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FOR IMMEDIATE RELEASE

Prosecuting Attorney Mat Heck, Jr. Announces Recommendations to Improve Child Abuse Investigations

DAYTON, OH (06/16/2020) – The death of a child is always heartbreaking. The death of a child after people in the community have reported suspected abuse or neglect of that child is a tragedy that we must do all we can to prevent.

The deaths of Takoda Collins and other children over the last year due to abuse or neglect have horrified us all.

There appears to be a “shroud of secrecy” around the reporting, investigating, and responding to child abuse and neglect. Some say this shroud of secrecy is to protect the privacy of families or to protect the identification of the person who reported a suspicion of child abuse or neglect. But too often, this shroud results in a lack of transparency between agencies and the public that creates cracks in the system that children then fall through.

This shroud of secrecy must be eliminated, torn down, as it only seems to hide the inadequacies of the system, what has not been done, and protect the abusers – the very ones we want to protect our children from.

Let me be clear, I am not advocating that information gained in the investigation of child abuse and neglect be made public. But that information must be shared between the agencies that have the responsibility to investigate and respond to child abuse and neglect. That is allowed by law and that did not happen in the Collins or other cases.

Over the past several months my staff and I have reviewed many recent cases, the procedures of the Children Services Division, as well as relevant sections of the Ohio Revised Code and the Ohio Administrative Code in order to develop recommendations, (attached hereto), to strengthen the procedures used by Children Services and to improve the communication between those agencies working to protect children.

Members of my staff and I recently met with representatives of the Montgomery County Job and Family Services and the Children Services Division to discuss those recommendations. They indicated that they are in agreement with these recommendations and that they will implement them as soon as possible.

We must all do more, as partners, to help children who suffer or face a threat of suffering abuse or neglect. I believe these recommendations will assist in accomplishing that goal.

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Prosecuting Attorney Mat Heck, Jr.'s Recommendations to Improve Child Abuse Investigations by Children Services

1. INVESTIGATION MUST BE THOROUGH AND COMPLETE

A. Interview All Relevant Parties and What to do if Unable to Complete a Comprehensive Investigation

When Children Services (CS) receives a report/referral of child abuse or neglect and is unable to complete an investigation for any number of reasons, including: the parent will not cooperate and allow the caseworker (CW) into the home; the CW has not been able to interview all the adults in the home; the CW cannot get access to the alleged child victim; and/or the CW cannot interview that child outside the presence of the parent, the CW should take one or both of the following steps:

- i. If the case is being assessed/investigated thru an Alternative Response pathway, the case should be converted to a traditional investigation. (OAC 5101:2-36-20 (M)(2))
- ii. Review the case with a Montgomery County Prosecuting Attorney's Child Protection Unit assistant prosecutor (CPU) to evaluate if there are exigent circumstances that would justify interviewing a child without the parent's consent, or whether sufficient evidence exists to file a complaint that would enable the court to order the parent(s) or guardian to comply. (OAC 5101:2-36-03) (MC MOU)

B. Review of Past Information

CS should require all CWs responsible for investigating referrals of child abuse or neglect to review all prior information available, including any history with CS and the criminal history of any adult in the home. CS should also gather prior history from other state child protection services agency(s) if applicable, as well as the criminal history of any adult in the home by accessing both JusticeWeb and the National Crime Information Center (NCIC) database through BCI. (OAC 5101:2-37-01; OAC 5101:2-36-03 "secure all relevant records") (OAC 4501:2-10-09). This recommendation is supported by the 2020 ODJFS Review of AR cases.

C. Consideration of Criminal Charges

A home study must be done on all prospective substitute caregivers even if there is a placement agreement by the parent(s). OAC 5101:2-42-18 states an agency shall not approve a placement with a substitute caregiver if any adult residing in that home has been convicted of certain listed felony offenses. For other felonies, placement is only allowed if five years has passed since the person was fully discharged; and for certain misdemeanors, if one year has passed since the person was fully discharged. My recommendation is that any time a person in the home of a prospective substitute caregiver has been convicted of any of the listed charges in OAC 5101:2-42-18, the supervisor and manager for the CW must sign-off before that placement is made or

recommended. Likewise, if there have been multiple charges against a person for any of the crimes listed, even if no conviction results, the supervisor and manager for the CW must sign-off before that placement is made or recommended.

2. CARE OF INFANTS

Whenever an infant is placed in a home, the caregivers in that home should receive infant care classes, including information on safe sleep practices, unless those classes were already received, within the last two years, while obtaining or being recertified for a foster care license.

3. MANDATORY REVIEWS WITH CPU

A. Cases involving allegations of sexual abuse, physical abuse or extreme neglect must be reviewed with CPU in any of the following situations:

- i. Whenever there has been a prior abuse referral/allegation concerning that child or caregiver.
- ii. Whenever the child needs mental or physical health treatment and the parent is not willing to agree to a case plan to obtain needed treatment and/or sign releases necessary for CS to request reports every three months from the service provider, the case should not be closed until confirmation has been received from the service provider that the child has received services and sufficient status reports have been received to ensure the health issue is being adequately addressed. (OAC 5101:2-38-01 and OAC 5101:2-40-02)

B. Any time the CPU is asked to review a case as indicated above, the CW should make a written request for the review, and should provide to the CPU Referral Information and Activity Logs, as well as information on prior history with CS.

4. NEW ALLEGATION

Whenever a new allegation of abuse or neglect comes to the attention of a CW, including when doing an assessment/investigation or when they are an on-going CW on a case, that CW must make a new referral to the intake department of CS. If the allegation is of sexual abuse or the causing of physical harm to the child, a referral must also be made to the appropriate law enforcement agency.

5. POLICE WELFARE CHECKS

Whenever a police agency is asked to do a welfare check of a home, necessary information from CS regarding the substance of the abuse or neglect referral, as well as information regarding prior referrals and investigations regarding the child or caregiver, must be shared in writing with the police. A "welfare check" may be a waste of time unless the police department knows what current and past concerns of possible neglect or abuse are involved. CS must make all reasonable efforts to have a CW accompany police on a welfare check. (R.C. 2151.423 Confidential Information Disclosure)

6. MANAGER MEETINGS

The monthly Managers Meetings with the CPU, that have recently been reinstated at the request of my office, should continue in order to improve communication.

7. RESPONSE TO REFERENTS

A. Schools

When a referral is received from school personnel, appropriate information should be shared with the school by CS in order that the school and CS can fully assess if the child is at risk. When CS becomes aware that a child with a previous referral to CS is not attending school, CS should follow up to ensure that there is no educational or other type of neglect or abuse.

B. Letter to Mandated Reporters

- i. The letter sent to mandated reporters, after they have made a report of abuse or neglect, should be amended to make clear that a referral has been accepted for assessment/investigation, even if an assessment is already underway. At present, if more than one referral is received at or around the same time, some reporters are getting letters saying "an assessment/investigation will not be completed at this time," if an assessment/investigation is already underway.
- ii. Letters sent to mandated reporters, after they have made a report of abuse or neglect, should inform the reporter of the specific information they are entitled to request, namely:
 - a. Whether the agency has initiated an investigation (which is provided in present letters);
 - b. Whether the agency is continuing to investigate;
 - c. Whether the agency is otherwise involved with the child;
 - d. General status of the health and safety of the child; and
 - e. Whether the report has resulted in the filing of a complaint in juvenile court or criminal charges in any court.

(R.C. 2151.421(L))

8. COMMUNICATION REGARDING DISCIPLINE AND EVALUATIONS

- A. Whenever a CW is disciplined for failure to comply with agency procedures, the Director of Montgomery County Job and Family Services should be notified.
- B. CS should routinely provide a copy of any Child Protection Oversight and Evaluation (CPOE), issued to them by the Ohio Department of Job and Family Services, to their attorney, the Montgomery County Prosecuting Attorney, as well as any Action Plans developed to address concerns.