



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

Mandated Reporter and Law Enforcement Notification Updates

This guidance document expands upon some of the provisions of House Bill 4 signed by Governor DeWine on February 28th, 2022. Its purpose is to prevent abused and neglected children in Ohio from falling through the cracks by strengthening the partnerships between the various systems charged with protecting them. This law will become effective on May 30th, 2022.

Mandatory Notifications to Mandated Reporters

PCSAs are required 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 PCSAs use the mandated reporter letters in SACWIS as they include all required information. If your PCSA does not use the mandated reporter letters in SACWIS, see Activity Log coding instructions beginning on page 3 of this document.

Cross reporting requirements for PCSAs to Law Enforcement

PCSAs are **required** to notify the appropriate law enforcement agency:

1. No later than seven calendar days after screening in all reports of **abuse** unless law enforcement is the referral source.
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 law enforcement is the referral source. Best practice would support notification of law enforcement when a safety plan is enacted after the first seven calendar days.

It is recommended PCSAs use the "Law Enforcement Notification" letter in SACWIS to fulfill this requirement. If your PCSA does not use this letter, the cross-referral to law enforcement is to be documented in SACWIS. The "Law Enforcement Request for Assistance" letter is also available for use as needed.

The chart on the following page details mandated reporter notification and law enforcement cross-referral requirements by case category and screening decision.

Mandated Reporter and Law Enforcement Notification Updates

Case Category	Screening Decision	Referral to Law Enforcement Required?	Initial Mandated Reporter Notification Required?	Outcome Mandated Reporter Notification Required?
Abuse (Alternative and Traditional Response)	Screened In	YES*	YES	YES
	Screened Out	NO	YES	N/A
Neglect (Alternative and Traditional Response)	Screened In	YES*, if the PCSA enacts a safety plan, including but not limited to removal, due to neglect within seven calendar days of screening in the report OPTIONAL, if the PCSA does not enact a safety plan, including but not limited to removal, due to neglect within seven calendar days of screening in the report	YES	YES
	Screened Out	NO	YES	N/A
Dependency	Screened In	NO	OPTIONAL†	OPTIONAL†
	Screened Out	NO	OPTIONAL†	N/A
Family in Need of Services	Screened In	NO	OPTIONAL†	OPTIONAL†
	Screened Out	NO	OPTIONAL†	N/A
Information and/or Referral	Screened Out	NO	OPTIONAL†	N/A

**The only exception to this requirement is if law enforcement is the referral source.*

†Optional, however best practice would support sending these notifications.

Mandated Reporter and Law Enforcement Notification Updates

Activity Log Coding for Written Notifications to Mandated Reporters

When a Mandated Reporter Letter is generated and saved in SACWIS, an Activity Log is automatically created to document completion of that activity. **If a Mandated Reporter Letter is generated outside SACWIS, the worker will document that by manually recording an Activity Log.**

Activity Details Tab

- Contact Type: **Letter To** or **Email**

Activity Details	Intake Info	Participants	Visitation Plans	Narrative	
CASE NAME / ID: [REDACTED]		Ongoing / Open (11/07/2021)			
Activity Log ID: [REDACTED]		Activity Start Date: 11/30/2021			
Activity Details					
Create Date:	11/30/2021 08:03 AM	Created By:	[REDACTED]	Agency:	[REDACTED]
Start Activity Date: *	11/30/2021 [Calendar]	Time:	[] AM [v]		
End Activity Date:	11/30/2021 [Calendar]	Time:	[] AM [v]		
Responsible Worker: *	[REDACTED]	Originator Of Information:	[]		
Contact Duration:	[]	<input type="checkbox"/> High Priority			
Contact Types					
Available Contact Types:		Select Contact Types: *			
[REDACTED] Add All Add		Remove Remove All [REDACTED]			
Alternative Form of Contact		Letter To			
Announced Home Visit					
Collateral					
Court					
Critical Safety Issue					
Education					
Email					
Face-to-Face					

Mandated Reporter and Law Enforcement Notification Updates

- Case Category: **(Any)**
 - **Note:** The Case Category defaults to the current category on the case. However, only when **Assessment/Investigation** is selected will all the Intake Participants display on the Participants tab of the Activity Log. Otherwise, Case Participants will display.
- Category: **Correspondence**
- Select Sub Categories: **Mandated Reporter Letter Disposition** or **Mandated Reporter Letter Initial**

Category Information

Case Category: * Assessment/Investigation ⓘ

Category: * Correspondence

Available Sub Categories:

Search Add All Add

- Kinship Support Plan
- Law Enforcement Notification
- Notice to Parent Regarding Custody
- Notification to Out of Home Care Administrator
- Other
- Placement Changes Notification
- Post Invest Notification to Licensing Authority
- Post Invest Notification to OHC Admin

Other Sub Category:

Select Sub Categories: *

Remove Remove All Search

- Mandated Reporter Letter Disposition
- Mandated Reporter letter Initial

Intake Info Tab

- Select the checkbox for the applicable **Intake(s)**

Activity Details Intake Info Participants Visitation Plans Narrative

CASE NAME / ID: Ongoing / Open (11/07/2021)

Activity Log ID: Activity Start Date: 11/30/2021

Intake Information

Current Case Episode

<input type="checkbox"/>	Intake ID	Screening Decision	Date	Category	Type(s)	Agency
<input checked="" type="checkbox"/>	21723015	Screened In	11/24/2021	CA/N Report	Neglect	<input type="text"/>

Mandated Reporter and Law Enforcement Notification Updates

Participants Tab

- Contact Status: **In Regards To** (for the applicable participants); required for at least one participant.

Activity Details | Intake Info | **Participants** | Visitation Plans | Narrative

CASE NAME / ID: [REDACTED] *Ongoing / Open (11/07/2021)*

Activity Log ID: [REDACTED] Activity Start Date: 12/01/2021

Choose Participants

Intake Participants (Includes all Participants for the intake(s) selected on the Intake Info tab)

	Contact Status
[REDACTED]	<input type="radio"/> None <input type="radio"/> Attempted <input type="radio"/> Completed <input checked="" type="radio"/> In Regards To
[REDACTED]	<input checked="" type="radio"/> None <input type="radio"/> Attempted <input type="radio"/> Completed <input type="radio"/> In Regards To
[REDACTED]	<input checked="" type="radio"/> None <input type="radio"/> Attempted <input type="radio"/> Completed <input type="radio"/> In Regards To

Narrative Tab

- Record a brief **Narrative** to indicate the Mandated Reporter Letter was sent.

Reach out to your administrator and/or your county's assigned Technical Assistance Specialist (TAS) for guidance as needed.