



April 14, 2022

Family, Children and Adult Services Procedure Letter No. 388

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: House Bill 4 Guidance on Cross-referrals, Mandated Reporter Notification, and Child Abuse and Neglect Memorandum of Understanding

Background

On February 28, 2022, Governor Mike DeWine signed Substitute House Bill 4 of the 134th General Assembly (HB 4) which amended Ohio Revised Code (ORC) sections 2151.142, 2151.421, and enacted 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. These statutory changes under HB 4 will become effective 90 days after the Governor's signature, which is May 30, 2022.

Significant impacts of HB 4 upon Public Children Services Agency (PCSA) procedures are as follows:

- New mandated reporter notification procedures established for PCSAs.
- Requirements for cross-referrals between PCSAs and law enforcement involving child abuse and neglect reports.
- The memorandum of understanding (MOU) between PCSAs and community partners has been reformed to identify required content and to establish regulatory review by the County Commissioners and ODJFS.

The purpose of this procedure letter is to provide guidance to PCSAs regarding the implementation of these new legislative requirements under HB 4. PCSAs are responsible for adjusting practice in accordance with these new statutory requirements effective May 30, 2022.

Mandated Reporter Notifications

Updates to ORC 2151.421 require PCSAs to send notifications to the mandated reporter if the mandated reporter provides their name and contact information when making the report regardless of the mandated reporter's request to receive or opt out of receiving the notification. The mandated reporter can choose whether they prefer to receive the notification via letter or electronically. The PCSA must send the following notifications:

1. Initial notification no later than seven calendar days after the screening decision that provides the status of the agency's assessment/investigation into the report, who the mandated reporter can contact for further information, and a description of the mandated reporter's rights.
2. An outcome notification for screened in reports informing that the agency has closed or transferred the assessment/investigation for ongoing services no later than seven calendar days after the assessment/investigation is completed.

It is highly recommended that PCSAs use the mandated reporter letters in SACWIS, as enhancements were completed in the Fall of 2021 to include this required information. An additional SACWIS enhancement is underway to create an action item reminding PCSA staff of the requirements to send the initial and outcome mandated reporter letters when applicable. This change is slated for production in SACWIS for Spring 2022. In addition, ODJFS will revise the Ohio Administrative Code rules in Chapter 5101:2-36 to align with these statutory requirements.

Changes in Cross-referral to Law Enforcement

Additional updates to ORC 2151.421 require PCSAs to notify the appropriate law enforcement agency:

1. No later than seven calendar days after screening in all reports of abuse 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 abuse.
2. No later than seven calendar days after screening in reports of neglect if the PCSA 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.

OAC 5101:2-36-12 entitled "PCSA requirement for cross-referring reports of child abuse and/or neglect" is currently being amended to reflect the above requirements.

Memorandum of Understanding (MOU)

Language specific to county MOUs was removed from Section 2151.421 of 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, 2151.4222 outline MOU requirements, which include:

1. Standardized primary goals and content of the MOU.
2. ODJFS responsibility for creating a model MOU to provide guidance to PCSAs and other concerned officials.

3. PCSA responsibility for ensuring the county MOU is signed by specified community partners, approved by the local county commissioners, and submitted to ODJFS by December 31st, 2023 and every other year thereafter.
4. PCSA responsibility for submitting a compliance assurance plan within sixty days of ODJFS determining that the MOU is not compliant with ORC, if applicable.
5. PCSA responsibility for uploading MOUs approved by ODJFS to the general website of the county.
6. ODJFS responsibility for maintaining a list of counties with compliant MOUs and counties with non-compliant MOUs on ODJFS' website.

OFC is in process of amending OAC 5101:2-36-26 entitled “The county child abuse and neglect memorandum of understanding” to reflect the statutory requirements outlined above. In addition, OFC is developing a Model MOU and Model MOU Instructions, as well as standing up the required webpage to list compliant and non-compliant counties. Additional information will be forthcoming from OFC.

Attachment

The attached document, entitled Mandated Reporter and Law Enforcement Notification Updates, provides additional guidance in outlining changes to written mandated reporter notification requirements, as well as procedures related to cross-reporting of abuse and neglect to law enforcement.

Contact

If you have any questions related to the above guidance, please contact your Technical Assistance Specialist, or the OFC Help Desk at 1-866-886-3537 or HELP-DESK-OCF@jfs.ohio.gov.

INSTRUCTIONS: The following chart identifies what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be added to the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Procedure Letters		FCASPL No. 388