



ADULT ABUSE, NEGLECT & EXPLOITATION MEMORANDUM OF UNDERSTANDING

Fulton County Job and Family Services

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ADULT ABUSE, NEGLECT & EXPLOITATION MEMORANDUM OF UNDERSTANDING

See it. Stop it. Report it.



THE POWER TO PREVENT ELDER ABUSE IS IN YOUR HANDS.

Fulton County Job & Family Services

Adult Protective Services

419-337-0010

STATEMENT OF PURPOSE:

This Memorandum of Understanding (MOU) is designed to set forth the normal operating procedures by all concerned officials for the reporting and assessment/investigation of adult abuse, neglect and exploitation within Fulton County. The MOU delineates the roles and responsibilities for reporting, investigating and prosecuting adult abuse cases. The primary purpose of conducting an investigation/assessment of suspected adult abuse, neglect and exploitation shall be to protect the adult and to engage the family in the social services functions of the Fulton County Job & Family Services designed to reduce and eliminate the causes of adult abuse, neglect and exploitation.

This MOU has been prepared in accordance with Ohio Revised Code (ORC) §5101.621. Failure to follow procedures set forth in the MOU is not grounds for, and shall not result in, the dismissal of any charges or complaints arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or neglect and does not give, and shall not be construed as giving, any rights or grounds for appeal or post-conviction relief to any person.

PARTICIPATING AGENCIES TO THE MEMORANDUM OF UNDERSTANDING

- Fulton County Job & Family Services
- Fulton County Sheriff's Office
- Archbold Police Department
- Delta Police Department
- Fayette Police Department
- Swanton Police Department
- Wauseon Police Department
- Fulton County Prosecuting Attorney
- Fulton County Coroner

- Fulton County Humane Society
- Fulton County Health Department

ROLES AND RESPONSIBILITIES

All Parties agree to report suspected and known cases of adult abuse, neglect or exploitation to Fulton County Job and Family Services. This responsibility shall not be delegated to any one public or private agency or organization. All referrals of adult abuse, neglect or exploitation shall be made to Fulton County Job and Family Services at 604 S. Shoop Avenue, Suite 200, Wauseon, Ohio 43567 phone 419-337-0010 or 800-344-3575, during regular business hours Monday through Friday, 8:00 am – 4:00 pm. After regular business hours, on the weekend and holidays, emergencies are to be reported by contacting the Fulton County Sheriff's Office (419-335-4010). The Fulton County Job & Family Services caseworker will be contacted to take the report and respond as necessary.

A. Fulton County Job & Family Services

1. Accept reports regarding adult abuse, neglect or exploitation from any source twenty-four (24) hours per day, seven (7) days per week.
2. Initiate investigation/assessment based on the following categories:
 - a. Emergency Reports: All abuse, neglect and exploitation reports are deemed emergency if an adult is allegedly living in conditions which present a substantial risk of immediate physical harm or death. The risk can be the result of the adult's own actions or inflicted on the adult by another person. This type of report requires an investigation to be initiated within twenty-four (24) hours.
 - b. Non-Emergency Reports: All other abuse, neglect and exploitation reports accepted by the agency that have not been deemed an emergency require an investigation to be initiated within three (3) working days.
3. Work cooperatively with law enforcement on reported cases of elder abuse or exploitation.
4. Make reports to law enforcement officers and/or investigator from the prosecuting attorney's office when the possibility of criminal charges exists.
5. Submit a written report of its investigation to the responsible law enforcement agency or prosecutor's office when the referral was made by that agency, when a joint investigation is involved, or when the agency requests a report.
6. Make such recommendation to the county prosecutor as is deemed necessary to protect adults that are brought to the attention and cooperating with the prosecution of the alleged perpetrator.
7. Offer protective services and casework services or arrange to have services provided to the family involved in an effort prevent further abuse, neglect or exploitation and to enhance the welfare of the elder.

8. Maintain comprehensive records of all activities involved in any report of elder abuse, neglect or exploitation.
9. Serve as the lead agency to establish, facilitate, and sustain a county interdisciplinary team.

B. Law Enforcement

1. Accept any reports regarding adult abuse neglect or exploitation from any source.
2. Report any information concerning possible adult abuse, neglect or exploitation to Fulton County Job and Family Services.
3. Coordinate with Fulton County Job and Family Services in a joint investigation of such reports when:
 - a. The abuse, neglect or exploitation is serious in nature or may be an emergency
 - b. The situation reported could potentially be dangerous
 - c. There is a court order directing intervention with the adult and there is concern that adult will not cooperate or the family will challenge the order
 - d. Individuals involved have a propensity for violence
 - e. There is an indication that the adult is endangered or at immediate danger of serious harm and presents as unable to make his or her own decisions
 - f. The worker must conduct a home visit after regular business hours
4. Law enforcement shall interview alleged perpetrators when conducting a criminal investigation.
5. When law enforcement chooses not to investigate, Fulton County Job and Family Services will interview the alleged perpetrator and may request the assistance of law enforcement.
6. Initiate criminal prosecution of the alleged perpetrator when it is deemed necessary by law enforcement using guidance of the prosecutor's office.
7. Testify before court in the prosecution of adult abuse, neglect or exploitation cases.
8. Share upon request, with Fulton County Job and Family Services, information which would aide in the provision of services to abused, neglected or exploited adults.

C. Prosecuting Attorney

1. Act in their capacity as public officers to receive information about suspected abuse, neglect or exploitation situations and reports the same to Fulton County Job and Family Services.
2. Assist law enforcement and/or Fulton County Job and Family Services in interviewing alleged perpetrators when the possibility of criminal charges exists.
3. Assist in filing for emergency and non-emergency complaints with probate court.
4. Provide legal advice and interpretation when requested.
5. Aid law enforcement in the filing of charges against any alleged perpetrator involving elder abuse, neglect, or exploitation.
6. Present and prosecute cases of adult abuse, neglect, or exploitation.
7. Direct Fulton County Job and Family Services in the investigative process, conducting interviews and preparing and presenting cases in court, as necessary.
8. Respond to notifications by Fulton County Job and Family Services where mandated reporters failed to report suspected or known adult abuse, neglect, or exploitation, including prosecuting such cases if deemed appropriate.

D. County Coroner

1. Report any suspicious death to law enforcement thought to be the result of elder abuse or neglect.
2. Assist law enforcement and the prosecutor's office with any investigation that may have been the result of abuse or neglect.
3. Make records available at the request of law enforcement and the Prosecutor's Office.
4. Testify before the court in the prosecution of adult abuse and neglect cases.

SCOPE OF WORK

This MOU will help achieve the following goals of the APS Program:

- To prevent, reduce or remedy conditions that endanger adults sixty (60) and older, through the appropriate provision of services.

- To maximize adults' independence and self-direction.
- To prevent unnecessary institutionalizations and to enable adults to remain in their own homes as long as possible with the least restrictive alternative.

Fulton County Job and Family Services will coordinate an Interdisciplinary Team of community agencies and providers. The primary objectives of this team will be to meet regularly to discuss cases, conduct joint investigations when applicable, establish guidelines for responding to cross-system referrals and general sharing of information and resources to effectively serve seniors who have been exploited, abused, or neglected.

INTER-AGENCY TRAINING

All parties to the MOU agree to provide the necessary orientation and training to ensure all members understand the role of each participating organization, the mission of the collaborative as well as applicable protocols and procedures. Fulton County Job and Family Services APS staff will be available to train partner agencies on the general APS practice, ORC rules and issues specific to Fulton County.

CONFLICT RESOLUTION

All parties to the MOU retain responsibility for making decisions regarding their own programs and/or services and determining the type, duration, and scope of services they will provide to eligible adults. However, to promote coordination and collaboration, each entity shall seek to resolve and conflicts in accordance with the process below.

In cases of disagreement between parties every effort shall be made to resolve the conflict at the staff/practitioner level. If resolution cannot be achieved at that level, supervisory staff in each agency will confer to reach an acceptable resolution. If a dispute cannot be resolved at the supervisory level, the dispute will be referred to the administrative level at each agency for resolution. All parties agree to make every effort to resolve disputes through the internal conflict resolution process discussed above.

CONFIDENTIALITY STATEMENT

OAC §5101:2-20-04 states case records shall be considered confidential and not public record. A comprehensive plan to address adult abuse, neglect and exploitation requires sharing sensitive,

often confidential, information among members of the Interdisciplinary Team. All parties understand and fully acknowledge the high degree of importance of exercising discretion and maintaining confidentiality regarding all information to which participants are exposed because of participation in the Fulton County Adult Protective Services Memorandum of Understanding.

Participants are strictly forbidden from discussing, transmitting, or narrating such confidential information in any form, except in the routine procedures for case discussion, or as otherwise permitted by federal and state law.

Any Interdisciplinary Team participant will sign a confidentiality statement. This statement will allow effective case management to serve victims of elder abuse, neglect, and exploitation. The confidentiality statement will be reviewed and renewed yearly. Any agency requesting to terminate the agreement of confidentiality must do so in writing to the Director of Fulton County Job and Family Services.

In the event of a breach or suspected breach of confidentiality the Prosecutor's Office will be contacted. Confidentiality provisions of this agreement will survive the termination or expiration of this agreement.

TERMS AND CONDITIONS

The terms of agreement begin immediately upon signature and remain in effect until modified, deleted, or amended in writing. If any individual serving as an official participant change, an amendment of the memorandum is required, including signatures for all the required parties. This agreement will become effective upon the execution by all members and will remain in effect until an amendment is required or parties agree to terminate participation on the collaborative. Any member of this agreement may terminate its participation on the collaborative upon submission of a 14 day notice of termination. Case records will be retained by Fulton County Job and Family Services as mandated and nothing in this agreement shall substitute, or represent a change in, any agencies legally mandated responsibilities.