



## **S.B. 175**

126th General Assembly  
(As Introduced)

**Sens. Goodman, Stivers, Clancy, Amstutz**

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### **BILL SUMMARY**

- Requires each county department of job and family services to prepare a memorandum of understanding regarding procedures used in the investigation of reports of adult abuse, neglect, or exploitation.
- Directs that the memorandum of understanding include the establishment of an elder abuse interdisciplinary team.
- Provides that failure to follow procedures established in the memorandum of understanding is not grounds for, nor shall result in, the dismissal of any charge or complaint or the suppression of evidence, and does not provide grounds for appeal or post-conviction relief.

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### **CONTENT AND OPERATION**

#### **Memorandum of understanding regarding the abuse, neglect, or exploitation of older adults**

The bill requires each county department of job and family services, in conjunction with the regional area agency on aging, to prepare a memorandum of understanding prescribing the normal operating procedures to be used when investigating a report of adult abuse, neglect, or exploitation.<sup>1</sup> The purpose of the memorandum is to provide a structured and systematic investigation protocol for

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<sup>1</sup> While any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause to be reported, their belief to the Department of Job and Family Services, certain people are required to make such reports. People required to report their belief that an adult is or has been abused, neglected, or exploited include, among others, physicians, attorneys, hospital employees, nursing home employees, and persons engaged in social work or counseling (see RC. 5101.61, not in the bill).

these reports. The memorandum must comply with preexisting requirements for investigating reports of abuse, neglect, or exploitation of adults.<sup>2</sup> (R.C. 5101.621(A).)

The bill also requires the memorandum of understanding to be signed by the following (R.C. 5101.621(B)):

(1) The probate judge (if there is only one) or the senior probate judge (if there is more than one) serving the county, or the judge's representative;

(2) The county peace officer, all chief municipal peace officers within the county, and other law enforcement officers handling adult abuse, neglect, or exploitation in the county;

(3) The county prosecuting attorney;

(4) The county coroner;

(5) The director of the county department of job and family services who is directly responsible for protective services for adults, or the director's designee;

(6) The department of aging's regional long-term care ombudsperson;

(7) A representative of the board of alcohol, drug addiction, and mental health services;

(8) Entities responsible for investigating substandard housing;

(9) A representative of the regional area agency on aging;

(10) Any other person or entity whose participation furthers the goals of the memorandum of understanding.

**Elder abuse interdisciplinary team**

The bill directs that the memorandum of understanding establish an elder abuse interdisciplinary team and establish standards and procedures to use when handling and coordinating investigations of reports of adult abuse, neglect, or exploitation, including methods to be used when interviewing the person who is

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<sup>2</sup> For example, existing law states that it is the responsibility of the county department of job and family services to investigate reports of abuse, neglect, or exploitation, and to provide or arrange for protective services (see R.C. 5101.62, not in the bill). These requirements include timeframes for initiating the investigation, face to face visits with the adult, and notice requirements.

the subject of the report. The memorandum must also specify the members of the team and describe their roles and responsibilities, including the responsibility to file criminal charges. (R.C. 5101.621(C).)

**Legal effect of failure to follow the memorandum of understanding**

The bill also clarifies that failure to follow the memorandum of understanding's procedures is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from any report of abuse, neglect, or exploitation, or the suppression of any evidence obtained as a result of any report of abuse, neglect, or exploitation. In addition, failure to follow the memorandum does not provide any person any rights or grounds for appeal or post-conviction relief. (R.C. 5101.621(D).)

**Rules**

The bill authorizes the Department of Job and Family Services to adopt rules, in accordance with the Administrative Procedure Act, that are necessary to implement and carry out the bill.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	09-01-05	p. 1413

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