiate a required amendment of this MoU.

GOALS

The primary goals of the MoU are:

- To ensure the prompt reporting of all incidents of suspected child abuse and/or neglect, including human trafficking
- To conduct comprehensive and coordinated investigations of suspected child abuse or neglect, including human trafficking
- To eliminate all unnecessary interviews of children who are the subject of reports of child abuse or neglect
- To provide, when feasible, for only one interview of a child who is the subject of a report of child abuse or neglect.

ROLE OF MANDATED AND VOLUNTARY SIGNATORIES/SUBSCRIBERS

Cuyahoga County Juvenile Court	The Juvenile Court provides for the care, protection, health, safety, and mental as well as physical development of children. The Court must protect the rights of the parties before it and ensure the provision of a timely, safe and permanent home for children. The health and safety of the children shall be paramount; however, children should remain in or return to their family environment whenever safely possible. The Juvenile Court has exclusive jurisdiction to hear and decide cases concerning any child who is the subject of a complaint alleging abuse, neglect or dependency pursuant to ORC 2151. If the Court decides a child is abused, neglected or dependent at an adjudicatory hearing, the court shall proceed to hear evidence in order to determine the proper disposition. The Court may make any of the following dispositional orders: • Dismiss the complaint • Award legal custody to either parent or an appropriate person • Place the child in protective supervision • Commit the child to the temporary custody of the Cuyahoga County Division of Children & Family Services (CCDCFS) • Commit the child to the permanent custody of the CCDCFS • Place the child in the Planned Permanent Living Arrangement (PPLA) with the CCDCFS The Cuyahoga County Juvenile Court has the jurisdiction over adults to hear and decide matters related to support and non-support of children, endangering of children, interference with custody, failing to send children to school, custody visitation between unmarried parents or interested third parties, and contributing to the unruliness or delinquency of children.
Cuyahoga County Division of Children & Family Services	CCDCFS is the agency required by the ORC and OAC to investigate all allegations of child abuse, neglect and dependency. It is responsible to: • Receive and investigate referrals seven days a week, twenty-four hours a day

	• Administer services to assess and ensure safety of children referred to the agency • Provide ongoing services to strengthen families while children are at home or in care • Provide independent living preparation • Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except when not required by the court • Provide substitute care services for children until their parents can resume their responsibility or, if necessary, until a permanent adoptive home or alternative permanent family setting can be found for them
Cuyahoga County Prosecutor's Office	The Cuyahoga County Prosecutor's Office will review cases for possible criminal prosecution in the appropriate Court of Cuyahoga County. The Office of the Cuyahoga County Prosecutor Children & Family Services Unit represents CCDCFS on issues including abuse, neglect, and dependency, filed in the Cuyahoga County Juvenile Court. Assistant Prosecutors are available 24 hours a day, 7 days a week to consult with CCDCFS about initiating legal proceedings.
County Peace Officer (Cuyahoga County Sheriff)	The Cuyahoga County Sheriff's Department mission as caretaker of the public's safety is dedicated to maintaining the trust and respect of those they serve by resolutely and aggressively enforcing the law and by committing themselves to the efficient and effective delivery of safety services. As agents of the community, they strive to provide appropriate custodial care along with programs that support the physical, spiritual and constitutional needs of individuals committed to their custody. They are required to work with the public children's service agency – CCDCFS – to assure reporting of abuse and neglect; coordinate interviews; eliminate unnecessary interviews; and, reduce trauma to children.

Chief Municipal Peace Officers and Law Enforcement Handling Abuse/Neglect Cases	All municipal and other law enforcement entities in Cuyahoga County are required to respond to emergencies involving children. They are required to work with the public children's service agency – CCDCFS – to assure reporting of abuse and neglect; coordinate interviews; eliminate unnecessary interviews; and, reduce trauma to children.
Cuyahoga County JFS	Cuyahoga Job and Family Services promotes economic self-sufficiency and personal responsibility for families and individuals by timely and accurately determining eligibility for a range of quality services that include Medicaid, Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Prevention, Retention, and Contingency (PRC), Child Care Assistance, and Work Programs, in accordance with Federal, State, and County regulations. In addition, the Cuyahoga County Child Care Licensing Unit licenses and monitors all Family Child Care Providers in Cuyahoga County.
Cuyahoga County Office of Child Support Services	Office of Child Support Services helps families by establishing, maintaining, and modifying child support orders. The office also assists with establishing paternity, locating absent parents, and assisting with enforcement for health insurance coverage. OCSS works to engage non-custodial parents in effective co-parenting opportunities and enhance their capacity to provide financial and emotional support for their children.
Cuyahoga County Humane Society	Agents of the Cuyahoga County Human Society are mandatory reporters of known or suspected child abuse and neglect.
Canopy Child Advocacy Center	Canopy's mission is to serve children and families affected by child abuse through a multi-disciplinary partnership focused on safety, healing, and well-being. We envision a community where children are safe, families are resilient, and those affected by child abuse are empowered to heal and thrive. Canopy's team includes several agencies that work in close collaboration to ensure a timely and appropriate response to the needs of children and families. Coordinated investigations are conducted through the center to arrange services that provide justice and healing. By arranging the investigation process in one location, this practice reduces trauma by ensuring that the child does not have

	to repeat their story. Canopy takes cases that are referred to them through CCDCFs or local law enforcement. In Canopy's child-friendly setting, the child shares their story with a trained interviewer. Members of the multidisciplinary team are able to watch the interview live from another room. It is also recorded. This ensures the child only has to tell their story one, limiting re-traumatization. Pediatricians and Sexual Assault Nurse Examiners (SANEs) perform medical exams is needed. They assess the health of the child and provide necessary treatment and reassurance. Canopy also collaborates with mental health providers in the community to ensure all children and families in need receive mental health treatment. Victim advocates support children and families who are navigating the process after experiencing or witnessing abuse. Advocacy support includes facilitating legal, medical, and social services. Victim advocates ensure that the rights of the child and family are being upheld.
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STATEMENT OF EXEMPTION	
Statement of Exemption	Failure to follow the procedure set forth in this 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 any 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.

SYSTEM FOR RECEIVING REPORTS	
Cuyahoga County Division of Children & Family Services	The CCDCFS receives referrals/reports of suspected child abuse and neglect twenty-four hours a day, seven days a week. Reports may be made by: • Telephone to CCDCFS HOTLINE at (216) 696-KIDS (216-696-5437). • In person at Children and Family Services office: Jane Edna Hunter Building 3955 Euclid Avenue Cleveland, OH 44115 • Email: protecting-cuyahoga-kids@jfs.ohio.gov • Website: http://cfs.cuyahogacounty.us/en-us/Report-Child-Abuse-Neglect.aspx • Facebook: https://www.facebook.com/CuyahogaCountyDivisionofChildrenandFamilyServices/ Click on 'Contact us' to file a report. Calls may also be made to local law enforcement within the alleged victim's community. In general, jurisdiction exists where the incident is alleged to have occurred. Emergencies should be reported by using 911.
Law Enforcement	

After business hours and on weekends and holidays, the CCDCFS Hotline administers the **Adult Protective Services “Hotline”** for calls alleging the abuse, neglect and/or financial exploitation of disabled adults 18 – 60 and seniors over 60 years. Calls automatically roll over from the Cuyahoga County **Division of Senior & Adult Services Intake Referral line (216) 420-6700**.

SYSTEM FOR RESPONDING TO AND INVESTIGATING REPORTS OF CHILD ABUSE OR NEGLECT	
Role of Child Welfare PCSA CCDCFS in an investigation	CCDCFS is required by the OAC (5101:2-36) to investigate all allegations of child abuse, neglect and dependency. The DCFS Hotline (216-696-KIDS) prioritizes abuse and neglect allegations according to the information received and the potential imminent risk of abuse and/or neglect. Our standards reflect the OAC, ORC and our mission: to assure that children at risk of abuse or neglect are protected and nurtured within a family and with the support of the community. Hotline staff will assign all “screened-in” reports (meaning, all those reports that meet our screening criteria and indicate intervention is necessary to assure a child’s safety) a priority rating which prescribes the timeframe in which the investigation must be initiated: Emergency – A face-to-face contact with the child subject of the report (CSR) or alleged child victim (ACV) is initiated within one hour or less from the time the report is screened. Non-Emergency – A face-to-face contact with the CSR or ACV is initiated within twenty-four hours or less from the time the report is screened. - Based upon the allegations reported, there may be some situations in which a face-to-face or telephone contact with a principal of the report or collateral source, who has specific knowledge of the child’s current condition and can provide current information about the child’s safety, can be the initial contact. - In these situations, there is a face-to-face contact with the ACV within seventy-two hours from the time the report is screened in to assess child safety and interview the ACV. CCDCFS staff is available 24 hours a day to respond to incidents of abuse/neglect.
DCFS Role in an Emergency	An Emergency is defined as a situation where there is reason to believe that a child is threatened or alleged to be abused, neglected or dependent to an extent that the child is in immediate danger of serious harm (OAC 5101:2-1-01(B)(111)). Emergencies require the initiation of a face-to-face contact with the CSR or

	ACV within one hour of the receipt of the report. CCDCFS may request that law enforcement accompany them to a residence or other place as they respond to an emergency where children are in need of protection. CCDCFS will determine the priority which will be assigned to a report (see above) based on the Hotline's determination of imminent risk. If the CPS is refused access to a child, he or she immediately contacts the supervisor. The supervisor makes a determination of next steps (including contacting law enforcement, seeking guidance from the Prosecutor's Office, etc.) based upon the information about the child's safety. Immediate assistance from the Prosecutor's Office is requested if the CPS is refused access to the ACV or any records necessary to conduct the assessment/investigation.
DCFS Role in Non-Emergency	When there is enough information to suspect abuse, neglect or dependency, but not enough reason to believe that the child is at imminent risk to life, physical or mental health, or safety, an investigation and assessment of the circumstances will begin within twenty-four hours or less of receiving the report.
DCFS Response with Law Enforcement	CCDCFS will request assistance from law enforcement during an assessment/investigation when one or more of the following situations exist: • CCDCFS has reason to believe that the child is in immediate danger of serious harm • CCDCFS has reason to believe that the worker is, or will be, in danger of harm • CCDCFS has reason to believe that a crime is being, or has been, committed against or involving a child • An exigent circumstance exists • Firearms are known to be in the home Other reasons may include: • The CCDCFS worker must conduct a home visit after regular CCDCFS business hours and a law enforcement escort is requested as a standard operating procedure • CCDCFS is removing a child from his or her family via an order of the

Law Enforcement Protection of children	court and the assistance of law enforcement is needed as CCDCFS has reason to believe the family will challenge the removal • CCDCFS must conduct an assessment/investigation at a known drug house • CCDCFS 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 • CCDCFS is working with a family that has historically threatened to do harm to PCSA/CCDCFS staff The law enforcement entity will follow its policies and determine what assistance it may provide in cases involving child safety and welfare. If law enforcement declines to honor a request from CCDCFS, then either party may request a meeting to discuss the particular situation.
Role of Law Enforcement in an Emergency	Law enforcement officials can protect children as permitted by: • Juvenile Rules of Procedure 6 & 7 • ORC 2151.31 A child may be taken into custody when law enforcement takes physical possession of a child and then delivers the child to a CCDCFS worker who has been authorized by CCDCFS to accept the child at 3955 Euclid Avenue, Cleveland Ohio. In such circumstances the law enforcement official will be requested to complete a CCDCFS form which provides information concerning the child and the circumstances which led the child to be in need of protection. In an effort to reduce a youth's exposure to trauma, officers shall consider the following: a. Avoid handcuffing or arresting the parent in the presence of the youth. b. Allow arrested parents to comfort their children, explain what will happen next, and describe how the child will be cared for in his/her absence. c. Inquire whether an officer may return later to the home and arrange for the child's care in the parent's absence. BEFORE a law enforcement officer uses Juvenile Rule 6 (JR6) and brings a child or teen to the Jane Edna Hunter Building they should consider the following options and consult with CCDCFS staff by calling (216) 696-KIDS

	PRIOR to transport/arrival. Harm to Self or Others – If a child has inflicted harm to self or has communicated a desire to harm themselves or others, officer should contact Mobile Crisis/Child Response Team. Committed a Crime – If a child has committed a crime, officer should contact the Juvenile Detention Center to inquire if they meet the criteria for admission. Parent Unable or Unwilling to Provide Care – If a parent is unable or unwilling to provide care, officer may work with non-custodial parent, family members, or other close contacts to explore options for safe, temporary care. • Listen to all parties, including the child/teen. • Let them know there could be other options other than CCDCFS custody if they are willing to help make a plan. • Inform them what a JR6 entails, including an investigation, possible neglect complaint, required service completion, loss of government funds for children involved, mandated court involvement, and contained CCDCFS custody. Always call the CCDCFS Hotline ((216) 696-KIDS) BEFORE initiating a JR6. Law Enforcement shall utilize the Visor Card attached to this MoU for reference. See <i>Appendix 1</i>.
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**SYSTEM OF CONSULTATION TO PROTECT CHILDREN
AND SHARING INVESTIGATIVE INFORMATION**

Communication Among Subscribers	CCDCFS staff may contact law enforcement, the County Prosecutor or other subscribers as needed in matters which require their guidance, intervention or assistance to protect children. Subscribers/Signatories may contact CCDCFS in any way deemed most appropriate for their need: • The CPS directly • The Community Relations Department (216) 432-CARE (2273) • The Hotline (216) 696-KIDS (5437) or 881- 5354, 881-5358, 881-5848, or 881-5849 • The assigned Supervisor, Senior Manager, Deputy Director • The CCDCFS Director Effective communication requires professional courtesy and mutual respect among those working with children and their families. Contact information, chains of command, accountability and patience are tools that subscribers agree to share to make this MoU more effective.
CCDCFS Information Sharing (Required by ORC Section 2151.4221(B)(4))	ORC Section 2151.423 requires a public children services agency (CCDCFS) to disclose confidential information discovered during an investigation conducted pursuant to section ORC Section 2151.421 or ORC Section 2151.422 to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect.
Law Enforcement Information Sharing (Required by ORC Section 2151.4221(B)(5))	Law Enforcement will cooperate and share investigative information with CCDCFS. If CCDCFS and law enforcement have not completed a joint investigation, law enforcement will provide any investigative information and/or report(s) to CPS within 48 business hours of CPS request. Investigative information includes, but is not limited to, identifying and/or pertinent information about the family, the family members current or last known whereabouts, copies of filings to a court of competent jurisdiction, and copies of police reports.
Medium/Process of Information Sharing (Required	CCDCFS and the law enforcement subscribers/signatories shall share information, as described immediately above, over the phone, as requested, and/or through written correspondence and/or

by ORC Section 2151.4221(B)(6)	documentation. The written correspondence and/or documentation shall be submitted between CCDCFS and law enforcement through secure and encrypted e-mail. Subject to ORC Section 2151.421(I) and (N), as well as OAC Section 5101:2-33-21, all information regarding an investigation of child abuse or neglect shared between law enforcement and CCDCFS shall remain confidential and shall not be shared with the public or any other entity, except as otherwise required by law. <i>See Appendix 2.</i> Information and/or reports created by law enforcement shall remain the property of that law enforcement agency; information and/or reports created by CCDCFS shall remain the property of CCDCFS. Information received by one party from the other shall not be redistributed by the receiving party, unless specifically required by law. When CCDCFS provides law enforcement, or any other subscriber/signatory, with confidential child welfare information, pursuant to ORC Section 2151.423 and/or OAC Section 5101:2-33-21, it shall include the following notice: “The information provided is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code by the agency to whom the information was disclosed. Unauthorized dissemination of the contents of the information is in violation of section 2151.421 of the Revised Code. Anyone who permits or encourages unauthorized dissemination of the contents of the information violates section 2151.99 of the Revised Code and such a violation is a misdemeanor of the fourth degree.”
Cross-Referrals Between CCDCFS and Law Enforcement	Pursuant to ORC Section 2151.421(E)(1), law enforcement shall refer a report of child abuse or neglect to CCDCFS upon receipt of such report. Pursuant to ORC Section 2151.421(E)(2), upon receipt of a report alleging child abuse or neglect, CCDCFS shall do all of the following: 1) Comply with ORC Section 2151.422; 2) If the report alleges sexual abuse or other abuse covered by the Canopy CAC MoU, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under

	section 2151.428 of the Revised Code relative to that center; and, 3) Unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, notify the appropriate law enforcement agency of the following: • A report of abuse of a child; • A report of neglect of a child - No later than seven calendar days after screening in reports of neglect if CCDCFS enacts a safety plan (in-home safety plan, out-of-home safety plan, or legally authorized removal) due to neglect during that timeframe unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible child neglect. Best practice would support notification of law enforcement when a safety plan is enacted after the first seven calendar days.
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HANDLING AND COORDINATING JOINT INVESTIGATIONS

Timeliness Required	Each of the below described investigative processes and procedures shall attempt to ensure that the assistance of law enforcement is obtained timely in cases where child abuse or neglect is alleged in order to ensure child safety and conduct investigative activities within the maximum sixty-day timeframe afforded PCSAs to complete abuse/neglect assessment/investigations pursuant to Chapter 5101:2-36 of the Ohio Administrative Code.
Intra-familial Investigations Protocol	CCDCFS follows the requirements for conducting investigations of intra-familial child abuse or neglect described in OAC 5101:2-36-03. <i>See Appendix 3.</i> In cases which the CPS has made a referral to law enforcement prior to meeting with the alleged child victim (ACV), and a joint interview cannot be convened timely, the priority mandate must be met by the CPS in order to determine the potential safety threat. The intent of the interview of the child is to: • gather sufficient information to use in criminal prosecution as warranted • identify risk to the child • determine services the child and family may need CCDCFS will cooperate and share investigative information with law enforcement as noted in the previous section of this MoU, as well as OAC Section 5101:2-33-21.
Specific Investigations -- Out of Home Care	CCDCFS follows the requirements for conducting specialized assessments/investigations, also known as child abuse or neglect investigations in "out-of-home care" settings, as described in OAC 5101:2-36-04. <i>See Appendix 4.</i> "Out-of-Home Care setting" is defined in OAC Section 5101:2-1-01(B)(208) as "a detention facility, shelter facility, foster home, pre-finalized adoptive placement, certified foster home, approved foster care, organization, certified organization, child care center, type A family day-care home, type B family day-care home, group home, institution, state institution, residential facility, residential care facility, residential camp, day camp, hospital, medical clinic, children's

Specific Investigations -- Third Party	residential center, public or nonpublic school, or respite home that is responsible for the care, physical custody, or control of a child.” The CCDCFS Special Investigations Unit investigates reports of alleged abuse or neglect in out-of-home care settings. We share information about these investigations with subscribers to the MoU and others as permitted pursuant to OAC 5101:2-33-21. As set forth in OAC Section 5101:2-36-08(C)(1), a law enforcement agency may serve as the third party to an assessment/investigation of child abuse or neglect. CCDCFS shall request the assistance of law enforcement as the third party if the child abuse or neglect report alleges a criminal offense. However, as provided in OAC Section 5101:2-36-08(G), law enforcement may decline to serve as a third party to investigations of child abuse or neglect. In such instances, CCDCFS will be responsible for conducting the assessment/investigation, and is responsible for having procedures in place to address the conflict of interest and ensure completion of the assessment/investigation. Upon notification of the death of a child due to suspected child abuse or neglect CCDCFS will notify law enforcement within 1 hour of its knowledge of the child’s death. CCDCFS will perform its duties pursuant to OAC 5101:2-42-89 as required. The CPS will develop an action plan to: • notify law enforcement within 1 hour of its knowledge of the child’s death • contact the parent, guardian or custodian, either within 1 hour of its knowledge of the child’s death if temporary custody or PPLA, or as appropriate if permanent custody • assess the need for protection of siblings • review the case record • assist with funeral arrangements, if requested, if temporary custody or PPLA • assume responsibility for funeral arrangements, if permanent custody • complete and submit ODJFS 01987 • provide other supportive services to the family
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Specific Investigations -- Missing Children and Human Trafficking	Cases including missing children and those suspected of human trafficking require a joint assessment/investigation with law enforcement. CCDCFS will cross refer to law enforcement. CCDCFS will immediately, or in no case later than 24 hours, contact the following agencies if it suspects a child known to it has been reported missing: • Law enforcement • The National Center for Missing and Exploited Children (NCMEC) Law enforcement shall do the following: 1) Enter the case/child information into the National Crime Information Center (NCIC) database 2) Call the Ohio Attorney General's Office at (800) 325-5604 to request that information about the case/child be posted on the Ohio Missing Persons website The Federal Bureau of Investigation (FBI) will be the lead agency in all Human Trafficking cases. Each investigation will include a statement of assurance as to how the Agency will ensure the child's safety and not compromise the child protective assessment/investigation while concurrently assisting law enforcement with the criminal investigation. The OAC 5101:2-36-07 cites specialized procedures for handling allegations involving withholding appropriate nutrition, hydration, medication, or medically indicated treatment from disabled infants with life-threatening conditions. These cases require a particular response due to the potential lethality of the circumstances. The procedures involve CCDCFS's Medical Investigation Unit (MIU), coordination with medical providers and will involve law enforcement, as necessary. <i>See Appendix 5.</i> CCDCFS will consult with the Prosecutor or report to law enforcement information regarding individuals who may aid, abet, encourage, induce or contribute to a child or ward of the Juvenile Court becoming a dependent or neglected child, becoming an unruly or delinquent child or leaving the custody of any person, department or public or private institution without the legal consent of that person, department, or institution.
Specific Investigations -- Alleged Withholding	
Specific Investigations -- Dependent, Neglected, Unruly	

INTERVIEWING THE CHILD WHO IS THE SUBJECT OF THE REPORT

Joint Interviews

One of the primary goals of this MoU is to eliminate unnecessary interviews of children who are the subject of a report of suspected child abuse or neglect and to provide, when feasible, for only one interview of the child(ren). Joint interviews need to be done in a safe, neutral, child-appropriate setting.

CCDCFS and law enforcement will follow the interviewing guidelines (including methods to be used in interviewing the child who is the subject of the report; standards and procedures addressing the categories of persons who may interview the child who is the subject of the report; and, a system for the elimination of all unnecessary interviews of a child who is the subject of the report) adopted in the Canopy Child Advocacy Center Memorandum of Understanding, attached hereto as **Appendix 6**, and incorporated herein by reference.

Parental Consent

CCDCFS will interview the alleged child victim (ACV) with parental consent, unless one of the following exigent circumstances exists:

- There is credible information indicating the child is in immediate danger of serious harm;
- There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from his or her home;
- There is credible information indicating that the child may be intimidated from discussing the alleged abuse or neglect in his or her home;
- The child requests to be interviewed at school or another location due to one of the circumstances listed above.

Siblings

CCDCFS will not interview the siblings of an ACV, who themselves were not named as an ACV, at school or other locations away from their home, without parental consent, unless there are exigent circumstances as outlined above.

Additionally, if an ACV provides information during an interview that indicates a sibling might be in immediate danger of serious harm, or

	that the sibling could provide information regarding immediate danger of serious harm to the ACV, the interview of the sibling who was not identified as an ACV may commence without parental consent.
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STANDARDS AND PROCEDURES FOR REMOVING AND PLACING CHILDREN ON AN EMERGENCY AND NON-EMERGENCY BASIS

Removal of a child from parents or other	When removal of the child from the care and control of his parents or other person is necessary, CCDCFs will ask the parents to cooperate and contribute to a safety plan for the child. If necessary, CCDCFs will seek custody when necessary in accordance with Ohio law. <i>See Appendix 7.</i> When an emergency requires immediate response CCDCFs will take necessary action and use best efforts to collaborate with law enforcement, the Cuyahoga County Prosecutor's Office, the Cuyahoga County Juvenile Court and medical providers to secure and ensure the child's immediate safety.
Imminent Risk of Harm	If there is a need to obtain an emergency order of custody to protect a child from imminent risk of serious physical or emotional harm, CCDCFs will follow the following protocol: During Business Hours: • Conduct CCDCFs required Team Decision Making • Consult with Assistant Prosecuting Attorney assigned to CCDCFs; • Prepare to present emergency circumstances to Court; • Notify parents or guardians of time and place of hearing; During Non-Business Hours: The Agency will seek a telephonic Ex Parte Order from Juvenile Court. • If possible, CCDCFs will conduct a Team Decision Making Meeting/staffing; • CCDCFs will consult with Assistant Prosecuting Attorney assigned to CCDCFs; • Participate in judicial proceeding. An ex parte order may be granted if the Juvenile Court determines that immediate action is required to protect the child's best interest and welfare. If the court issues an ex parte emergency order, a hearing will

Law Enforcement	be held the next business day or as otherwise required by court order. CCDCFS shall request the assistance of a law enforcement officer or a duly authorized officer of the court, if exigent circumstances requiring immediate intervention exist, and time does not permit obtaining a court order. Law Enforcement may take custody of a child as permitted by Juvenile Rules of Procedure 6 & 7, and ORC 2151.31.
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NOTIFYING THE COUNTY PROSECUTING ATTORNEY	
Failure to report	CCDCFS shall notify the Cuyahoga County Prosecutor or City Law Director when any mandated reporter of child abuse or neglect fails to report suspected or known child abuse or neglect.
Unauthorized dissemination of information	CCDCFS shall notify the Cuyahoga County Prosecutor or City Law Director when there is unauthorized dissemination of confidential child information as required by OAC 5101:2-33-21(D).
Contributing to dependency	CCDCFS will consult with the Cuyahoga County Prosecutor and report to law enforcement information regarding individuals who may aid, abet, encourage, induce or contribute to a child or ward of the Court, becoming a dependent or neglected child, becoming an unruly or delinquent child or leaving the custody of any person, department or institution without legal consent.

TRAINING AND CONFLICT RESOLUTION	
Training	Cross-system training is to be provided to and a plan developed by all signatories of this MOU to ensure parties understand the mission and goals identified in this MOU and are clear about the roles and responsibilities of each agency. Periodic training events will be coordinated by CCDCFS 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.
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 lies with CCDCFS. Every effort will be made to take into account other subscribers' requests and concerns relating to services. Criminal investigations and prosecution remain the responsibility of the Prosecuting Attorney and appropriate law enforcement agencies. CCDCFS 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 Court'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, CCDCFS is to consult with the Cuyahoga County Prosecutor to explore available remedies.



SIGNATURE

The following subscribers/signatories have agreed to this MoU either in writing or electronically. All subscribers/signatories agree that this transaction can be conducted by electronic means. By signing below, the subscribers/signatories agree that this MoU, upon ODJFS' determination of compliance and Cuyahoga County Council's approval by resolution, shall be effective and supersede any previous MoU.

Cuyahoga County, Ohio

By _____ Date _____
David Merriman, HHS Director

By _____ Date _____
Jacqueline Fletcher, Interim DCFS Director

Municipality

(SIGNATURE PAGES TO FOLLOW)

NOTE

The Ohio Administrative Code (OAC) requires that this MoU is amended when an individual serving as a required subscriber/signatory changes. CCDCFS will obtain the signatures and forward to all, however, it is the responsibility of the newly appointed subscriber to inform the Director of CCDCFS.