



---

# COUNTY ADVISORY BULLETIN

**CAB**

*Published by the County Commissioners Association of Ohio*

209 East State Street • Columbus, Ohio 43215-4309  
Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

---

**BULLETIN 2022-01**

**June 2022**

## **Public Children Services Agency and Law Enforcement Reporting Requirements in Abuse and Neglect Cases**

**APPLICABLE LEGISLATION:** Sub. H. B. No. 4 (134th General Assembly)

**REVISED CODE SECTIONS:** Amends ORC Sections 2151.142, 2151.421, and 3107.014 and Enacts ORC sections 2151.4210, 2151.4211, 2151.4212, 2151.4213, 2151.4215, 2151.4216, 2151.4218, 2151.4219, 2151.4220, 2151.4221, 2151.4222, 2151.4223, 2151.4224, 5101.89, 5101.891, 5101.892, 5101.893, 5101.894, 5101.895, 5101.897, and 5101.899

**LEAD SPONSOR:** Reps. Phil Plummer and Susan Manchester

**HOUSE COSPONSORS:** Lipps, Edwards, Riedel, Young, T., White, Cutrona, Liston, Abrams, Carruthers, Click, Ginter, John, Russo, Schmidt, West, Baldrige, Bird, Blackshear, Boggs, Carfagna, Crawley, Creech, Cross, Crossman, Fraizer, Galonski, Gross, Hall, Hoops, Jarrells, Johnson, Jones, Kick, Koehler, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Loychik, Manning, Merrin, Miller, J., Miranda, O'Brien, Patton, Pavliga, Ray, Richardson, Sheehy, Smith, K., Smith, M., Sobecki, Stein, Troy, Weinstein, Young, B., Speaker Cupp

**SENATE COSPONSORS:** Fedor, Schuring, Manning, Antonio, Brenner, Cirino, Craig, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Maharath, Reineke, Rulli, Schaffer, Sykes, Thomas, Wilson, Yuko

**EFFECTIVE DATE:** May 30, 2022

---

### **BACKGROUND**

Substitute House Bill 4 (HB 4) enacts new code sections that establish a biennial review process for the public children services agency (PCSA) biennial Memorandum of Understanding (MOU) that governs how county officials handle child abuse and neglect reports for the county. The MOU is an existing requirement, but HB 4 requires the board of county commissioners to approve the MOU by resolution. HB 4 also recodifies ORC 2151.421(K), which previously governed the creation of county MOUs.

### **SYNOPSIS**

#### **Purpose and Signatories of the Memorandum of Understanding**

The purpose of the MOU is to set forth the normal operating procedure for how county officials will respond to and handle abuse or neglect cases in the county. Two primary goals of the MOU must be to eliminate all unnecessary interviews of children subject to reports of abuse or neglect and to, when feasible, provide for only one interview of the child who is subject to reports of abuse or neglect.

(ORC 2151.4211(A))

Each PCSA is required to prepare a biennial MOU that is signed by the following officials:

- If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative upon the judge's review and approval;
- If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' 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;
- The county peace officer;
- 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.

(ORC 2151.4210(A))

### **Contents of the Memorandum of Understanding**

HB 4 creates additional requirements for the contents of the MOU. The following are MOU requirements that existed prior to the enactment of HB 4:

- The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect. (ORC 2151.4211(B)(1))
- Standards and procedures to be using in handling and coordinating investigations of reported cases of child abuse or neglect. (ORC 2151.4211(B)(2))
- Methods for interviewing the child who was allegedly abused or neglected (the subject of the report). (ORC 2151.4211(B)(2))
- Standards and procedures addressing the categories of persons who may interview the child who was allegedly abused or neglected (the subject of the report). (ORC 2151.4211(B)(2))
- Any contents of a memorandum of understanding a PCSA has with a children's advocacy center under ORC 2151.426. (ORC 2151.4211(B)(3))

HB 4 added the following requirements for contents of the MOU after May 30, 2022:

- A statement that ORC 2151.423 requires a PCSA to disclose confidential information discovered during a child abuse or neglect investigation to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect. (ORC 2151.4211(B)(4))
- A description of the type of information that may be discovered during a child abuse or neglect investigation that a law enforcement agency may share with a PCSA in order for the PCSA to carry out its responsibilities to protect children from abuse or neglect. (ORC 2151.4211(B)(5))
- A description of how the information discovered during a child abuse or neglect investigation is to be shared between a PCSA and a law enforcement agency. (ORC 2151.4211(B)(6))
- A description of information that may be obtained from a child abuse or neglect investigation that a law enforcement agency and a PCSA is permitted to, or prohibited from, disclosing to the public. (ORC 2151.4211(B)(7))

### **Review of the Memorandum of Understanding**

Each official who signed the MOU must do the following biennially:

- Review and evaluate the MOU for necessary updates to terms and procedures.
- Update the MOU's terms and procedures if the concerned officials determine an update is necessary.
- Sign the reviewed MOU.
- Submit the MOU to the board of county commissioners for approval.

(ORC 2151.4212)

This review and the subsequent adoption of a resolution by the board of county commissioners must be completed by December 31, 2024, and every even-numbered year thereafter.

(ORC 2151.4216)

### **Board of County Commissioners Responsibilities and Approval of the Memorandum of Understanding**

HB 4 enacts ORC 2151.4215 which requires the board of county commissioners upon receipt of the MOU to review and evaluate if it meets the requirements of ORC 2151.4210 to 2151.4212 (outlined above).

If the board determines the MOU meets the requirements, it shall adopt a resolution to approve the MOU.

(ORC 2151.4215(B)(1))

If the board determines the MOU does not meet those requirements, it shall notify the responsible PCSA that the MOU does not meet the requirements and the MOU must be reviewed using the method outlined in ORC 2151.4212 (outlined above in "Review of the Memorandum of Understanding").

(ORC 2151.4215(B)(2))

The adoption of a resolution by the board of county commissioners approving the MOU must be completed by December 31, 2024, and every even-numbered year thereafter.

(ORC 2151.4216)

The MOU that is in effect must be posted to the county's general website.

(ORC 2151.4224)

### **Ohio Department of Job and Family Services Duties regarding the Memorandum of Understanding**

HB 4 requires the Ohio Department of Job and Family Services (ODJFS) to create a model MOU to provide guidance. The model MOU will be updated as ODJFS determines is necessary.

(ORC 2151.4218)

HB 4 requires ODJFS to biennially audit each MOU to ensure compliance. ODJFS must find that a PCSA is compliant regarding the MOU if it finds all of the following:

- It meets the requirements outlined in ORC 2151.4210 to 2151.4216 (outlined above in "Purposes and Signatories of the Memorandum of Understanding," "Contents of the Memorandum of Understanding," and "Review of the Memorandum of Understanding).
- It has been either (1) reviewed and signed or (2) reviewed, updated, and signed, as applicable, by MOU officials and ODJFS is in agreement with the review and, if applicable, the update.
- It has been approved by the board of county commissioners' resolution.

(ORC 2151.4219, 2151.4220)

If ODJFS determines that it is not compliant, the PCSA must develop and submit a compliance assurance plan to ODJFS that describes the steps the PCSA and other MOU officials will take to become compliant. The PCSA must submit the plan within 60 days after ODJFS determines it is not compliant.

(ORC 2151.4221)

ODJFS must keep a list of compliant and non-compliant counties on its website.

(ORC 2151.4223)

### **When the Memorandum of Understanding Takes Effect**

A county's reviewed and signed or reviewed, updated, and signed MOU goes into effect and supersedes any previous MOU upon ODJFS' determination of compliance.

(ORC 2151.4222)

### **Report and Referral Notification Changes**

HB 4 requires ODJFS to, within 90 days of the act's effective date, adopt rules identifying the types of neglect of a child that a PCSA must notify law enforcement regarding.

(ORC 2151.421(L)(2))

HB 4 requires a PCSA, in accordance with the county's MOU requirements, to notify the appropriate law enforcement agency if it has received a child abuse report or a neglect report that alleges a type of neglect outlined in the rules ODJFS is required to adopt under ORC 5151.421(L)(2). If an arrest is

being made at the time of report that results in the appropriate law enforcement agency being contacted, the PCSA does not need to report.

(ORC 2151.421(E)(2)(c))

Continuing law requires a peace officer to refer a report, on receipt, to the PCSA. HB 4 states this report must be done in accordance with the county's MOU requirements.

(ORC 2151.421(E)(1))

### **Mandatory Reporters' Right to Information**

HB 4 requires the PCSA that received or was referred the report to send the below written notices to the mandatory reporter if the mandatory report provides their name and contact information on making the report. The written notices must be sent via U.S. mail or electronic mail, according to the mandatory reporter's preference. The notices are:

- Not later than seven calendar days after receiving the report, a notice providing the status of the PCSA's investigation into the report made, whom the mandatory reporter may contact at the PCSA for further information, and a description of the mandatory reporter's rights to make requests for information; and
- Not later than seven calendar days after the PCSA closes the investigation into the case reported, a notice that the PCSA has closed the investigation.

(ORC 2151.421(K))

### **Foster Care and Adoption Home Study Assessor Qualifications**

A foster care and adoption home assessor must be one of the following:

- A former PCSA employee who, while so employed, conducted the duties of a PCSA caseworker or a PCSA caseworker supervisor;
- A PCSA caseworker or PCSA caseworker supervisor; or
- Hold at least a bachelor's degree in any of the following fields and have at least one year of experience working with families and children: social work, sociology, psychology, guidance and counseling, education, religious education, business administration, criminal justice, public administration, child care administration, nursing, family studies, or any other human services field related to working with children and families.

(ORC 3107.014)

### **Youth and Family Ombudsman Office**

HB 4 also establishes the Youth and Family Ombudsman Office under ODJFS. It consists of:

- A family ombudsman, appointed by the governor, to investigate complaints made by adults;
- A youth ombudsman, appointed by the governor with advice from Overcoming Hurdles in Ohio Youth Advisory Board (OHIO YAB), to investigate complaints made by youth and to advocate for the best interests of children;
- At least two regional ombudsman; and
- Support staff.

The Office is responsible for investigating and resolving concerns and complaints from and on behalf of children and families involved with PCSAs, Title IV-E agencies, or private provider agencies that administer and oversee foster care or placement services for the children services system.

(ORC 5101.891)

The duties of the Office are to:

- Receive, investigate, and attempt to resolve complaints from citizens, including children in the custody of a PCSA or in the care and placement of a Title IV-E agency, related to government services regarding child protective services, foster care, and adoption.
- Establish procedures for receiving and resolving complaints, consistent with state and federal law.
- Provide an annual report to the Governor, Speaker of the House, President of the Senate, minority leadership of the House and Senate, the ODJFS Director, and OHIO YAB representatives.

(ORC 5101.892)

HB 4 allows an Office representative to report to an appropriate authority any suspected violation of state law discovered during the course of a complaint review, to the extent permitted by state or federal law.

(ORC 5101.894)

HB 4 requires the Office to have access to any necessary records in the control of a PCSA, a Title IV-E agency, or a private provider agency that administers or oversees foster care or placement services for the children services system. The Office also has access to ODJFS records that are necessary for the administration of the office, including records maintained in the Uniform Statewide Automated Child Welfare Information System (SACWIS). The collection, compilation, analysis, and dissemination of information by the Office must be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records.

(ORC 5101.899(A) and (B))

Office files and any records in them are not public records under Ohio's Public Records Law. Files can only be disclosed at the discretion of the Office or if disclosure is required by a court order.

(ORC 5101.899(C))