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 into the home; the caseworker has not been able to interview all the adults in the home; the caseworker cannot get access to the alleged child victim; and/or the caseworker cannot interview the child outside the presence of the parent, the caseworker 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. (Ohio Administrative Code 5101:2-36-20 (M)(2))

   ii. Review the case with a Montgomery County Prosecuting Attorney’s Child Protection Unit assistant prosecutor 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. (Ohio Administrative Code 5101:2-36-03)

   B. Review of Past Information

   Children Services should require all caseworkers responsible for investigating referrals of child abuse or neglect to review all prior information available, including any history with Children Services and the criminal history of any adult in the home. Children Services 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 database through the Ohio Bureau of Criminal Investigation. (Ohio Administrative Code 5101:2-37-01; 5101:2-36-03 “secure all relevant records”) (Ohio Administrative Code 4501:2-10-09). This recommendation is supported by the 2020 Ohio Department of Job and Family Services Review of Alternative Response 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). Ohio Administrative Code 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 Ohio Administrative Code 5101:2-42-18, the supervisor and manager for the caseworker 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 caseworker 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 CHILD PROTECTION UNIT

A. Cases involving allegations of sexual abuse, physical abuse or extreme neglect must be reviewed with the Montgomery County Prosecutor’s Child Protection Unit 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 Children Services 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. (Ohio Administrative Code 5101:2-38-01 and 5101:2-40-02)

B. Any time the Child Protection Unit is asked to review a case as indicated above, the caseworker should make a written request for the review and should provide to the Child Protection Unit Referral Information and Activity Logs, as well as information on prior history with Children Services.

4. NEW ALLEGATION

Whenever a new allegation of abuse or neglect comes to the attention of a caseworker, including when doing an assessment/investigation or when they are an on-going caseworker on a case, that caseworker must make a new referral to the intake department of Children Services. 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 Children Services 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. Children Services must make all reasonable efforts to have a caseworker accompany police on a welfare check. (Ohio Revised Code 2151.423 Confidential Information Disclosure)
6. MANAGER MEETINGS

The monthly Managers Meetings with the Child Protection Unit, 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 Children Services in order that the school and Children Services can fully assess if the child is at risk. When Children Services becomes aware that a child with a previous referral to Children Services is not attending school, Children Services 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.

(Ohio Revised Code 2151.421(L))

8. COMMUNICATION REGARDING DISCIPLINE AND EVALUATIONS

A. Whenever a caseworker is disciplined for failure to comply with agency procedures, the Director of Montgomery County Job and Family Services should be notified.

B. Children Services should routinely provide a copy of any Child Protection Oversight and Evaluation 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.