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MEMORANDUM FOR DISTRIBUTION (for widest possible dissemination)
Ohio County Commissioners, Council Members and Executives

FROM: STEPHEN FARIS, WRITE IN CANDIDATE FOR U.S. SENATE (OHIO)

SUBJECT: Assessing Ohio CPS Screening Guidelines (A 180-minute read)

Ref: (a) Ohio DCY, 2025, *Ohio Child Protective Services Screening Guidelines*

1. PROBLEM:

A. By December 31, 2025, the second biennial county memorandums of understanding (MOUs) to address child abuse are to be reviewed, updated, signed by all county partners, and approved by resolution. The MOUs are governed by state and federal laws and regulations and identify county public children services agencies (PCSAs) as lead investigative agencies providing partners with abuse screening services using Ref (a). The Screening Guidelines in Ref (a) are herein independently assessed with current Ohio Child Protective Services (CPS) Worker Manuals that are not yet updated to reflect the 2023 Ohio Revised Code (ORC) definition of an abused child as including victims of disseminating materials or performances that are harmful to juveniles.

B. The Screening Guidelines promote screen-in example referrals of child sexual abuse that admittedly are not all inclusive, yet noticeably, disturbingly, and dangerously lack realistic scope in all but the most purposeful, sexually motivated, or exploitative scenarios. The Screening Guidelines also promote screen-out example referrals of child sexual abuse that are likewise disturbing and dangerous. Based on examples promoted statewide for *at least* twelve years, real referrals involving children in and with pornography would seem to have very high barriers of being screened in while real referrals involving rape may be screened out.

C. The statutorily deviant Screening Guidelines, the out-dated CPS Worker Manual(s), and both the first and second biennial county MOUs should be reviewed by all partners with the public and the press to avoid unwitting approval of PCSA abuse screening that promotes examples of sexual abuse risk to *ALL* Ohio children. Additional key partners and their jurisdictions and protocols should be integrated in the MOU such as county domestic relations courts wherein the constitutional and statutory rights and interests of families and children are directly implicated, particularly in domestic violence and custody matters.

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D. The board of county commissioners should *not* approve by resolution the county PCSA submission of the biennial MOU until:

1. Advocacy has been made for the Screening Guidelines and the out-dated CPS Worker Manual(s) to be officially examined and/or evaluated by state Citizen Review Panels for effectiveness in accordance with state and federal child protection standards *as defined in the statutes* and for the history of funding, revision, and approval.
2. The statutorily deviant Screening Guidelines and the out-dated CPS Worker Manual(s) have been corrected in accordance with state and federal child protection standards *as defined in the statutes*, particularly the out-dated CPS Worker Manual(s) reflecting the 2023 ORC definition of an abused child as including victims of disseminating materials or performances that are harmful to juveniles.
3. Advocacy has been made for amending the ORC and the Ohio Administrative Code (OAC), specifically:
 - a. ORC 2151.4220(A) and OAC Rule 5180:2-33-26(C) and any other statute or rule needed to include county domestic relations courts in the MOU.
 - b. OAC Rule 5180:2-1-01(106) to reconcile a comprehensive definition of domestic violence from both ORC 3113.31 and ORC 3113.33, particularly the definition incorporated in ORC 3113.31 of an abused child from ORC 2151.031.
4. The Screening Guidelines, the CPS Worker Manual(s), and the MOU are made suitable for protecting children all the way to and through what may ultimately become domestic relations courts' domestic violence and custody matters via juvenile court.
5. Official inquiry is made as to the impact of statutorily deviant Screening Guideline decisions and out-dated CPS Worker Manual(s) on county partners' professional and legal interactions within and among their respective workforces (also to include victim advocates, guardians ad litem, attorneys practicing in each of the courts, etc.) and the public over the last twelve years (effectively half of a career), and their respective use of state, federal, and other funds allocated for screening and training in constitutional and statutory rights, legal duties, and liabilities.

E. The board of county commissioners should publicly denounce statutorily deviant Screening Guideline decisions that defeat good faith reasonable person referents, especially in child sexual abuse, and affirm equal protection of law to children and families *as defined in the statutes* in good faith is the PCSA screener's *primary* and publicly paid responsibility.

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2. DISCUSSION:

Overview

A. The 2025 Screening Guidelines are analyzed and assessed herein in light of *Ohio's Child Protective Services Worker Manual, Volume 2: Intake and Assessment*, The Screening Decision, page 23, which is missing the 2023 update to the statutory definition of an abused child found in ORC 2151.031(B).¹

B. ORC 2151.031 defines an abused child as including any child who, "...*(B) Is the victim of disseminating, obtaining, or displaying "materials" or "performances" that are "harmful to juveniles" as defined under Chapter 2907 of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child.*"²

C. Before analyzing and assessing the 2025 Screening Guidelines, critical recognition is given to the importance of statutory definitions of an abused child, the sufficiency of the reasonable person standard for reporting child abuse *as defined in the statutes*, and the requirement of good faith by PCSAs in accepting reports of child abuse *as defined in the statutes*. Recognition is then given to the PCSA process of categorizing referral information as abuse, making the screening decision, and proceeding into investigation in accordance with Ohio statutes, regulations, and the county MOU. This assessment does not address legal standards beyond those of reporting and accepting reports of child abuse such as investigation, assessment, or intervention standards. A brief discussion follows about the unreasonable allowance in the out-dated CPS Worker Manual(s) Volume 2 for PCSA screeners to screen reports of child abuse using statutorily deviant screening guidelines. The 2025 Screening Guidelines are then finally analyzed and assessed as containing statutorily deviant legal definitions and statutorily deviant example referral screening decisions, particularly in the area of child sexual abuse. A range of other facts that bear on the problem follow this discussion. The analysis and assessment, conclusions, and recommendations are not exhaustive.

Importance of statutory definitions of an abused child.

D. In the section, The Screening Decision on page 23 (and elsewhere) of the out-dated CPS Worker Manual(s) Volume 2, there is a reference to the U.S. Department of Health and Human Services (HHS) Children's Bureau's *Child Protective Services: A Guide for Caseworkers* (2003).

¹ Ohio Department of Job and Family Services. "Ohio's Child Protective Services Worker Manual. Volume 2. Intake and Assessment." Published December 21, 2018 to SACWIS. Page 23. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

² Ohio Legislative Service Commission. "Ohio Revised Code 2151.031 | Abused child defined." Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

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Regarding reports of child maltreatment, this reference states on page 35, “...if the allegations meet the statutory [definitions of abuse] and agency guidelines [for categorization as abuse], the case must be accepted.”^{3,4}

E. Case acceptance is to be specifically without regard to the type, perspective, or motive of the reporter which is assessed to include either the mandatory reporter (peace officer, guardian ad litem, licensed psychologist, attorney, etc.) acting in an official or professional capacity or the permissive reporter (parent, family member, neighbor, friend, etc.) acting in a private capacity.⁵

F. Case acceptance is affirmed nearly verbatim in the section Credibility of Information on page 5 of the out-dated Ohio CPS Worker Manual(s) Volume 2, under Strategies for Accomplishing Intake and Screening, “...if the allegations meet the statutory [definitions of abuse] and PCSA guidelines [for categorization as abuse] the referral must be accepted as a report.”⁶

G. Continuing with the U.S. HHS reference, “...This [primary] decision is based on the law, agency policy, and information about the characteristics of the case that are likely to indicate, or result in, harm to the child... The appropriateness of this [primary] decision depends on the ability of the caseworker to gather critical and accurate information... and to apply the law and policy... The law defines what is considered child maltreatment under State statutes. These definitions are the caseworkers’ **ultimate source of guidance**...” (Emphasis added).⁷

H. Further, “Agency policies include State and local guidelines. They may have additional information regarding [categorical] definitions and how to respond to different types of reports...”⁸

I. It is hereby assessed that *any* referrals of child abuse with facts that meet the statutory definition of abuse are to be accepted for formal investigation and/or assessment by Ohio PCSAs.

³ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 2. Intake and Assessment.” Published December 21, 2018 to SACWIS. Page 23. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

⁴ U.S. Department of Health and Human Services Administration for Children and Families. Children’s Bureau. “Child Protective Services: A Guide for Caseworkers.” 2003. Pages 35-36. Accessed October 27, 2025. https://cip.nmcourts.gov/wp-content/uploads/sites/53/2023/11/cps_CaseworkerGuide.pdf

⁵ *ibid.*

⁶ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 2. Intake and Assessment.” Published December 21, 2018 to SACWIS. Page 5. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

⁷ U.S. Department of Health and Human Services Administration for Children and Families. Children’s Bureau. “Child Protective Services: A Guide for Caseworkers.” 2003. Pages 35-36. Accessed October 27, 2025. https://cip.nmcourts.gov/wp-content/uploads/sites/53/2023/11/cps_CaseworkerGuide.pdf

⁸ *ibid.*

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Further, it is assessed that state and local agency policies and guidelines are to be ultimately supporting and guiding investigations of abuse *as defined in the statutes*, and neither preventing, inventing, nor biasing investigations based on the other characteristics of the referral or other agency or caseworker agendas or circumstances.

J. This is affirmed in the following statement from the U.S. HHS reference, “*Sometimes customs develop among caseworkers or units that may not reflect agency guidelines [or statutes]. This often occurs as a result of many years of practice and improvisation over time. Unfortunately, these adaptations to circumstances may lead caseworkers [and agencies] away from carrying out their mandated responsibilities.*”⁹

Sufficiency of reasonable person standard for reporting child abuse as defined in the statutes.

K. See also that in the section on Resources on page 13 and page 22 of the out-dated Ohio CPS Worker Manual(s) Volume 2, under Other Information and Resources, a persuasive reference from the Wisconsin Department of Health and Family Services is listed as, *Child Protective Services Access and Initial Assessment Standards*. The 2025 edition of this reference states on page 24, “*A local child welfare agency accepts for Initial Assessment **any** report which creates a reason to suspect... a child under 18 years of age has been subjected to treatment [or has been threatened with treatment] which meets the definition of abuse or neglect as defined under... [authoritative Wisconsin statutes as provided]... This [screening] **decision** is based on the “reasonable person” standard.*” (Emphasis added).^{10, 11}

L. On page 25, this Wisconsin reference provides criteria that is authoritative in Wisconsin for screening in a report wherein principally, “*...allegations describe conditions, behaviors, or actions that create a **reason to suspect** that child abuse or neglect **as defined in the statutes** has occurred [or was threatened]...*” (Emphasis added).¹²

M. See, “*reasonable person: A legal standard applied to defendants in **negligence** cases to ascertain their liability. All members of the community owe a duty to act as a reasonable person in undertaking or avoiding actions with the risk to harm others. If an individual fails to act as a*

⁹ *ibid.*

¹⁰ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 2. Intake and Assessment.” Published December 21, 2018 to SACWIS. Pages 13, 22. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

¹¹ Wisconsin Department of Children and Families. Division of Safety and Permanence. “Child Protective Services Access and Initial Assessment Standards.” September 2025. Pages 24-25. Accessed October 27, 2025. <https://dcf.wisconsin.gov/files/cwportal/policy/pdf/access-ia-standards.pdf>

¹² *ibid.*

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reasonable person and their failure injures someone, they may be liable to that person for such injuries.” (Emphasis added).¹³

N. It is hereby again assessed that *any* referrals of child abuse with facts that meet the statutory definition of abuse are to be accepted (screened in) for formal investigation and/or assessment by Ohio PCSAs. Further, it is assessed that the reasonable person standard for suspecting and reporting abuse as defined in the statutes is ultimately sufficient as reasonable cause for PCSA acceptance by *good faith* of reports without further condition or judgment in a screening decision. Again, state and local agency policies and guidelines are to be ultimately supporting and guiding screening decisions of investigations of abuse *as defined in the statutes*, and neither preventing, inventing, nor biasing a screening decision based on the other characteristics of the referral or other agency or caseworker agendas or circumstances.

O. See that the reasonable person standard is affirmed in Ohio law. See in ORC 2151.421(A)(1)(a) and (B) in reporting child abuse that, “[...knowledge of or] *reasonable cause to suspect based on facts that would cause a reasonable person in a similar position (or similar circumstances) to suspect that a child... has suffered or faces a threat of suffering... that reasonably indicates abuse* [as defined in the statutes]...” is sufficient for both the immediate mandatory reporting without failure by anyone acting in official or professional capacities to peace officers or PCSAs and the timely permissive reporting by anyone while acting in a private capacity to peace officers or PCSAs directly or indirectly through various types of mandatory reporters acting in good faith upon reasonable cause shown.¹⁴

Requirement of good faith in *accepting* reports of child abuse *as defined in the statutes*.

P. In particular, see ORC 2151.421(B) that, “(B) ...*a [reasonable] person [permissively] making a report or causing a report to be made... shall [mandatorily] make it or cause it to be made [through another] to the... [PCSA] or to a peace officer...*”¹⁵

Q. See further ORC 2151.421(E)(1) that, “*When a peace officer receives a report made pursuant to division (A) or (B) of this section,... the peace officer... shall refer the report to the appropriate... [PCSA], in accordance with requirements... [in the county MOU]...*”¹⁶

R. See that even peace officers and employees of PCSAs acting in their official or professional capacities are included in the statutory mandate, “*shall [not] fail to immediately*

¹³ Cornell Law School. Legal Information Institute. “Reasonable person” Last reviewed May 2025. Accessed October 27, 2025. https://www.law.cornell.edu/wex/reasonable_person

¹⁴ Ohio Legislative Service Commission. “Ohio Revised Code 2151.421 | Reporting child abuse or neglect.” Effective September 30, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.421>

¹⁵ *ibid.*

¹⁶ *ibid.*

report... ” and that their good faith to report child abuse upon reasonable cause shown, like that of other types of mandatory reporters on behalf of those reasonable persons in private capacities, is likewise required. ¹⁷

S. Further concerning good or bad faith, beginning with the liability for failing to report child abuse, see ORC 2151.421(M) that, “*Whoever [acting in an official or professional capacity and knows or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect suffering that indicates abuse and] violates division (A) of this section [mandatory reporting in an official or professional capacity] is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made.*” See that this liability is not applicable to those while acting in private capacities. ¹⁸

T. Concerning immunity from liability in either mandatory reporting or good faith reporting of child abuse, see ORC 2151.421(H)(1)(a) that, “*Except as provided in... this section, any person... shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following: (i) Participating in the making of reports pursuant to division (A) of this section [mandatory reporting in an official or professional capacity] or in the making of reports in **good faith**, pursuant to division (B) of this section [by, or on behalf of, those in a private capacity];... [and for likewise providing information or participating in a judicial proceeding pursuant to division (A) and/or in good faith pursuant to division (B)].*” (Emphasis added). ¹⁹

U. Concerning liability for bad faith (the absence of good faith) in reporting child abuse, see ORC 2151.421(H)(2) that, “*In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in **good faith** or participation in a judicial proceeding resulting from a report made under this section was not in **good faith**, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.*” (Emphasis added). ²⁰

V. Finally, concerning penalties of false reporting of child abuse (a specific form of bad faith), see ORC 2151.421(I)(3) that, “*A person who knowingly makes or causes another person to make a false report under division (B) of this section [by, or in good or bad faith on behalf of, those in a private capacity] that alleges that any person has committed an act or omission that*

¹⁷ *ibid.*

¹⁸ *ibid.*

¹⁹ *ibid.*

²⁰ *ibid.*

resulted in a child being an abused child or a neglected child is guilty of a [first degree misdemeanor] violation of section 2921.14 of the Revised Code.”^{21, 22}

W. See in ORC 2921.44(E) that, *“No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant’s office, or recklessly do any act expressly forbidden by law with respect to the public servant’s office [a second degree misdemeanor].”*²³

X. See in ORC 2921.45(A) that, *“No public servant, under color of the public servant’s office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right [a first degree misdemeanor].”*²⁴

Y. Recall that referral acceptance by PCSAs is affirmed by the out-dated CPS Worker Manual(s) Volume 2 as, *“...if the allegations meet the statutory [definitions of abuse] and PCSA guidelines [for categorization as abuse] the referral must be accepted as a report.”*²⁵

Z. It is hereby again assessed that *any* referrals of child abuse with facts that meet the statutory definition of abuse are to be reported in good faith to, and screened in (accepted) by good faith by, Ohio PCSAs for formal investigation and/or assessment. Further, it is assessed that as there is no elemental distinction between the basis for making a report of child abuse and the basis for accepting a report of child abuse, the same good faith that is required of PCSAs in making a report of child abuse, inclusively as a member of the body of mandatory reporters, is also required of PCSAs in ultimately accepting a report of child abuse exclusively *from* all members of the body of both mandatory and permissive reporters.

AA. It is further assessed that a screening decision by PCSAs based on anything other than reasonable cause shown of child abuse *as defined in the statutes* based on the reasonable person standard should constitute either a failure to accept a report or making a bad faith screening decision (including making a false screening decision). The PCSA screener should be either subject to the same or greater liability to the child for compensatory and exemplary damages as in failure to make a report, or subject to the same or greater liability for reasonable attorney fees and

²¹ *ibid.*

²² Ohio Legislative Service Commission. “Ohio Revised Code 2921.14 | Making or causing false report of child abuse or neglect.” Effective April 11, 1991. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2921.14>

²³ Ohio Legislative Service Commission. “Ohio Revised Code 2921.44 | Dereliction of duty.” Effective March 23, 2015. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2921.44>

²⁴ Ohio Legislative Service Commission. “Ohio Revised Code 2921.45 | Interfering with civil rights.” Effective May 17, 2021. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2921.45>

²⁵ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 2. Intake and Assessment.” Published December 21, 2018 to SACWIS. Pages 5, 13, 22. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

costs as in the making of bad faith reports, and *criminal* penalties as in making false reports, dereliction of duty, or interfering with civil rights. Again, state and local agency policies and guidelines are to be ultimately supporting and guiding good faith screening decisions of investigations of abuse *as defined in the statutes*, and neither preventing, inventing, nor biasing a screening decision based on the other characteristics of the referral or other agency or caseworker agendas or circumstances.

Categorizing referral information and making the screening decision by the ORC and OAC.

BB. See that ORC 2151.421(J) states, “**Any** report that is required by this section,... shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made. The agency required to provide the services shall be the agency conducting the investigation of the report...” (Emphasis added).²⁶

CC. See that according to OAC Rule 5180:2-36-01(A), “A... (PCSA) is to attempt to obtain, at a minimum, the following information from a referent/reporter... to determine an intake category [as defined in the statutes] and arrive at a screening decision. Receipt of all the following information is **not required to screen in a report** [e.g., personal and family information, details of the abuse, state and location of the child]...” (Emphasis added).²⁷

DD. For determining an intake category as defined in the statutes, see OAC Rule 5180:2-36-01(D) that, “(D) The PCSA is to categorize the information received into one of the following intake categories: (1) Child abuse and/or neglect report. (a) Physical abuse, in accordance with section 2151.031 of the Revised Code. (b) Sexual abuse, in accordance with section 2151.031 of the Revised Code and Chapter 2907. of the Revised Code. (c) Emotional maltreatment/mental injury, in accordance with section 2151.011 or 2151.031 of the Revised Code. (d) Neglect, in accordance with section 2151.03 of the Revised Code...”²⁸

EE. For arriving at a screening decision, see OAC Rule 5180:2-1-01(294) that, ““Screening decision” means the outcome of the screening process.”²⁹

²⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2151.421 | Reporting child abuse or neglect.” Effective September 30, 2025. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2151.421>

²⁷ Ohio Legislative Service Commission. “Ohio Administrative Code Rule 5180:2-36-01 | Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes.” Effective September 1, 2024. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-administrative-code/rule-5180:2-36-01>

²⁸ *ibid.*

²⁹ Ohio Legislative Service Commission. “Ohio Administrative Code Rule 5180:2-1-01 | Children services definitions of terms.” Effective September 1, 2024. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-administrative-code/rule-5180:2-1-01>

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FF. The screening process is defined in OAC Rule 5180:2-1-01(293) as, “*Screening means the process of receiving and recording information from a referent to determine one or both of the following: (a) Whether the information provided should be categorized as a referral of child abuse and/or neglect... [or other category] (b) Whether the information categorized as a referral of child abuse and/or neglect... should be screened in or screened out.*”³⁰

GG. According to OAC Rule 5180:2-1-01(295 and 296), “*“Screened in” means the PCSA has **accepted** referral information as a report and assignment for assessment/investigation,*” and “*“Screened out” means the PCSA has **not accepted** the referral for assessment/investigation.*” (Emphasis added).³¹

HH. Recall that referral acceptance by PCSAs is affirmed by the out-dated CPS Worker Manual(s) Volume 2 as, “*...if the allegations meet the statutory [definitions of abuse] and PCSA guidelines [for categorization as abuse] the referral must be accepted as a report.*”³²

II. According to ORC 2151.421(O)(3), “*(O) As used in this section:... (3) “Investigation” means the public children services agency’s response to an **accepted** report of child abuse or neglect through either an alternative response or a traditional response.*” (Emphasis added).³³

JJ. See in ORC 2151.421(G)(1) that, “*...The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4220 to 2151.4234 of the Revised Code...*”³⁴

KK. It is hereby again assessed that *any* referrals of child abuse with facts that meet the statutory definition of abuse are to be accepted (screened in) by good faith by the reasonable person standard for formal investigation and/or assessment by Ohio PCSAs. Further, it is assessed that in view of OAC Rule 5180:2-36-01(A) *not* requiring receipt of all the information required to be attempted to be obtained from a referent, that the screening decision may be sufficed once the intake category of referent information and the facts presented are determined to be child abuse *as defined in the statutes*. Again, state and local agency policies and guidelines are to be ultimately supporting and guiding good faith screening decisions of investigations of abuse *as defined in the statutes*, and neither preventing, inventing, nor biasing a screening decision based on the other characteristics of the referral or other agency or caseworker agendas or circumstances.

³⁰ *ibid.*

³¹ *ibid.*

³² Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 2. Intake and Assessment.” Published December 21, 2018 to SACWIS. Pages 5, 13, 22. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

³³ Ohio Legislative Service Commission. “Ohio Revised Code 2151.421 | Reporting child abuse or neglect.” Effective September 30, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.421>

³⁴ *ibid.*

Statutorily deviant screening of reports of child abuse as defined in the statutes.

LL. Recall that in the section, Credibility of Information on page 5 of the out-dated CPS Worker Manual(s) Volume 2, under Strategies for Accomplishing Intake and Screening, “...*if the allegations meet the statutory [definitions of abuse] and PCSA guidelines [for categorization as abuse] the referral must be accepted as a report.*”³⁵

MM. See in the section, Categorization on page 6 of the out-dated CPS Worker Manual(s) Volume 2 that, “*Referencing the Screening Guidelines in determining how to **categorize** information received will be beneficial. The Ohio Department of Job and Family Services developed the Screening Guidelines to assist PCSAs in recognizing the link between the applicable statutes to the intake categories. The utilization of the Screening Guidelines provides examples for each report category to assist in the **categorization** of the referral information. Additionally, The Screening Guidelines define each category pursuant to the Ohio Revised Code (ORC) and provide examples to assist one in determining how to categorize the information received and **complete screening decisions.***” (Emphasis added).³⁶

NN. However, in the section, Guidelines for Screening on page 29 of the out-dated CPS Worker Manual(s) Volume 2, “*Screening decisions are **critical decisions** [emphasis in original]... When the referent/reporter believes the information he/she has provided constitutes a report of child abuse... but the screener determines that the referral information does not meet the parameters of abuse... the PCSA **shall** screen the referral **out**... Definitions and examples designed to assist in **making screening decisions** are located in the Screening Guidelines.*” (Emphasis added).³⁷

OO. Juxtaposing these three statements, it is hereby assessed that under the authority of the out-dated CPS Worker Manual(s) Volume 2, a PCSA screener is strategically allowed to neglect good faith to reasonable cause shown of child abuse as defined in the statutes based on the reasonable person standard by making screening decisions assisted by legal definitions and examples located in the Screening Guidelines.

PP. See in the upcoming assessment of the 2025 Screening Guidelines that real referral screening decisions of child sexual abuse may be wrongly, unexplainedly, and unwittingly to the

³⁵ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 2. Intake and Assessment.” Published December 21, 2018 to SACWIS. Pages 5-6. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

³⁶ *ibid.*

³⁷ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 2. Intake and Assessment.” Published December 21, 2018 to SACWIS. Page 29. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

public, *not* based on good faith to reasonable cause shown of child sexual abuse as defined in the statutes based on the reasonable person standard as expected, but based on the standard of several statutorily deviant Screening Guidelines' definitions and examples able to be extra-legally applied by a screener over the official, professional, or private referent who, upon making a report, already has *at least* reasonable cause to suspect (if not know of) child sexual abuse based on facts and statutes that indicate (if not confirm) child sexual abuse.

QQ. It is assessed that extra-legal application of these statutorily deviant definitions and examples to real referrals of child sexual abuse would not only constitute PCSA failure to accept reports or PCSA bad faith screening decisions (if not making false screening decisions), but would constitute PCSA failure to properly investigate and ultimately serve the public protective interests of children in sexual abuse. These unreasonable statutorily deviant definitions and examples are promoted statewide.

RR. Further, it is hereby assessed that to strategically allow oneself as an agency or as caseworkers statewide to screen out, or to not screen in, real referrals of child sexual abuse by the extra-legal application of statutorily deviant Screening Guidelines is itself *unreasonable*. Such agency allowance apparently and unjustifiably separates PCSA screeners from all other reasonable persons under the law statewide and either shields them or severely exposes them to the liabilities related to negligence (or worse) in responding to child sexual abuse. See that beyond reporting child abuse *to* a PCSA, liabilities are not plainly stated or questioned in the CPS Worker Manual(s) Volume 2 as a factor in the screening decision *by* a PCSA.

SS. See that in the out-dated CPS Worker Manual(s) Volume 2 there is a paragraph on page 21 entitled, "*What happens if the assessment is wrong?*" This questioning only occurs *after* the screening decision has been made and during the function of assessing and assigning a priority of response (emergency or non-emergency) to a screened in report. The example consequences of being wrong in such an assessment are only related to *how* intervention occurs, but it is clearly given *that* intervention occurs. In a report that is screened out, *no* intervention might occur. See in the section on the Screening Decision on page 7 of the out-dated CPS Worker Manual(s) Volume 2, "*The screening decision determines which children and families will receive further assessment and/or investigation by the PCSA.*" ³⁸

TT. Thus, it is assessed that the individual and cumulative effect of statutorily deviant screening decisions (failures to screen in, bad faith screening decisions, or making false screening decisions) of child sexual abuse would be to send the damaging, if not devastating, silent and isolating message and additional risk of child sexual abuse to each and every child and family who was the subject of the report that was not accepted: *the denial of equal protection of law*.

³⁸ Ohio Department of Job and Family Services. "Ohio's Child Protective Services Worker Manual. Volume 2. Intake and Assessment." Published December 21, 2018 to SACWIS. Pages 7, 21. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

That any and all PCSA screeners in one's official or professional capacity can and might arbitrarily second-guess and defeat any and all reasonable person referents over their reasonable interest in a child's safety from child sexual abuse *as defined in the statutes* with statutorily deviant screening guidelines is repugnant to God, and state, federal, and constitutional law. This systematically defeats the agencies' and screeners' *primary* and publicly paid responsibility to identify and assure protection of children. It will only ever be demoralizing to the unwitting public, particularly those who in good faith seek the protective interests of their own or other children. Its statewide promotion as a perversion of the administration of justice will likely ever incite more child sexual abuse statewide.

2025 Screening Guidelines: general information.

UU. The 2025 *Ohio Child Protective Services Screening Guidelines* contain approximately 70 pages. As stated on the cover page, *"The Screening Guidelines were developed by the Ohio Department of Job and Family Services (ODJFS) / Department of Children and Youth (DCY), in collaboration with representation from Ohio's Public Children Services Agencies (PCSA), The Human Trafficking Task Force, Ohio's Chapter of the American Pediatric Association, and The Institute for Human Services."*³⁹

VV. Continuing, *"These guidelines have been created to assist PCSA screeners in recognizing the link between the applicable statutes and/or rules to the intake categories. The utilization of the Screening Guidelines provides examples for each report category to assist in the categorization of the referral information. Additionally, the Screening Guidelines define each category pursuant to the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) when applicable and provide examples to assist the screener in determining how to categorize the information received and how to complete screening decisions. The Screening Guidelines are provided to promote consistency in screening decision making across the state for PCSAs."* (Emphasis added).⁴⁰

WW. Finally, **"This document is strictly a guide to promote screening consistency statewide. The statements contained herein are not intended to be legal advice and screening staff should consult their agency's legal counsel when in doubt about the legality of any screening decision."** (Emphasis in original).⁴¹

³⁹ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. "Ohio Child Protective Services Screening Guidelines." 2025. Page 1. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁴⁰ *ibid.*

⁴¹ *ibid.*

XX. On page 5 of the Screening Guidelines, *“The ability to be able to gather the information, analyze and evaluate the information, and make an unbiased decision are critical skills needed at the screening level.”*⁴²

YY. The referral intake category, “child abuse and/or neglect” and type, “sexual abuse” begins on page 26 of the Screening Guidelines. There are three areas considered: 1) Sexual Abuse of a Child; 2) Sexting/Social media; 3) Trafficking in Persons (Human Trafficking). There is then a note that a cross referral to law enforcement must be made (repeated on page 32 as a minimum response) and that a referral to the local child advocacy center (CAC) should be considered for all sexual abuse allegations regardless of whether the referral is screened in or screened out by the PCSA.⁴³

ZZ. Like the out-dated CPS Worker Manual(s) Volume 2, the Screening Guidelines then provide what appears to be paraphrased, outdated, and/or incomplete statutory text implied to be the current ORC definitions of various sex offenses. It is assessed that the text purported to be statutory definitions is neither verbatim nor current ORC definitions and should be examined in proper context with proper caution. These definitions should be reviewed in conjunction with the various examples of what PCSA caseworkers and PCSA supervisors may be led to screen in or screen out as sexual abuse referrals.

AAA. It is assessed with high confidence that paraphrasing and using outdated and/or incomplete statutory definitions within the Screening Guidelines can contribute to poorly written and poorly understood examples for screening decisions with the potential for actual and severe harm to children statewide.

BBB. It is also assessed with high confidence that paraphrasing and using outdated and/or incomplete statutory definitions within the Screening Guidelines can actively work against the legal disclaimer on the cover page that the Screening Guidelines are not intended to be legal advice. The purported statutory definitions can actually, persuasively, and dangerously remove doubt in the legality of screening decisions that would otherwise drive a screener to seek legal counsel. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that the Screening Guidelines are assessed to have received review, feedback, and approval from ODJFS Legal.

⁴² Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 5. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁴³ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Pages 26, 32. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

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CCC. Finally, it is assessed with high confidence that paraphrasing and using outdated and/or incomplete statutory definitions within the Screening Guidelines can create dangerously inappropriate certainty in the legality of screening decisions that results in a referral not being screened in when it should certainly be.

2025 Screening Guidelines: statutorily deviant legal definitions.

DDD. Consider that, for example, the ORC definition of rape purported in the 2025 Screening Guidelines if momentarily inferred to be that from the current ORC would promote a PCSA screener excluding consideration of ORC 2907.02(A)(1)(d), an offender engaging in sexual conduct with another when the offender knows that the judgment or control of the other person is substantially impaired as a result of the influence of any drug or intoxicant administered for medical or other similar purposes.^{44, 45}

EEE. Likewise, the purported ORC definition of rape excludes consideration of ORC 2907.02(A)(1)(c), an offender engaging in sexual conduct with another when the offender knows that the other person's ability to resist is substantially impaired because of a mental or physical condition.⁴⁶

FFF. The former offense became effective March 21, 2025, while the latter offense became effective no later than calendar year 2006. Upon initial assessment, the absence of both the former and latter offense from the ORC definition of rape purported in the Screening Guidelines implies that the 2025 Screening Guidelines are either materially withholding these offenses from consideration by screeners or using portions of statutory text related to rape that are outdated by perhaps 20 or more years.^{47, 48}

GGG. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that these two offenses of rape were materially *withheld* from what became the 2025 Screening Guidelines beginning in 2018 as they were previously included in what is assessed to be the 2014 working baseline version of the Screening Guidelines. It is assessed with high confidence that the incomplete definition of rape has been promoted statewide for eight calendar years (2018-2025).

⁴⁴ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. "Ohio Child Protective Services Screening Guidelines." 2025. Page 28. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁴⁵ Ohio Legislative Service Commission. "Ohio Revised Code 2907.02 | Rape." Effective March 21, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.02>

⁴⁶ *ibid.*

⁴⁷ *ibid.*

⁴⁸ Justia. "2006 Ohio Revised Code - 2907.02. Rape." Accessed November 6, 2025.

https://law.justia.com/codes/ohio/2006/orc/jd_290702-875f.html

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HHH. Consider that, as another example, the ORC definition of endangering children purported in the 2025 Screening Guidelines if momentarily inferred to be that from the current ORC would promote PCSA screeners excluding consideration of a child who is endangered by offenses in ORC 2919.22(B)(5) related to child participation in and with the dissemination of material that is obscene, sexually oriented, or nudity oriented (pornography) apart from being, “[strictly] *for hire*.” In the Screening Guidelines, this notion, “*for hire*” is an independent element in the independent area of human trafficking found in both the type, “physical abuse” and the type, “sexual abuse” to the exclusion of endangering children in this manner but not, “*for hire*.”^{49, 50}

III. In fact, the reference in the Screening Guidelines to endangering children is noticeably solely located within the type, “physical abuse” (page 17) and not within the type, “sexual abuse” (page 28) where it should also be located. This particular offense became effective no later than calendar year 2006. Upon initial assessment, the absence of this offense from the ORC definition of endangering children purported in the Screening Guidelines again implies that the 2025 Screening Guidelines are either materially withholding this offense from consideration by screeners or using portions of statutory text related to endangering children that are outdated by perhaps 20 or more years.^{51, 52, 53}

JJJ. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that this offense of endangering children was materially *absent* from what is assessed to be the 2014 working baseline version of the Screening Guidelines. It is assessed with high confidence that the incomplete definition of endangering children related to child participation in and with pornography has been promoted statewide for *at least* twelve calendar years (2014-2025).

KKK. See that ORC 2151.031(C) defines an abused child as including an endangered child which is defined in ORC 2919.22 inclusive of (B)(5).⁵⁴

⁴⁹ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Pages 17, 19, 22. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁵⁰ Ohio Legislative Service Commission. “Ohio Revised Code 2919.22 | Endangering children.” Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.22>

⁵¹ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Pages 17, 28. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁵² Ohio Legislative Service Commission. “Ohio Revised Code 2919.22 | Endangering children.” Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.22>

⁵³ Justia. “2006 Ohio Revised Code - 2919.22. Endangering children.” Accessed November 6, 2025. https://law.justia.com/codes/ohio/2006/orc/jd_291922-873f.html

⁵⁴ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

LLL. As an additional example, the ORC definition of domestic violence purported in the 2025 Screening Guidelines if momentarily inferred to be that from the *entire* ORC would promote a PCSA screener excluding consideration of the Title 31 (Domestic Relations - Children) definition of domestic violence given in ORC 3113.31(A)(1)(a)(iii-iv), “(A) As used in this section: (1) “Domestic violence” means any of the following: (a) The occurrence of **one or more** of the following acts against a family or household member: ... (iii) Committing any act with respect to a child that would result in the child being an **abused child, as defined in section 2151.031** of the Revised Code; (iv) Committing a sexually oriented offense...” (Emphasis added).^{55, 56}

MMM. See that, unfortunately, even in OAC Rule 5180:2-1-01(106), *Children services definitions of terms*, “domestic violence” is listed specifically as pursuant to ORC 3113.33, *Shelters for domestic violence victims definitions*, and not pursuant to ORC 3113.31, *Domestic violence definitions; hearings*. The former ORC set of definitions specifically and narrowly considers only the bodily injury and physical harm elements of domestic violence while the latter ORC set of definitions generally and broadly considers bodily injury, physical harm, the definition of an abused child from ORC 2151.031, and sexually oriented offenses. It is hereby assessed that OAC Rule 5180:2-1-01(106) should be amended to reconcile a comprehensive definition of domestic violence from both ORC 3113.31 and ORC 3113.33, particularly the definition incorporated in ORC 3113.31 of an abused child from ORC 2151.031.^{57, 58, 59}

NNN. Regardless of any discrepancy in the OAC, the reference in the Screening Guidelines to domestic violence is noticeably solely the *criminal* definition given by ORC 2919.25 in the area of physical abuse. In fact, although the Screening Guidelines also consider the areas of neglect and mental/emotional maltreatment under domestic violence, the Screening Guidelines entirely exclude the area of sexual abuse from consideration under domestic violence and entirely exclude consideration of domestic violence from the area of sexual abuse. It is assessed that the absence of the Domestic Relations definition of domestic violence, and the absence of consideration of sexual abuse from within domestic violence and vice versa, certainly implies that the 2025 Screening Guidelines are not complete and not suitable for protecting children all the way to and through what may ultimately become Domestic Relations’ domestic violence and custody

⁵⁵ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 47. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁵⁶ Ohio Legislative Service Commission. “Ohio Revised Code 3113.31 | Domestic violence definitions; hearings.” Effective March 23, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-3113.31>

⁵⁷ Ohio Legislative Service Commission. “Ohio Administrative Code Rule 5180:2-1-01 | Children services definitions of terms.” Effective September 1, 2024. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-administrative-code/rule-5180:2-1-01>

⁵⁸ Ohio Legislative Service Commission. “Ohio Revised Code 3113.33 | Shelters for domestic violence victims definitions.” Effective March 23, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-3113.33>

⁵⁹ Ohio Legislative Service Commission. “Ohio Revised Code 3113.31 | Domestic violence definitions; hearings.” Effective March 23, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-3113.31>

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matters. Along that way to or through a domestic relations court, a juvenile court's exclusive and original jurisdiction to determine that a child is an abused child may be hampered with devastating effect in both courts by PCSA screening failures based on these Screening Guidelines.^{60, 61, 62}

OOO. Consider, for example, under Title 31 (Domestic Relations - Children), ORC 3109.04(F)(1)(h), *"In determining the best interest of a child pursuant to this section [in any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child],... the [domestic relations] court shall consider all relevant factors, including but not limited to:... whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child..."*⁶³

PPP. Consider also the Ohio Domestic Violence Network definition of domestic violence conveyed through the Ohio Annual Citizen Review Panel Report in May 2022, *"Domestic violence is "a pattern of abusive and coercive behaviors, including physical, **sexual**, and psychological attacks, as well as economic coercion,..."*" (Emphasis added).⁶⁴

QQQ. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that the Screening Guidelines' incomplete definition and treatment of domestic violence is materially *similar* to that in what is assessed to be the 2014 working baseline version of the Screening Guidelines. It is assessed with high confidence that the incomplete definition and treatment of domestic violence to the potential devastating effect in both domestic relations courts and juvenile courts has been promoted statewide for *at least* twelve calendar years (2014-2025).

RRR. As a final, but exceptional example, the ORC definition of out-of-home care child abuse purported in the 2025 Screening Guidelines is, in fact, the definition from the ORC, but it is hereby assessed that that ORC definition happens to be technically deficient. ORC 2151.011(B)(29)(a), instead of stating so exclusively, *"Out-of-home care child abuse" means*

⁶⁰ Ohio Legislative Service Commission. "Ohio Revised Code 2919.25 | Domestic violence." Effective March 20, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.25>

⁶¹ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. "Ohio Child Protective Services Screening Guidelines." 2025. Pages 26-34, 46-49. Accessed October 27, 2025. https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁶² Ohio Legislative Service Commission. "Ohio Revised Code 2151.23 | Jurisdiction of juvenile court." Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.23>

⁶³ Ohio Legislative Service Commission. "Ohio Revised Code 3109.04 | Allocating parental rights and responsibilities for care of children - shared parenting." Effective June 9, 2011. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-3109.04>

⁶⁴ Ohio Citizen Review Panels. "Ohio Annual Citizen Review Panel Report." State Fiscal Year 2021-2022. Page 37. Accessed October 27, 2025. https://dam.assets.ohio.gov/image/upload/v1731966174/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/CRP_Annual_Report_2022.pdf

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any of the following when committed by a person responsible for the care of a child in out-of-home care: (a) Engaging in sexual activity with a child in the person's care;...” should more generally and appropriately read, “...*(a) Committing any act with respect to a child that would result in the child being an **abused child, as defined in section 2151.031** of the Revised Code* [which includes engaging in sexual activity].” (Emphasis added).^{65, 66}

SSS. See that ORC 2151.031(F) already defines an abused child as including any child who, “*(F) Is subjected to out-of-home care child abuse.*” However, by virtue of the lack of reciprocity in ORC 2151.011(B)(29)(a) towards ORC 2151.031, it is assessed that the Screening Guidelines allow a PCSA screener to derivatively exclude consideration of the full scope of the definition of an abused child in the out-of-home care setting.⁶⁷

2025 Screening Guidelines: statutorily deviant example referral screening decisions.

TTT. Examples of referral screening decisions in the first area of Sexual Abuse of a Child are provided on page 30 in a “*Screen In*” column and in a “*Screen Out*” column. Examples in the second area of Sexting/Social Media begin on page 31 and examples in the third area of Human Trafficking begin on page 34.⁶⁸

UUU. In the Screen In column of Sexual Abuse of a Child:

1. Consider that the third example in Screen In (page 31), a bulleted set, is introduced with, “*For the **purpose** of sexual gratification/exploitation, which can include but is not limited to the following:...*” (Emphasis added).⁶⁹
2. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that this entire example bulleted set with the heading phrase, “*For the purpose of sexual gratification/exploitation...*” aside from two phrases internal to two of these bullets (discussed below) is materially *identical* to the example bulleted set provided in what is assessed to be the 2014 working baseline version of the Screening Guidelines. It is assessed with high confidence that this specific

⁶⁵ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 52. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenand youth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁶⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2151.011 | Juvenile court definitions.” Effective January 1, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.011>

⁶⁷ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

⁶⁸ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Pages 30-31, 34. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenand youth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁶⁹ *ibid.*

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set of examples with this head bullet has been promoted statewide for *at least* twelve calendar years (2014-2025).

3. Eleven sub-bulleted examples follow for which acts the “purpose” of sexual gratification/exploitation apparently must be credibly met in an allegation by an official, professional, or private referent before a PCSA caseworker and/or PCSA supervisor will screen in the referral under the authority of the out-dated CPS Worker Manual(s). It is noteworthy that some of these eleven sub-bulleted example acts or other similar example acts might occur without such a purpose and yet should certainly be screened in as sex offenses *as defined in the statutes*, but such example screening decisions independent of the purpose of sexual gratification/exploitation are not provided in the Screening Guidelines.⁷⁰

4. It is assessed with high confidence that the longstanding exclusive ordering under “purpose” of examples of sex offenses that do not legally require establishing “purpose” may create dangerously inappropriate certainty in the legality of screening decisions over real referrals of sex offenses that lack and do not legally require establishing such purpose. Such inappropriate certainty would result in such referrals of sex offenses not being screened in when they should certainly be screened in, a problematic and high barrier.

5. The culpability of “purpose” in the Screening Guidelines is a higher degree of culpability than that which is legally sufficient to establish some of these eleven acts as sex offenses by the per se intent of the ORC. See ORC 2901.22 for degrees of culpability attached to mental states given in descending order of degree: *purposely, knowingly, recklessly, and negligently*. Note that a higher degree of culpability that happens to be present with an element of an offense is sufficient culpability in establishing that element when legally only lower culpabilities suffice to establish that element.⁷¹

6. However, though the Screening Guidelines’ examples are admittedly not all inclusive, by the noticeable longstanding exclusion of all but the most purposeful, sexually motivated, or exploitative examples, it then appears inversely and problematically in some of these examples that the per se intent of the ORC in the culpability sufficient to establish some of these example acts as sex offenses is apparently *not* sufficient for these Screening Guidelines to screen in real referrals of these acts as sex offenses.

⁷⁰ *ibid.*

⁷¹ Ohio Legislative Service Commission. “Ohio Revised Code 2901.22 | Degrees of culpability attached to mental states.” Effective March 23, 2015. Accessed October 27, 2025.
<https://codes.ohio.gov/ohio-revised-code/section-2901.22>

7. See that the Screening Guidelines do not address the ORC definition of culpability *at all*.

a. Consider, for example, the per se intent of the ORC in the seventh and eighth of eleven sub-bulleted examples as acts of disseminating matter harmful to juveniles (ORC 2907.31), specifically, pornography (shown or allowed to view), but generally, some, “...*tangible thing capable of arousing* [prurient] *interest through sight, sound, or touch...*” (ORC 2907.01(J)) by a person with, “*knowledge of its character or content.*” As sex offenses, these acts require establishing only an overall degree of culpability of “recklessly” which is of lower degree than “purposely” being promoted statewide by the Screening Guidelines.^{72, 73, 74}

b. It is assessed that according to the Screening Guidelines under the authority of the out-dated CPS Worker Manual(s), the per se intent of the ORC for these acts may be wrongly, unexplainedly, and unwittingly to the public ignored by PCSA caseworkers and PCSA supervisors and not screened in if the *higher* degree of culpability of “purposely” could not be credibly met in the allegation of a referent.

c. This *directly* works against the intent of ORC 2151.031(B) expanding the definition of an abused child to include any child who, “*is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code* (Sex Offenses)...” for which a culpability of “recklessly” is sufficient in both the abuse and criminal contexts.⁷⁵

d. It is assessed that these seventh and eighth sub-bulleted examples should be rewritten apart from the “purpose” head bullet and promoted statewide as

⁷² Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁷³ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.31>

⁷⁴ Ohio Legislative Service Commission. “Ohio Revised Code 2907.01 | Sex offenses general definitions.” Effective March 21, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.01>

⁷⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

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screened in when committed “recklessly” with, “*knowledge of its character or content*” as is the per se intent of the ORC.^{76, 77}

e. Consider also, for example, the per se intent of the ORC in the ninth and tenth of eleven sub-bulleted examples as acts of illegal use of minors in nudity-oriented material or performance (ORC 2907.323), specifically, as examples of photographing or viewing, or allowing photographing or viewing, of a child without clothing. For this act, the ORC does not specify any degree of culpability. Rather, the act is plainly prohibited unless there is a, “*bona fide purpose... with proper interest* [statutorily excepted].” (Emphasis added).^{78, 79}

f. According to ORC 2901.21(B), “*When the language defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in the section, then culpability is not required for a person to be guilty of the offense...*”⁸⁰

g. It is again assessed that according to the Screening Guidelines under the authority of the out-dated CPS Worker Manual(s), the per se intent of the ORC for these acts may be wrongly, unexplainedly, and unwittingly to the public ignored by PCSA caseworkers and PCSA supervisors and not screened in if the *highest* degree of culpability of “purposely” could not be credibly met in the allegation of a referent for an act for which culpability is not even required to be established for a person to be guilty.

h. It is assessed that these ninth and tenth sub-bulleted examples should be rewritten apart from the “purpose” head bullet and promoted statewide as

⁷⁶ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁷⁷ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.31>

⁷⁸ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁷⁹ Ohio Legislative Service Commission. “Ohio Revised Code 2907.323 | Illegal use of minor or impaired person in nudity-oriented matter or performance.” Effective March 22, 2019. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.323>

⁸⁰ Ohio Legislative Service Commission. “Ohio Revised Code 2901.21 | Criminal liability, culpability.” Effective March 23, 2015. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2901.21>

screened in unless with, “*bona fide purpose... with proper interest* [statutorily excepted]” as is the per se intent of the ORC.^{81, 82}

i. Further, it is assessed that the ninth and tenth sub-bulleted examples should be trimmed of their trailing, “*for sexual gratification*” phrase which is also against the per se intent of the ORC. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that this phrase was materially *added* to these two sub-bulleted examples in the materially identical bulleted example set in what is assessed to be the 2014 working baseline version of the Screening Guidelines beginning in 2018. It is assessed that this phrase, “*for sexual gratification*” has been promoted statewide for eight calendar years (2018-2025).

8. Consider again that the third example in Screen In (page 31 of the Screening Guidelines) is introduced with, “*For the purpose of **sexual gratification**/exploitation, which can include but is not limited to the following:...*” (Emphasis added).⁸³

9. Similarly to “purpose”, the per se intent of the ORC in prohibiting disseminating matter harmful to juveniles (ORC 2907.31) and illegal use of minors in nudity-oriented material or performance (ORC 2907.323) gives no apparent initial or exclusive regard to, “sexual gratification” of an alleged offender. In combining “purpose” with the term “sexual gratification,” the Screening Guidelines under the authority of the out-dated CPS Worker Manual(s) require an allegation of an official, professional, or private referent to credibly meet a specified sexual motivation for both the former and latter offenses in order for the referral to be screened in by a PCSA screener.^{84, 85}

⁸¹ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁸² Ohio Legislative Service Commission. “Ohio Revised Code 2907.323 | Illegal use of minor or impaired person in nudity-oriented matter or performance.” Effective March 22, 2019. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2907.323>

⁸³ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁸⁴ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.31>

⁸⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2907.323 | Illegal use of minor or impaired person in nudity-oriented matter or performance.” Effective March 22, 2019. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2907.323>

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10. See that “purpose” and “sexual gratification” are used to construct the definition in ORC 2971.01(J) of, “(J) *“Sexual motivation” means a **purpose to gratify the sexual needs or desires of the offender...***” (Emphasis added).⁸⁶

a. For clarity, the former offense of disseminating matter harmful to juveniles may be established according to the ORC with or without any purpose or motivation at all, but with recklessness, defined in ORC 2901.22(C) as, “(C)... *with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk...*”⁸⁷

b. The latter offense of illegal use of minors in nudity-oriented material or performance is already established in the ORC in the absence of any bona fide purpose regardless of any motivation. Violation may extend, however, to the offense of endangering children (ORC 2919.22(B)(5)) given, “*No person shall... use, or allow the child to... participate in... production, presentation, dissemination, or advertisement of any material that the offender knows or reasonably should know is... nudity-oriented matter...*”^{88, 89}

c. Both the latter offense and its extension to endangering children are deemed sexually oriented offenses as according to ORC 2950.01(A)(10), “*As used in this chapter, unless the context clearly requires otherwise: (A) “Sexually oriented offense” means any of the following violations or offenses committed by a person, regardless of the person’s age: (1) A violation of section... **2907.323 of the Revised Code;**... [emphasis added for the latter offense] (6) A violation of division (A)(3) of section 2903.211 of the Revised Code;... (10) A violation of... **division (B)(5) of section 2919.22 of the Revised Code;**... [emphasis added for the extension of the latter offense] (14) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1),... (6),... (10),... of this section.*”⁹⁰

⁸⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2971.01 | Sentencing of sexually violent predator definitions.” Effective March 21, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2971.01>

⁸⁷ Ohio Legislative Service Commission. “Ohio Revised Code 2901.22 | Degrees of culpability attached to mental states.” Effective March 23, 2015. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2901.22>

⁸⁸ Ohio Legislative Service Commission. “Ohio Revised Code 2907.323 | Illegal use of minor or impaired person in nudity-oriented matter or performance.” Effective March 22, 2019. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.323>

⁸⁹ Ohio Legislative Service Commission. “Ohio Revised Code 2919.22 | Endangering children.” Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.22>

⁹⁰ Ohio Legislative Service Commission. “Ohio Revised Code 2950.01 | Definitions.” Effective March 21, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2950.01>

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d. Even as sexually oriented offenses, sexual motivation does not seem to be explicitly considered or attached to violation of the latter offense of 2907.323 or the extension to 2919.22(B)(5) unless through, for example, the coincident introduction of a third sexually oriented offense, “(A)(6) *A violation of division (A)(3) of section 2903.211 of the Revised Code;...*” This violation, “(3) *No person, with a **sexual motivation**, shall violate division (A)(1) or (2) of this section, [emphasis added]*” is that of menacing by stalking wherein by engaging in a pattern of conduct (*two or more* actions or incidents closely related in time) with sexual motivation, a person knowingly causes another person to believe that the offender will cause physical harm or mental distress to the other person or family/household member by various means.^{91, 92}

e. It is assessed that for the Screening Guidelines, under the authority of the out-dated CPS Worker Manual(s), to promote statewide that an allegation of an official, professional, or private referent must credibly specify sexual motivation of an alleged offender in the given example acts is to promote statewide, for example, the implied necessity for a sexually motivated and distressing pattern of two or more actions or incidents to exist before a screen-in decision would be made by a PCSA caseworker and PCSA supervisor when a single offense without the culpability of purpose and without sexual motivation should be entirely sufficient. Promoting this or other implied necessities of specifying motivation would be an extremely problematic and high barrier to screening in referrals for these types of sexually abusive acts.

f. See again that the reasonable person standard is affirmed in Ohio law. See in ORC 2151.421(A)(1)(a) and (B) in reporting child sexual abuse that, “...[knowledge of or] *reasonable cause to suspect based on facts that would cause a reasonable person in a similar position (or similar circumstances) to suspect that a child... has suffered or faces a threat of suffering... that reasonably indicates abuse* [as defined in the statutes]...” is sufficient for both the immediate mandatory reporting without failure by anyone acting in official or professional capacities to peace officers or PCSAs and the timely permissive reporting by anyone while acting in a private capacity to peace officers or PCSAs directly or indirectly through various types of mandatory reporters acting in good faith upon reasonable cause shown.⁹³

⁹¹ *ibid.*

⁹² Ohio Legislative Service Commission. “Ohio Revised Code 2903.211 | Menacing by stalking.” Effective August 16, 2016. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2903.211>

⁹³ Ohio Legislative Service Commission. “Ohio Revised Code 2151.421 | Reporting child abuse or neglect.” Effective September 30, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.421>

g. It is assessed that this also works *directly* against the intent of ORC 2151.031(B) expanding the definition of an abused child to include any child who, “*is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses)...*” for which a culpability of “recklessly” without sexual motivation is sufficient in both the abuse and criminal contexts.⁹⁴

h. It is also notable that the ORC use of the term, “sexual motivation” is directly linked to sentencing of sexually violent predators in ORC 2971.01(H)(2) and is a factor considered as evidence tending to indicate that there is a likelihood that the person will engage in the future in one or more sexually violent offenses (indicative of a pre-existing *pattern*).⁹⁵

i. Sexual motivation is also directly linked to the granting of domestic violence civil protection orders in domestic relations courts due to offenses such as menacing by stalking (ORC 2903.211(A)(3)).⁹⁶

j. See again ORC 3113.31(A)(1)(a)(ii-iv), “(A) As used in this section: (I) “Domestic violence” means any of the following: (a) The occurrence of **one or more** of the following acts against a family or household member: ... (ii) ... committing a violation of section **2903.211** [a pattern of two or more actions]...; (iii) Committing **any** act with respect to a child that would result in the child being an **abused child, as defined in section 2151.031** of the Revised Code; (iv) Committing a sexually oriented offense...” (Emphasis added).⁹⁷

k. It is assessed that being tied to the sentencing and protective order contexts, sexual motivation is hardly a threshold that should be required or promoted statewide as necessary to be credibly met in an allegation by an official, professional, or private referent for the first assessment of a child’s safety by PCSA caseworkers and/or PCSA supervisors.

l. It is assessed that the seventh through tenth sub-bulleted examples should be rewritten apart from the “sexual gratification” head bullet and promoted statewide as screened in when committed “recklessly” with “*knowledge of its*

⁹⁴ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

⁹⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2971.01 | Sentencing of sexually violent predator definitions.” Effective March 21, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2971.01>

⁹⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2903.211 | Menacing by stalking.” Effective August 16, 2016. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2903.211>

⁹⁷ Ohio Legislative Service Commission. “Ohio Revised Code 3113.31 | Domestic violence definitions; hearings.” Effective March 23, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-3113.31>

character or content” in the former offense, and when committed without, “*bona fide purpose... with proper interest* [statutorily excepted]” in the latter offense as is the per se intent of the ORC.^{98, 99, 100}

11. Consider, finally, that the third example in Screen In (page 31 of the Screening Guidelines) is introduced with, “*For the purpose of **sexual gratification/exploitation**, which can include but is not limited to the following:...*” (Emphasis added).¹⁰¹

12. Similarly to “purpose” and “sexual gratification”, the per se intent of the ORC in prohibiting disseminating matter harmful to juveniles (ORC 2907.31) and illegal use of minors in nudity-oriented material or performance (ORC 2907.323) gives no apparent initial or exclusive regard to, “sexual exploitation” of a child. In combining “purpose” with the term “sexual exploitation,” the Screening Guidelines on page 33, under the authority of the out-dated CPS Worker Manual(s), require an allegation of an official, professional, or private referent to credibly meet the specification that, “*...someone is compelling... [a child’s] engagement in **commercial sex**... [emphasis added][for hire by pay of something of value]” by either compelling prostitution (ORC 2907.21) or pandering obscenity (ORC 2907.32) in order for a referral of either the former or latter offense to be screened in by a PCSA screener.^{102, 103, 104}*

13. However, see in ORC 2907.19(C), “*commercial sexual exploitation*” of a minor is actually an offense wherein a person would minimally, “*knowingly* [lesser degree than

⁹⁸ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenand youth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

⁹⁹ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.31>

¹⁰⁰ Ohio Legislative Service Commission. “Ohio Revised Code 2907.323 | Illegal use of minor or impaired person in nudity-oriented matter or performance.” Effective March 22, 2019. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.323>

¹⁰¹ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenand youth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

¹⁰² Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2907.31>

¹⁰³ Ohio Legislative Service Commission. “Ohio Revised Code 2907.323 | Illegal use of minor or impaired person in nudity-oriented matter or performance.” Effective March 22, 2019. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2907.323>

¹⁰⁴ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 33. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenand youth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

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“purposely”] *purchase or otherwise obtain advertising space for an advertisement for sexual activity for hire that includes a [any, even a non-sexual] depiction of a minor.*” ¹⁰⁵

a. Consider again, for clarity, the former offense of disseminating matter harmful to juveniles may be established according to the ORC with or without any purpose or commercial sexual exploitation of a child at all, but with recklessness by *any* person, including private (non-commercial) persons, with *any* material harmful to juveniles or obscene with the person having, “*knowledge of its character or content.*” ¹⁰⁶

b. Likewise, the latter offense of illegal use of minors in nudity-oriented material or performance is already established in the ORC in the absence of any bona fide purpose by *any* person, including private (non-commercial) persons, regardless of any commercial sexual exploitation of a child at all. Again, violation may extend, however, to the offense of endangering children (ORC 2919.22(B)(5)) given, “*No person shall... use, or allow the child to... participate in... production, presentation, dissemination, or advertisement of any material that the offender knows or reasonably should know is... nudity-oriented matter...*” ^{107, 108}

c. Likewise, violation of the latter offense may extend to the offense of trafficking in persons (ORC 2905.32(A)(2)(b-c)) given, “*(A) No person shall knowingly... obtain... another person if... (2) The other person is less than eighteen years of age... and... the offender’s knowing[ly]... obtaining... of the other person... is for any of the following purposes:... (b) [For the other person, a child] to engage in a performance **for hire** that is... nudity oriented; (c) [For the other person, a child] to be a model or participant **for hire** in the production of material that is... nudity oriented.*” (Emphasis added). ¹⁰⁹

d. According to ORC 2905.32(F)(2)(a), “... “*...for hire*” mean[s] an implicit or explicit agreement to... engage in a... nudity oriented performance, or

¹⁰⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2907.19 | Commercial sexual exploitation of a minor.” Effective June 20, 2014. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.19>

¹⁰⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.31>

¹⁰⁷ Ohio Legislative Service Commission. “Ohio Revised Code 2907.323 | Illegal use of minor or impaired person in nudity-oriented matter or performance.” Effective March 22, 2019. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.323>

¹⁰⁸ Ohio Legislative Service Commission. “Ohio Revised Code 2919.22 | Endangering children.” Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.22>

¹⁰⁹ Ohio Legislative Service Commission. “Ohio Revised Code 2905.32 | Trafficking in persons.” Effective September 13, 2022. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2905.32>

be a model or participant in the production of... nudity oriented material... in exchange for anything of value paid to... (a) The person engaging in such... performance, or modeling or participation... ” (Emphasis added).¹¹⁰

e. It is assessed that the meaning of “value” might be entirely subjective to a child and might even include the act of hiring and/or viewing itself.

f. Finally, see also the corresponding federal offenses under federal laws wherein the tenor of the term, “exploitation” is also that of *commercial* exploitation as in the ORC. However, in depicting minors, see also 18 U.S. Code § 2256(8)(A-C) that, ““*child pornography*” means any visual depiction... of sexually explicit conduct, where... of a minor engaging in sexually explicit conduct...” The term, “sexually explicit conduct” is defined in 18 U.S. Code § 2256(2)(A)(v) to include, “...actual or simulated—... (v) lascivious [obscene] exhibition of the... pubic area of any person;”^{111, 112, 113, 114}

g. It is assessed that for the Screening Guidelines, under the authority of the out-dated CPS Worker Manual(s), to promote statewide that an allegation of an official, professional, or private referent must credibly specify sexual exploitation of a child in the given example acts is to promote statewide the necessity for an exchange of commercial value to exist before a screen-in decision would be made by a PCSA caseworker and PCSA supervisor when a private non-commercial offense without the culpability of purpose and without commercial sexual exploitation should be entirely sufficient. Requiring these offenses to be credibly joined with acts of compelling child prostitution, compelling child involvement in pandering obscenity, or even advertising sexual activity by including a sexual or non-sexual depiction of a minor is inappropriate for these screening decisions. Promoting these or other necessities of specifying exploitation would be an extremely problematic and high barrier to screening in referrals for these types of sexually abusive acts.

¹¹⁰ *ibid.*

¹¹¹ Cornell Law School. Legal Information Institute. “18 U.S. Code § 2256 - Definitions for chapter.” December 7, 2018. Accessed October 27, 2025. <https://www.law.cornell.edu/uscode/text/18/2256#8>

¹¹² Cornell Law School. Legal Information Institute. “18 U.S. Code § 2251 - Sexual exploitation of children.” December 23, 2024. Accessed October 27, 2025. <https://www.law.cornell.edu/uscode/text/18/2251>

¹¹³ Cornell Law School. Legal Information Institute. “18 U.S. Code § 2252 - Certain activities relating to material involving the sexual exploitation of minors.” December 23, 2024. Accessed October 27, 2025. <https://www.law.cornell.edu/uscode/text/18/2252>

¹¹⁴ Cornell Law School. Legal Information Institute. “18 U.S. Code § 2252A - Certain activities relating to material constituting or containing child pornography.” December 23, 2024. Accessed October 27, 2025. <https://www.law.cornell.edu/uscode/text/18/2252A>

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h. See again that the reasonable person standard is affirmed in Ohio law. See in ORC 2151.421(A)(1)(a) and (B) in reporting child sexual abuse that, “[...knowledge of or] *reasonable cause to suspect based on facts that would cause a reasonable person in a similar position (or similar circumstances) to suspect that a child... has suffered or faces a threat of suffering... that reasonably indicates abuse* [as defined in the statutes]...” is sufficient for both the immediate mandatory reporting without failure by anyone acting in official or professional capacities to peace officers or PCSAs and the timely permissive reporting by anyone while acting in a private capacity to peace officers or PCSAs directly or indirectly through various types of mandatory reporters acting in good faith upon reasonable cause shown.¹¹⁵

i. It is assessed that this also works *directly* against the intent of ORC 2151.031(B) expanding the definition of an abused child to include any child who, “*is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses)...*” for which a culpability of “recklessly” without commercial sexual exploitation is sufficient in both the abuse and criminal context.¹¹⁶

j. It is assessed that the seventh through tenth sub-bulleted examples should be rewritten apart from the “sexual exploitation” head bullet and promoted statewide as screened in when committed “recklessly” with “*knowledge of its character or content*” in the former offense, and when committed without, “*bona fide purpose... with proper interest* [statutorily excepted]” in the latter offense as is the per se intent of the ORC.^{117, 118, 119}

¹¹⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2151.421 | Reporting child abuse or neglect.” Effective September 30, 2025. Accessed October 27, 2025.

¹¹⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹¹⁷ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025. https://dam.assets.ohio.gov/image/upload/v1744651485/childrenand youth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

¹¹⁸ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.31>

¹¹⁹ Ohio Legislative Service Commission. “Ohio Revised Code 2907.323 | Illegal use of minor or impaired person in nudity-oriented matter or performance.” Effective March 22, 2019. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.323>

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VVV. In the Screen Out column of Sexual Abuse of a Child:

1. The second example in Screen Out (page 30 of the Screening Guidelines) says, *“Child fifteen years old engaging in consensual sexual activity with an adult eighteen years of age.”*¹²⁰
2. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that this specific example was materially *added* to the screen out examples provided in what is assessed to be the 2014 working baseline version of the Screening Guidelines beginning in 2018. It is assessed with high confidence that screening out unlawful sexual conduct with a minor has been promoted statewide for eight calendar years (2018-2025).
 - a. See that ORC 2907.01 states, *“(C) “Sexual activity” means sexual conduct or sexual contact, or both.”*¹²¹
 - b. Additionally, ORC 2907.04 states, *“(A) No person who is eighteen years of age or older shall engage in sexual conduct with another when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard...”*¹²²
 - c. Further, *“(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor... (2) Except as otherwise provided in division (B)(4) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree..”*¹²³
 - d. It is assessed that this example in the Screening Guidelines does not differentiate sexual activity as either sexual conduct or sexual contact. Under the authority of the out-dated CPS Worker Manual(s), the Screening Guidelines promote PCSA caseworkers and PCSA supervisors statewide screening out both, but particularly, screening out unlawful sexual conduct with a minor.

¹²⁰ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 30. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenand youth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

¹²¹ Ohio Legislative Service Commission. “Ohio Revised Code 2907.01 | Sex offenses general definitions.” Effective March 21, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.01>

¹²² Ohio Legislative Service Commission. “Ohio Revised Code 2907.04 | Unlawful sexual conduct with minor.” Effective August 9, 2024. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.04>

¹²³ *ibid.*

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e. It is assessed that this example should be moved to the Screen In column.

3. The final example in Screen Out (page 31 of the Screening Guidelines) says, “*A forcible sexual act between similar aged, developmentally similar minors (i.e., date rape).*”¹²⁴

4. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that this specific example is materially *identical* to the screen out example provided in what is assessed to be the 2014 working baseline version of the Screening Guidelines. It is assessed with high confidence that screening out rape and screening out gross sexual imposition has been promoted statewide for *at least* twelve calendar years (2014-2025).

a. It is assessed that a “sexual act” means “sexual activity” which is defined as given above. This example in the Screening Guidelines also does not differentiate sexual activity as either sexual conduct or sexual contact.

b. It is assessed that a practically universal definition of rape is in ORC 2907.02, “(A)(2) *No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force...*”¹²⁵

c. Further, gross sexual imposition is defined in ORC 2907.05, “(A) *No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies: (1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force...*”¹²⁶

d. It is assessed that under the authority of the out-dated CPS Worker Manual(s), the Screening Guidelines promote PCSA caseworkers and PCSA supervisors statewide screening out both forcible sexual conduct (rape) and forcible sexual contact (gross sexual imposition) committed by children against similar aged, developmentally similar children.

¹²⁴ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenand youth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

¹²⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2907.02 | Rape.” Effective March 21, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.02>

¹²⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2907.05 | Gross sexual imposition.” Effective August 9, 2024. Accessed October 27, 2025. <https://codes.ohio.gov./ohio-revised-code/section-2907.05>

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e. See that this example works against the intent of ORC 2152.02, notably, “(E) “*Delinquent child*” includes any of the following: (1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;...”¹²⁷

f. It is assessed that this example should be moved to the Screen In column.

WWW. In the Screen Out column of Sexting/Social Media:

1. The first example in Screen Out (page 31 of the Screening Guidelines) says, “Adult unknown to the child and/or family **requesting sexually explicit materials and/or communication from a child.**” (Emphasis added).¹²⁸

a. See that ORC 2919.22(B)(5) states, “(B) No person shall do any of the following to a child under eighteen years of age... (5) **Entice,... encourage,...** the child to... in any... way participate in... the dissemination... of any material... that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter.” (Emphasis added).¹²⁹

b. See again that ORC 2151.031(C) defines an abused child as including an endangered child which is defined in ORC 2919.22 inclusive of (B)(5).¹³⁰

2. The second example in Screen Out (page 32 of the Screening Guidelines) says, “Adult unknown to the child and/or family **sending sexually explicit materials and/or communication to a child.**” (Emphasis added).¹³¹

¹²⁷ Ohio Legislative Service Commission. “Ohio Revised Code 2151.02 | Delinquent children - juvenile traffic offender definitions.” Effective April 4, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2152.02>

¹²⁸ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 31. Accessed October 27, 2025. https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

¹²⁹ Ohio Legislative Service Commission. “Ohio Revised Code 2919.22 | Endangering children.” Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.22>

¹³⁰ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹³¹ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 32. Accessed October 27, 2025. https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

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a. See that ORC 2907.31(A)(1) states, “(A) No person, with knowledge of its character or content, shall recklessly do any of the following: (1) directly... disseminate... to a juvenile... any material... that is obscene...,”¹³²

b. See ORC 2151.031(B) defines an abused child as including any child who, “...(B) Is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses),...”¹³³

3. The third example in Screen Out (page 32 of the Screening Guidelines) says, “Child **sending** another similar aged child **sexually explicit** material and/or communication.” The fourth example in Screen Out says, “Child **receives sexually explicit** materials and/or communication and **sends** out to other people.” (Emphasis added).¹³⁴

a. See that an offense of ORC 2907.31(A)(1) by a child upon another child results in an abused child according to ORC 2151.031(B).^{135, 136}

b. See ORC 2152.02, notably, “(E) “Delinquent child” includes any of the following: (1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;...”¹³⁷

4. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that these specific examples were materially added to the screen out examples provided in what is assessed to be the 2014 working

¹³² Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2907.31>

¹³³ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹³⁴ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 32. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

¹³⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2907.31>

¹³⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹³⁷ Ohio Legislative Service Commission. “Ohio Revised Code 2151.02 | Delinquent children - juvenile traffic offender definitions.” Effective April 4, 2023. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2152.02>

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baseline version of the Screening Guidelines beginning in 2018 and promoted statewide for eight calendar years (2018-2025).

5. It is assessed that all of these examples work *directly* against the intent of ORC 2151.031(B) expanding the definition of an abused child to include any child who, “*is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses)...*” for which an offense by either adult or child is prohibited in both the abuse and criminal contexts.¹³⁸

6. All of these examples also work *directly* against the intent of ORC 2151.031(C) in defining an abused child as including an endangered child as defined in ORC 2919.22(B)(5) which entails child participation in and with the dissemination of material that is obscene, sexually oriented, or nudity oriented (pornography).^{139, 140}

7. It is assessed that under the authority of the out-dated CPS Worker Manual(s), the Screening Guidelines promote PCSA caseworkers and PCSA supervisors statewide screening out child sexual abuse referrals of disseminating matter harmful to juveniles and referrals of child endangerment committed by both adults and children upon children. These examples should be moved to the Screen In column of Sexual Abuse of a Child.

XXX. In the Screen Out column of Human Trafficking:

1. The only example in Screen Out (page 34 of the Screening Guidelines) says, “*Child exchanges [sexually] explicit acts or materials with same-aged peers for non-commercial/survival purposes.*”¹⁴¹

a. See again that ORC 2919.22(B)(5) states, “*(B) No person shall do any of the following to a child under eighteen years of age... (5) Entice,... encourage,... the child to... in any... way participate in... the dissemination... of any material... that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter.*”¹⁴²

¹³⁸ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹³⁹ *ibid.*

¹⁴⁰ Ohio Legislative Service Commission. “Ohio Revised Code 2919.22 | Endangering children.” Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.22>

¹⁴¹ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Page 34. Accessed October 27, 2025. https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

¹⁴² Ohio Legislative Service Commission. “Ohio Revised Code 2919.22 | Endangering children.” Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.22>

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b. See again that ORC 2151.031(C) defines an abused child as including an endangered child which is defined in ORC 2919.22 inclusive of (B)(5).¹⁴³

c. See again that ORC 2907.31(A)(1) states, “(A) No person, with knowledge of its character or content, shall recklessly do any of the following: (1) directly.. disseminate... to a juvenile... any material... that is obscene..;”¹⁴⁴

d. See ORC 2151.031(B) defines an abused child as including any child who, “...(B) Is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses),...”¹⁴⁵

e. See again that an offense of ORC 2907.31(A)(1) by a child upon another child results in an abused child according to ORC 2151.031(B).^{146, 147}

f. See again ORC 2152.02, notably, “(E) “Delinquent child” includes any of the following: (1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;...”¹⁴⁸

2. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that this specific example was materially *added* to the screen out examples provided in what is assessed to be the 2014 working baseline version of the Screening Guidelines beginning in 2018 and promoted statewide for eight calendar years (2018-2025).

3. It is assessed that this example works *directly* against the intent of ORC 2151.031(B) expanding the definition of an abused child to include any child who, “*is the*

¹⁴³ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹⁴⁴ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.31>

¹⁴⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹⁴⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2907.31>

¹⁴⁷ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹⁴⁸ Ohio Legislative Service Commission. “Ohio Revised Code 2151.02 | Delinquent children - juvenile traffic offender definitions.” Effective April 4, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2152.02>

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*victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses)...” for which an offense by either adult or child is prohibited in both the abuse and criminal contexts.*¹⁴⁹

4. This example also works *directly* against the intent of ORC 2151.031(C) in defining an abused child as including an endangered child as defined in ORC 2919.22(B)(5) which entails child participation in and with the dissemination of material that is obscene, sexually oriented, or nudity oriented (pornography).^{150, 151}

5. It is again assessed that under the authority of the out-dated CPS Worker Manual(s), the Screening Guidelines promote PCSA caseworkers and PCSA supervisors statewide screening out child sexual abuse referrals of disseminating matter harmful to juveniles and referrals of child endangerment committed by both adults and children upon children. This example should be moved to the Screen In column of Sexual Abuse of a Child.

¹⁴⁹ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹⁵⁰ *ibid.*

¹⁵¹ Ohio Legislative Service Commission. “Ohio Revised Code 2919.22 | Endangering children.” Effective April 6, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2919.22>

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3. FACTS BEARING ON THE PROBLEM

Memorandum of Understanding.

A. By December 31, 2025, Ohio's county PCSAs are to prepare and submit to the Ohio Department of Job and Family Services (ODJFS) the second biennial MOU that sets forth the terms and normal operating procedures to be employed under ORC 2151.4221 by all concerned county officials when conducting child abuse or neglect assessments and investigations. The MOU is to clearly delineate the roles, responsibilities, duties, and requirements of each county official or agency involved and carry the signatures of agreement of a juvenile court judge or representative, the county peace officer, the chief peace officers and other law enforcement officers of all political subdivisions within the county, the prosecuting attorney of the county, the PCSA, the county department of job and family services, the local animal cruelty reporting agency, and each participating member of the local children's advocacy center as applicable.

B. The county PCSA is to submit the biennially reviewed, updated, and signed MOU to the board of county commissioners for approval by resolution, and to submit the approved MOU to ODJFS for determination of compliance, for agreement by audit, and for listing compliant MOUs on the department's public website. The counties' MOUs that are in effect are to be posted to the counties' general websites. See OAC Rule 5180:2-33-26 and also ORC 2151.4220 through 2151.4234.^{152, 153, 154}

C. The Statement of Purpose in the Model MOU created by ODJFS and provided to the county PCSAs states, "*The MOU also identifies... the minimum requirements of screening... to meet mandates included in children services legislation passed by the 134th Ohio General Assembly.*"^{155, 156}

D. The Model MOU continues with, "*Throughout the state each PCSA provides the following services to their communities [as the lead agency for the investigation of child abuse]:* **Screening:** [emphasis in original] *The capacity to accept and screen referrals of suspected child*

¹⁵² Ohio Legislative Service Commission. "Ohio Revised Code 2151.4221 | Memorandum of understanding purpose, content." Effective May 30, 2022. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2151.4221>

¹⁵³ Ohio Legislative Service Commission. "Ohio Administrative Code Rule 5180:2-33-26 | The county child abuse and neglect memorandum of understanding." Effective September 15, 2022. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-administrative-code/rule-5180:2-33-26>

¹⁵⁴ Ohio Department of Job and Family Services. "Memorandum of Understanding Approval Status. The County Child Abuse and Neglect Memorandum of Understanding (MOU)." Accessed October 27, 2025.

<https://jfs.ohio.gov/adult-protective-services/children-services-professionals/public-children-services-agencies-county-jfs/child-protective-services/memorandum-of-understanding-approval-status>

¹⁵⁵ Ohio Department of Job and Family Services. "Forms Central. Search results for: JFS 01425." DCY 01425. Rev. 4/2025. Accessed October 27, 2025. <https://www.odjfs.state.oh.us/forms/num/JFS01425>

¹⁵⁶ Ohio Department of Children and Youth. "[Model] Memorandum of Understanding to Address Child Abuse and Neglect." DCY 01425 (Rev. 4/2025). Page 1. <https://www.odjfs.state.oh.us/forms/num/DCY01425/pdf/>

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*abuse... includes but is not limited to the following: Receiving referrals 24 hours/day, 7 days/week; Recording and retaining referral information; Following **Ohio's screening guidelines** [emphasis added] based on Ohio Administrative and Revised Code and categorizing the child maltreatment type; Adherence to a protocol for making screening and differential response pathway decisions regarding referrals of suspected child abuse... within 24 hours from the time of the referral; Documenting case decisions; And assigning a response priority of emergency or non-emergency to any screened in report.”*¹⁵⁷

Statutory Definition of Abused Child

E. The screening procedures defined by OAC Rule 5180:2-36-01 require a PCSA to attempt to obtain and record information from a referent regarding risk of child maltreatment and to determine an intake category and arrive at a screening decision without delay. Information received as child sexual abuse is to be categorized as, “child abuse and/or neglect” and typed as, “sexual abuse” in accordance with section 2151.031 of the Ohio Revised Code and Chapter 2907 of the Ohio Revised Code (Sex Offenses) and assigned to the traditional response pathway. See OAC Rule 5180:2-36-01(D)(1)(b) and (L)(2).¹⁵⁸

F. ORC 2151.031 defines an abused child as including any child who, “...*(B) Is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child.*”¹⁵⁹

Development of Ohio CPS Worker Manual(s).

G. According to the CPS Worker Manual page on the Statewide Automated Child Welfare Information System (SACWIS), “*The Worker Manual is designed to help supervisors and caseworkers understand the process of assessing the family. This manual is divided into four sections: the Screening Decision Manual; the Comprehensive Assessment Planning Model-Interim Solution (CAPMIS) Policy Manual; the Safety Assessment Field Guide; and the Family Assessment Field Guide. The Screening Decision Manual is designed to **assist in establishing screening criteria and guidelines** for gathering and documenting referral information and making screening decisions...*” (Emphasis added).¹⁶⁰

¹⁵⁷ *ibid.*

¹⁵⁸ Ohio Legislative Service Commission. “Ohio Administrative Code Rule 5180:2-36-01 | Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes.” Effective September 1, 2024. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-administrative-code/rule-5180:2-36-01>

¹⁵⁹ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹⁶⁰ Ohio SACWIS Knowledge Base. “Child Welfare Policy Guidance. CPS Worker Manual.” December 21, 2018. Accessed October 27, 2025. <https://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/508-blue-book-revised>

H. The ORC definition of an abused child, with the *complete omission* of ORC 2151.031(B), is found in *Ohio's Child Protective Services Worker Manual, Volume 2: Intake and Assessment*, The Screening Decision, on page 23. This and other worker manual volumes were published to SACWIS on December 21, 2018. The definition of an abused child has not been updated in the CPS Worker Manual(s) to reflect the addition of ORC 2151.031(B) which was made effective October 3, 2023, from its longstanding prior edition effective August 3, 1989.^{161, 162, 163, 164}

I. It is assessed with high confidence by this critical omission and other indicators that Volume 2 and Volume 3 of the CPS Worker Manual(s) have not been materially updated since at least October 22, 2018. See that the uploaded file for Volume 3 has a filename ending, "...102218 PRINT.pdf" and Volume 2 has a filename ending, "...for PRINT 101918.pdf" (after removing the "%20" space characters in the URL) indicative of naming the files with respect to October 22, 2018 and October 19, 2018, respectively.^{165, 166}

J. See that this file naming convention is oddly *not* followed for the *first* volume, Volume 1. See inside that the 114-page Volume 1 is a simple compilation of one title page, an unidentified version of the 71-page Screening Guidelines with an unidentified publishing date, and four separately titled and dated field guides simultaneously uploaded elsewhere: twelve pages of the *CAPM Safety Assessment Field Guide* with a published date of December 13, 2021 (three years later than 2018); two pages of the *CAPM Child Vulnerabilities and Functioning* with a published date of February 15, 2022 (over three years later than 2018); two pages of the *CAPM Adult Protective Capacities* with a published date of February 15, 2022 (over three years later than

¹⁶¹ Ohio Department of Job and Family Services. "Ohio's Child Protective Services Worker Manual. Volume 2. Intake and Assessment." Published December 21, 2018 to SACWIS. Page 23. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

¹⁶² Ohio SACWIS Knowledge Base. "Child Welfare Policy Guidance. CPS Worker Manual." December 21, 2018. Accessed October 27, 2025. <https://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/508-blue-book-revised>

¹⁶³ Ohio Legislative Service Commission. "Ohio Revised Code 2151.031 | Abused child defined." Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹⁶⁴ Ohio Legislative Service Commission. "Ohio Revised Code 2151.031 | Abused child defined." Effective August 3, 1989. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031/8-3-1989>

¹⁶⁵ Ohio Department of Job and Family Services. "Ohio's Child Protective Services Worker Manual. Volume 3. Ongoing Assessment and Planning." Published December 21, 2018 to SACWIS. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%203%20Ongoing%20102218%20PRINT.pdf>

¹⁶⁶ Ohio Department of Job and Family Services. "Ohio's Child Protective Services Worker Manual. Volume 2. Intake and Assessment." Published December 21, 2018 to SACWIS. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

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2018); 26 pages of the *Risk Assessment Comprehensive Field Guide* (see footer contains, “7/2013” on all but the last three pages, over five years earlier than 2018).^{167, 168}

K. It is assessed that it is naturally likely that an October 2018 version of the CPS Worker Manual(s) Volume 1 was published on SACWIS around December 21, 2018, but sequentially *first* and prior to Volume 2 and Volume 3. However, given Volume 1 is presently a compilation of dated field guides separately published no later than February 15, 2022, it is assessed that Volume 1 was materially updated since October 22, 2018, unlike Volume 2 and Volume 3.

L. It is assessed that the website statements, “*The Worker Manual is designed...*” and “*This manual is divided into four sections...*” are actually referring to a single-volume 2014 version of the CPS Worker Manual(s) that was subsequently divided and revised into the 2018 Volume 1, Volume 2, and Volume 3. From the four ordered sections of the 2014 Worker Manual, it is assessed that the first of four sections, the Screening Decision Manual, and a portion of the second of four sections, the CAPMIS Policy Manual, became the 2018 Volume 2. It is assessed that the remaining portion of the CAPMIS Policy Manual became the 2018 Volume 3. Finally, it is assessed that the 2014 Screening Guidelines (found within the 2014 Worker Manual) and both the third and fourth of four sections, the Safety Assessment Field Guide and the Family Assessment Field Guide, became the 2018 Volume 1.^{169, 170, 171, 172}

M. See in the upcoming references in the assessment of the chronological development of the Screening Guidelines that this unidentified version of the Screening Guidelines presently found in

¹⁶⁷ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 1. Screening Guidelines & CAPMIS Field Guides.” Published December 21, 2018 to SACWIS. Accessed October 27, 2025.

<https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20Screening%20Guidelines.pdf>

¹⁶⁸ Ohio SACWIS Knowledge Base. “Child Welfare Policy Guidance. Field Guides.” 2018-2024. Accessed October 27, 2025. <https://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides>

¹⁶⁹ Ohio Department of Job and Family Services. Office for Children and Families. “Ohio’s Child Protective Services Worker Manual and CAPMIS Field Guides.” February 10, 2014. Accessed October 27, 2025. <https://web.archive.org/web/20160109010555/http://jfskb.com/sacwis/attachments/article/508/CPS%20Manual%20and%20CAPMIS%20Field%20Guides%2010-2-14.pdf>

¹⁷⁰ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 2. Intake and Assessment.” Published December 21, 2018 to SACWIS. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%202%20Intake%20for%20PRINT%20101918.pdf>

¹⁷¹ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 3. Ongoing Assessment and Planning.” Published December 21, 2018 to SACWIS. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/CPS%20Worker%20Manual%20Volume%203%20Ongoing%200102218%20PRINT.pdf>

¹⁷² Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 1. Screening Guidelines & CAPMIS Field Guides.” Published December 21, 2018 to SACWIS. Accessed October 27, 2025. <https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20Screening%20Guidelines.pdf>

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Volume 1 of the CPS Worker Manual(s) is assessed to be a, “2018/2022” version revised from what is assessed to be the 2014 working baseline version of the Screening Guidelines.

N. See that a web-archived filename (while no web-archived file is actually available) of the 2018 CPS Worker Manual(s) Volume 1 was discovered containing, “...*screening guidelines Volume 1... 101918 (002).pdf*.” (Emphasis added). It is assessed that the, “(002)” in the filename implies that this file is even the *second* revision of the Volume 1 file dated October 19, 2018.¹⁷³

O. The last web-archived reference to the 2014 Worker Manual with 2014 Screening Guidelines happens to be July 31, 2018. The first web-archived reference to the three-volume 2018 CPS Worker Manual(s) happens to be October 23, 2019. Note that unlike the references to Volume 2 and Volume 3, this Volume 1 reference is only a web-archived filename (no web-archived file available) with a similar naming convention to the present Volume 1 filename that lacks a date in the filename.^{174, 175}

P. It is thus assessed with high confidence that the CPS Worker Manual(s) Volume 1 with revised 2014 Screening Guidelines was published to SACWIS with Volume 2 and Volume 3 on December 21, 2018, bounded by dates no earlier than the filename date of October 19, 2018 and no later than the archived date of October 23, 2019. A material update to Volume 1 followed in 2022.

Q. It is assessed with high confidence that this 2018/2022 version of the Screening Guidelines has been promoted statewide for seven calendar years (2018-2024) until replaced by a 2024 version followed by a 2025 version.¹⁷⁶

R. Notably, the biennial county MOUs that designate PCSAs as the lead agencies for the screening and investigation of child abuse were first statutorily required by December 31, 2023.

¹⁷³ Ohio Department of Job and Family Services. Office for Children and Families. “CPS Worker Manual Volume 1 Field Guides and Screening Guidelines.” October 19, 2018. Accessed October 27, 2025.
[https://web.archive.org/web/20230426141137/https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20screening%20guidelines%20Volume%201%20REVISED%20PRINT%20101918%20\(002\).pdf](https://web.archive.org/web/20230426141137/https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20screening%20guidelines%20Volume%201%20REVISED%20PRINT%20101918%20(002).pdf)

¹⁷⁴ Ohio SACWIS Knowledge Base. “Child Welfare Policy Guidance. Screening Guidelines.” Archived July 31, 2018. Accessed October 27, 2025.
<https://web.archive.org/web/20180731114736/http://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/459-screening-guidelines>

¹⁷⁵ Ohio SACWIS Knowledge Base. “Child Welfare Policy Guidance. CPS Worker Manual.” Archived October 23, 2019. Accessed October 27, 2025.
<https://web.archive.org/web/20191023162212/http://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/508-blue-book-revised>

¹⁷⁶ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 1. Screening Guidelines & CAPMIS Field Guides.” Published December 21, 2018 to SACWIS. Accessed October 27, 2025.
<https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20Screening%20Guidelines.pdf>

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This statutory requirement was enacted and sent to the Governor for signature on February 17, 2022. Given Volume 1 of the CPS Worker Manual(s) is presently a compilation of dated field guides separately published no earlier than February 15, 2022, it is assessed that the 2018 Volume 1 was materially updated to become the 2022 Volume 1 subsequent to the 2022 requirement for the MOUs.^{177, 178, 179}

S. It is further assessed that a review and update of the other volumes of the CPS Worker Manual(s) might have been proper and timely in the meantime since May 30, 2022 (MOU statute effective date), generally, but specifically, since October 3, 2023, with at least a single paragraph added to Volume 2 reflecting the updated definition of an abused child in ORC 2151.031(B) effective October 3, 2023. This update might have been properly timed with the December 31, 2023, deadline for the first biennial MOUs.^{180, 181}

Development of Screening Guidelines.

T. The earliest reference to the Screening Guidelines is June 2012, internal to the 2014 CPS Worker Manual. The second earliest reference to the Screening Guidelines is June 28, 2013, web-archived as a date of publishing standalone screening guidelines to SACWIS. See that although not web archived as retrievable files, the standalone *Sexual Abuse Screening Guidelines* as well as three other standalone titled screening guidelines have web-archived filenames ending with, "...3-31.pdf" which is assessed to be a reference to March 31, 2013. The writing of the

¹⁷⁷ Ohio Legislative Service Commission. "Ohio Revised Code 2151.4226 | Deadline for biennial review and resolution." Effective May 30, 2022. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2151.4226>

¹⁷⁸ The Ohio Legislature. "134th General Assembly. House Bill 4 Status." Effective May 30, 2022. Accessed October 27, 2025. <https://www.legislature.ohio.gov/legislation/134/hb4/status>

¹⁷⁹ Ohio Department of Job and Family Services. "Ohio's Child Protective Services Worker Manual. Volume 1. Screening Guidelines & CAPMIS Field Guides." Published December 21, 2018 to SACWIS. Accessed October 27, 2025.

<https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20Screening%20Guidelines.pdf>

¹⁸⁰ Ohio Legislative Service Commission. "Ohio Revised Code 2151.031 | Abused child defined." Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

¹⁸¹ Ohio Legislative Service Commission. "Ohio Revised Code 2151.4226 | Deadline for biennial review and resolution." Effective May 30, 2022. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2151.4226>

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Screening Guidelines is attributed to a named author who as of March 2024 is named as an Ohio DCY Bureau Chief.^{182, 183, 184, 185}

U. See the archived webpage explanation about the Screening Guidelines, “*Serves as a desk reference in the categorization and determinig [sic] a **screening decision** of referral information Public Children Services Agencies receives. Screen in and screen out **examples** are provided for each category of child maltreatment and Family In Need of Services (FINS) along with Ohio Revised Code references. This guide assists in categorizing referral information as abuse, neglect, dependency, or FINS.*” (Emphasis added).¹⁸⁶

V. The earliest web-archived and retrievable file of the combined Screening Guidelines is assessed to be dated February 10, 2014, and was published to SACWIS on March 10, 2014. See that the filename contains, “...10-2-14.pdf” which is assessed to be interpreted as February 10, 2014 rather than October 2, 2014 due to the March 2014 publishing to SACWIS and the internal references of, “Rev. 1/2014” on two sets of forms.^{187, 188}

W. See that in the 2014 Screening Guidelines, “[Pilot] Screening Guidelines for Child Sexual Abuse” begin on page 189 and contains a basic, “*If necessary, consult legal advisor.*” It is

¹⁸² Ohio Department of Job and Family Services. Office for Children and Families. “Ohio’s Child Protective Services Worker Manual and CAPMIS Field Guides.” Assessed to be dated February 10, 2014. Page 7. Accessed October 27, 2025.

<https://web.archive.org/web/20160109010555/http://jfskb.com/sacwis/attachments/article/508/CPS%20Manual%20and%20CAPMIS%20Field%20Guides%2010-2-14.pdf>

¹⁸³ Ohio SACWIS Knowledge Base. “Child Welfare Policy Guidance. Screening Guidelines.” June 28, 2013. Accessed October 27, 2025.

<https://web.archive.org/web/20180731114736/http://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/459-screening-guidelines>

¹⁸⁴ Internet Archive. Wayback Machine.

<https://web.archive.org/web/20180731114736/http://jfskb.com/sacwis/attachments/article/459/CAPMIS%20SCREENING%20GUIDELINES-%20SEXUAL%20ABUSE%203-31.pdf>

¹⁸⁵ Ohio Department of Children and Youth. Ohio 2025-2029 Child and Family Services Plan Appendix A. “DCY Organizational Chart.” March 2024. Page 17. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1731005142/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/Appendix_A_-_DCY_Org_Charts_March_2024.pdf

¹⁸⁶ Ohio SACWIS Knowledge Base. “Child Welfare Policy Guidance. Screening Guidelines.” June 28, 2013. Accessed October 27, 2025.

<https://web.archive.org/web/20180731114736/http://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/459-screening-guidelines>

¹⁸⁷ Ohio Department of Job and Family Services. Office for Children and Families. “Ohio’s Child Protective Services Worker Manual and CAPMIS Field Guides.” Assessed to be dated February 10, 2014. Pages 315-330. Accessed October 27, 2025.

<https://web.archive.org/web/20160109010555/http://jfskb.com/sacwis/attachments/article/508/CPS%20Manual%20and%20CAPMIS%20Field%20Guides%2010-2-14.pdf>

¹⁸⁸ Ohio SACWIS Knowledge Base. “Child Welfare Policy Guidance. CPS Worker Manual.” March 10, 2014. Accessed October 27, 2025.

<https://web.archive.org/web/20180731114753/http://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/508-blue-book-revised>

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assessed that the 2025 and intermediate (2018/2022 and 2024) versions of the Screening Guidelines were to be a revision and an enhancement of these existing statewide screening guidelines.¹⁸⁹

X. In the Ohio 2015-2019 Child and Family Services Plan (CFSP) dated June 2014, ODJFS workgroups examined SACWIS statewide screening and pathway assignment data and detailed selected goals, objectives, interventions, benchmarks and measures of progress planned for that five-year period. Goal 2 was stated as, “*Abused and neglected children will not experience repeat maltreatment in their own homes or maltreatment in foster care.*”^{190, 191}

Y. In support of Goal 2, Objective 1 was stated as, “*Improve screening... to assure accuracy in decision-making...*” Three specific interventions to meet Objective 1 were described as, “1.) **Enhance existing** [in June 2014] **statewide screening guidelines to include... pathway assignment examples...** 2.) *Develop and implement specialized training for screeners.* 3.) *Provide ongoing peer support and technical assistance for screeners and screening decision makers.*” (Emphasis added).¹⁹²

Z. Proposed benchmarks for these interventions included, “*Finalize... examples* [emphasis added] *and integrate into state screening guidelines materials...*” with a timeframe of Year 2 (2016); “*Disseminate to counties statewide...*” with a timeframe of Year 2 (2016); “*Develop brief online tutorials with content specifically designed for screeners...*” with a timeframe of Years 1-2 (2015-2016); “*In collaboration with OCWTP [Ohio Child Welfare Training Program], develop an advanced training curriculum to complement revised statewide screening guidelines to include... identifying domestic violence and human trafficking...*” with a timeframe of Year 3 (2017).¹⁹³

AA. In the Annual Progress and Services Report (APSR) dated June 2015, it was reported that a workgroup of approximately 25 members began meeting on January 13, 2015. Improvement of the Screening Guidelines was discussed as an opportunity of the State of Ohio. The workgroup expanded the scope of its initial efforts within screening after identifying several areas needing to be addressed and/or clarified, notably, gray areas in sexual abuse such as updating the Screening Guidelines to address technology (sexting, etc.). Another gray area was the difference in how

¹⁸⁹ Ohio Department of Job and Family Services. Office for Children and Families. “Ohio’s Child Protective Services Worker Manual and CAPMIS Field Guides.” Assessed to be dated February 10, 2014. Page 189. Accessed October 27, 2025. <https://web.archive.org/web/20160109010555/http://jfskb.com/sacwis/attachments/article/508/CPS%20Manual%20and%20CAPMIS%20Field%20Guides%202010-2-14.pdf>

¹⁹⁰ Ohio Department of Job and Family Services. Office of Families and Children. “State of Ohio Child and Family Services Plan 2015-2019.” June 30, 2014. Page 114. Accessed October 27, 2025. <https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/OFC/CFSP-2015-2019.pdf>

¹⁹¹ Ohio Department of Job and Family Services. Office of Families and Children. “State of Ohio Child and Family Services Plan 2015-2019.” June 30, 2014. Pages 129-131. Accessed October 27, 2025. <https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/OFC/CFSP-2015-2019.pdf>

¹⁹² *ibid.*

¹⁹³ *ibid.*

counties handle reports of sexual abuse. The workgroup also flagged ambiguity regarding cross referring screen out decisions to law enforcement or CACs. As of the reporting date, the workgroup had completed its review of all the child maltreatment categories such as sexual abuse.
^{194, 195}

BB. In the APSR dated June 2016, it was reported that a smaller work team had been formed to develop revisions to the Screening Guidelines for sexual abuse. A reported goal was to have a draft of the enhanced Screening Guidelines completed for stakeholder review by late Summer 2016.
^{196, 197}

CC. In the APSR appendix dated June 2017, it was reported that the larger workgroup had reviewed, given feedback, and finalized into the draft Screening Guidelines document the contributions of the smaller work teams such as that addressing sexual abuse. Overall enhancements to the Screening Guidelines included the creation of the categories of Domestic Violence and Out of Home Care as separate categories. Other enhancements include a section dedicated to differential response pathway assignment criteria for screened in reports (with a flowchart), an introductory coverage, a Frequently Asked Questions section, and a section on statutes pertaining to Human Trafficking and the U.S. Comprehensive Addiction and Recovery Act. The completed draft Screening Guidelines were submitted to the ODJFS Office of Families and Children (OFC) Senior Management staff and ODJFS Legal for initial review and feedback on May 3, 2017. See that the notable substantive changes to, and holdings of, purported ORC legal definitions and screen in and screen out examples of child sexual abuse have already been discussed throughout the writing of this assessment.
¹⁹⁸

¹⁹⁴ Ohio Department of Job and Family Services. Office of Families and Children. "Annual Progress and Services Report." June 30, 2015. Pages 179-180. Accessed October 27, 2025.

¹⁹⁵ Ohio Department of Job and Family Services. Office of Families and Children. "Annual Progress and Services Report Appendix E: Child Abuse Prevention and Treatment Act (CAPTA) State Plan Requirements and Update." June 2015. Page 2. Accessed October 27, 2025.

¹⁹⁶ Ohio Department of Job and Family Services. Office of Families and Children. "2017 Annual Progress and Services Report." June 30, 2016. Pages 201-203. Accessed October 27, 2025.

¹⁹⁷ Ohio Department of Job and Family Services. Office of Families and Children. "2017 Annual Progress and Services Report Appendix E: Child Abuse Prevention and Treatment Act (CAPTA) State Plan Requirements and 2017 Update." June 2016. Pages 2-3. Accessed October 27, 2025.

¹⁹⁸ Ohio Department of Job and Family Services. Office of Families and Children. "Annual Progress and Services Report Appendix E: Child Abuse Prevention and Treatment Act (CAPTA) State Plan Requirements and Update." June 2017. Pages 2-3. Accessed October 27, 2025.

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DD. In the APSR dated June 2018, it was reported that feedback was received from ODJFS-OFC Senior Management and ODJFS Legal that further work needed to occur prior to dissemination for review by stakeholders.^{199, 200}

EE. However, in the 2015-2019 CFSP final reporting dated June 2019, ODJFS reported, *“The workgroup recommended the CAPMIS Screening Guidelines be (1) fully implemented and disseminated statewide to all eighty-eight PCSA’s; (2) disseminated via statewide and regional meetings with PCSA’s and stakeholders to introduce the enhancements made...; and (3) made interactive through populating screening questions and SACWIS knowledge base articles specific to a screening category which would assist screeners when taking and documenting intake reports.”*²⁰¹

FF. In this final report for 2015-2019, the second and third proposed interventions for Goal 2, Objective 1 were reported as deleted from the CFSP in Year 3 (2017) due to the extensive amount of time taken in the development of the Screening Guidelines. The workgroup also recommended that advanced screening training curricula would incorporate the new Screening Guidelines as a complementary tool and reference guide for screeners when processing intake reports.²⁰²

GG. Additionally, regarding funding, *“ODJFS will continue to use [federal Child Abuse Prevention and Treatment Act (CAPTA)] **grant funds**... Specifically, Basic Grant funds will be allocated to support the following CAPTA objectives: 1. Improving the intake, assessment, **screening** and investigation of reports of child abuse and neglect...”* (Emphasis added).²⁰³

HH. Finally, *“The Screening Guidelines workgroup continues to meet and work towards finalizing the revised screening guidelines.”*²⁰⁴

II. It is assessed with high confidence that although the Screening Guidelines were not yet approved by ODJFS-OFC Senior Management or ODJFS Legal, these draft Screening Guidelines were published to SACWIS in an update to the 2018 CPS Worker Manual(s) Volume 1 on

¹⁹⁹ Ohio Department of Job and Family Services. Office of Families and Children. “2019 Annual Progress and Services Report.” June 29, 2018. Pages 42-44. Accessed October 27, 2025.

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/ocf/APSR2018.pdf>

²⁰⁰ Ohio Department of Job and Family Services. Office of Families and Children. “Annual Progress and Services Report Appendix E: Child Abuse Prevention and Treatment Act (CAPTA) State Plan Requirements and Update.” June 2018. Page 2. Accessed October 27, 2025.

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/ocf/2019-APSR-AppendixE.pdf>

²⁰¹ Ohio Department of Job and Family Services. Office of Families and Children. “Child and Family Services Plan 2015-2019 Final Report.” June 30, 2019. Pages 163-165. Accessed October 27, 2025.

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/ocf/CFSP2015-2019FinalReport.pdf>

²⁰² *ibid.*

²⁰³ Ohio Department of Job and Family Services. Office of Families and Children. “Child and Family Services Plan 2015-2019 Final Report.” June 30, 2019. Pages 299-300. Accessed October 27, 2025.

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/ocf/CFSP2015-2019FinalReport.pdf>

²⁰⁴ *ibid.*

December 21, 2018, bounded by dates no earlier than the filename date of October 19, 2018 and no later than the archived date of October 23, 2019. Recall that a web archived filename of the 2018 Volume 1 contains, “...screening guidelines Volume 1... 101918 (002).pdf.” Although this second-revision file is not available as a web archive, the filename itself was web archived and over 4,000 hits were counted on its host webpage by October 23, 2019.^{205, 206, 207}

JJ. For the upcoming cycle, the 2020-2024 CFSP stated Goal 4, Objective 1 was, “*Distribute and present on screening guidelines to ensure appropriate recognition and categorization of maltreatment.*” This was to be pursued with a strategy of, “*Implement screening guidelines by providing statewide meetings or webinars to county agencies and juvenile courts to highlight the purpose of, changes to, and how to use the screening guidelines.*” The timeframe was to be Year 1-2 (2020-2021).²⁰⁸

KK. In the APSR dated June 2021, ODJFS reported that this timeframe would be changed to Year 3 (2022) because the Screening Guidelines were still pending approval by ODJFS Legal and ODJFS-OFC Senior Management staff. Additional delays were attributed to COVID-19 stay-at-home orders.²⁰⁹

LL. The APSR explains, “*This, in turn, did not allow for distribution of the enhanced Ohio Screening Guidelines to PCSA’s and Juvenile Courts. Following approval of the Ohio Screening Guidelines, the guidelines will be distributed to all eighty-eight PCSA’s and Juvenile Courts. A statewide webinar presentation will be held to introduce the guidelines.*”²¹⁰

²⁰⁵ Ohio Department of Job and Family Services. “Ohio’s Child Protective Services Worker Manual. Volume 1. Screening Guidelines & CAPMIS Field Guides.” Published December 21, 2018 to SACWIS. Accessed October 27, 2025.

<https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20Screening%20Guidelines.pdf>

²⁰⁶ Ohio Department of Job and Family Services. Office for Children and Families. “CPS Worker Manual Volume 1 Field Guides and Screening Guidelines.” October 19, 2018. Accessed October 27, 2025.

[https://web.archive.org/web/20230426141137/https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20screening%20guidelines%20Volume%201%20REVISED%20PRINT%20101918%20\(002\).pdf](https://web.archive.org/web/20230426141137/https://jfskb.com/sacwis/attachments/article/508/1%20Worker%20Manual%20Field%20Guides%20and%20screening%20guidelines%20Volume%201%20REVISED%20PRINT%20101918%20(002).pdf)

²⁰⁷ Ohio SACWIS Knowledge Base. “Child Welfare Policy Guidance. CPS Worker Manual.” Archived October 23, 2019. Accessed October 27, 2025.

<https://web.archive.org/web/20191023162212/http://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/508-blue-book-revised>

²⁰⁸ Ohio Department of Job and Family Services. Office of Families and Children. “2020-2024 Child and Family Services Plan.” June 30, 2019. Page 46. Accessed October 27, 2025.

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/ocf/CFSP2020-2024.pdf>

²⁰⁹ Ohio Department of Job and Family Services. Office of Families and Children. “2022 Annual Progress and Services Report.” June 30, 2021. Page 194. Accessed October 27, 2025.

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/ocf/APSR2022.pdf>

²¹⁰ *ibid.*

MM. Additionally, “ODJFS will continue to use [federal CAPTA] grant funds... [to improve screening].”²¹¹

NN. It was later reported in the Ohio 2020-2024 CFSP Final Report that, “ODJFS issued a communication to all 88 PCSA’s and Juvenile Courts on September 7, 2022, informing them that the screening guidelines were available online for immediate use... along with a self-directed webinar... Additionally, PCSA’s were able to order physical copies which were distributed in December 2022... Policy and Practice Application Support (PaPAS) sessions were developed and held in October and November 2022 to provide further support to agencies to gain clarity, understanding, and guidance on the revised screening guidelines. Three sessions were held with 300 participants from 48 agencies.”²¹²

OO. Notably, the Ohio 2020-2024 CFSP Final Report claims, “Sex trafficking is included in the definition of an abused child in the Ohio Revised Code (ORC) Section 2151.031 - Abused child defined. The Ohio Child Protective [Services] Screening Guidelines include guidance and ORC references for all relevant trafficking in persons and compelling prostitution statutes...” This reference to the definition of an abused child is factually incorrect and persists even in the Appendix to the Ohio 2026 APSR.^{213, 214}

PP. The statutory definition of an abused child was revised effective October 3, 2023 to include any child who, “...(B) is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child...”^{215, 216}

²¹¹ Ohio Department of Job and Family Services. Office of Families and Children. “2022 Annual Progress and Services Report.” June 30, 2021. Page 242. Accessed October 27, 2025.

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/ocf/APSR2022.pdf>

²¹² Ohio Department of Children and Youth. “Ohio 2020-2024 Final Report.” June 30, 2024. Page 208. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1731014762/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/Ohio_2020-2024_Final_Report.pdf

²¹³ Ohio Department of Children and Youth. “Ohio 2020-2024 Final Report.” June 30, 2024. Page 234. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1731014762/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/Ohio_2020-2024_Final_Report.pdf

²¹⁴ Ohio Department of Children and Youth. “Appendix A: Ohio 2026 Annual Progress and Services Report.” Page 4. June 30, 2025. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/Appendix_A_-_Ohio_CAPTA_State_Plan_Requirement.pdf

²¹⁵ Ohio Legislative Service Commission. “Ohio Revised Code 2151.031 | Abused child defined.” Effective October 3, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-2151.031>

²¹⁶ Ohio Legislative Service Commission. “Ohio Revised Code 2907.31 | Disseminating matter harmful to juveniles.” Effective January 1, 2004. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-2907.31>

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QQ. See that the statute for trafficking in persons (ORC 2905.32) is contained in ORC Chapter 2905 (Kidnapping and Extortion) whereas the statute for disseminating matter harmful to juveniles (ORC 2907.31) is contained in ORC Chapter 2907 (Sex Offenses) alongside the statute for compelling prostitution (ORC 2907.21).

RR. The Ohio 2020-2024 CFSP Final Report makes no other reference to ORC 2151.031 and no reference at all to disseminating matter harmful to juveniles as definitive of an abused child.

SS. In the meantime of 2020-2024, however, the cabinet-level Ohio DCY was created by House Bill 33 of the 135th General Assembly with programs and services being transferred to DCY from ODJFS.²¹⁷

TT. At the onset of this undertaking, ODJFS provided information and guidance to PCSAs in a September 29, 2023, procedure letter in accordance with the change to ORC 2151.031 (expansion of the definition of an abused child) which was also enacted in House Bill 33.²¹⁸

UU. The procedure letter says, *“ORC Section 2151.031 Abused child defined. Expands the definition of “abused child” by adding a child who is the victim of disseminating, obtaining, or displaying materials or performances that are harmful to juveniles if the activity would constitute a criminal sexual offense. Definition includes “caretaker” to align with current child protective services practice in serving families in which an alleged perpetrator is a caretaker having routine responsibility for the care of a child and not the parent, guardian, or custodian. **Guidance:** PCSAs are to receive and complete a screening decision of allegations of abuse if an alleged perpetrator is identified as a caretaker. “Caretaker” is defined as a person with whom the child resides or the person responsible for the child’s daily care. This includes, but is not limited to, the parent, guardian, custodian, or an out-of-home care setting employee.”*²¹⁹

VV. By this procedure letter, PCSAs were made responsible for “adjusting practice” in accordance with the new statutory definition effective October 3, 2023. Within the procedure letter it was noted that the *Ohio Child Protective Services Screening Guidelines* and certain OAC Rules would be updated to reflect the revised definitions.²²⁰

²¹⁷ Legislative Service Commission. Legislative Budget Office. “Greenbook: LBO Analysis of Enacted Budget, Department of Children and Youth.” August 2023. Page 1. Accessed October 27, 2025.
<https://www.lsc.ohio.gov/assets/legislation/135/hb33/en0/files/hb33-kid-greenbook-as-enacted-135th-general-assembly.pdf>

²¹⁸ Ohio Department of Job and Family Services. “Family, Children and Adult Services Procedure Letter No. 412. New/Changed practice requirements due to House Bill 33.” September 29, 2023. Accessed October 27, 2025.
https://dam.assets.ohio.gov/image/upload/v1729026815/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2023/FCASPL_412.pdf

²¹⁹ *ibid.*

²²⁰ *ibid.*

WW. On August 5, 2024, an updated version of the *Ohio Child Protective Services Screening Guidelines* was published (see, "...8.2024.pdf" in the filename) on a SACWIS webpage of the same name parallel to the webpage with the out-dated CPS Worker Manual(s) which still include the 2018/2022 Screening Guidelines. From the newer 2024 webpage, "*The screening guidelines provide examples for each report category to assist in the categorization of the referral information and provide examples to assist in determining screening decisions.*" ^{221, 222}

XX. An Ohio DCY Guidance Letter dated August 20, 2024, communicated this update to the Screening Guidelines. A DCY/ODJFS transmittal letter also communicated OAC Rule changes made effective September 1, 2024. OAC Rule 5180:2-1-01 now simply states, "*(B) Definitions... (2) 'Abused child' is as defined pursuant to section 2151.031 of the Revised Code.*" There seems to have been no corresponding department update or notification that the out-dated CPS Worker Manual(s) require this revised definition. ^{223, 224, 225}

YY. The out-dated CPS Worker Manual(s) with the 2018/2022 Screening Guidelines are presently listed on the SACWIS homepage as the second entry for, "Most Read Articles" with over 15,000 hits. The 2024 Screening Guidelines have just over 4,000 hits. There is no apparent substantive change to the Screening Guidelines from 2018/2022 to 2024 reflective of the 2023 statutory revision to the definition of an abused child. ^{226, 227, 228}

²²¹ Ohio SACWIS Knowledge Base. "Child Welfare Policy Guidance. Child Protective Services Screening Guidelines." August 5, 2024. Accessed October 27, 2025.

<https://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/472-cps-worker-manual>

²²² Ohio Department of Job and Family Services. "Ohio's Child Protective Services Screening Guidelines." Published August 5, 2024 to SACWIS. Accessed October 27, 2025.

<https://jfskb.com/sacwis/attachments/article/472/Ohio%20Child%20Protective%20Services%20Screening%20Guidelines%208.2024.pdf>

²²³ Ohio Department of Children and Youth. Division of Policy. "DCY Guidance Letter 24-029. Chapter 5101:2-36 Screening and Investigation Rule Revisions." August 20, 2024. Accessed October 27, 2025.

[https://dam.assets.ohio.gov/image/upload/v1734387331/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2024/Guidance for Chapter 36 Screening and Investigation Rule Revisions.pdf](https://dam.assets.ohio.gov/image/upload/v1734387331/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2024/Guidance%20for%20Chapter%2036%20Screening%20and%20Investigation%20Rule%20Revisions.pdf)

²²⁴ Ohio Department of Children and Youth and Ohio Department of Job and Family Services. "Family, Children and Adult Services Transmittal Letter No. 548. Five Year Review and Amendment to OAC Rule 5101:2-1-01 Children services definitions of terms." August 8, 2024. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1729090453/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2024/FCASMTL_548.pdf

²²⁵ Ohio Legislative Service Commission. "Ohio Administrative Code Rule 5180:2-1-01 | Children services definitions of terms." Effective September 1, 2024. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-administrative-code/rule-5180:2-1-01>

²²⁶ Ohio SACWIS Knowledge Base. "Home." Accessed October 27, 2025. <https://jfskb.com/sacwis/>

²²⁷ Ohio SACWIS Knowledge Base. "Child Welfare Policy Guidance. CPS Worker Manual." December 21, 2018. Accessed October 27, 2025. <https://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/508-blue-book-revised>

²²⁸ Ohio SACWIS Knowledge Base. "Child Welfare Policy Guidance. Child Protective Services Screening Guidelines." August 5, 2024. Accessed October 27, 2025.

<https://jfskb.com/sacwis/index.php/cpspolicy/145-field-guides/472-cps-worker-manual>

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ZZ. A third (latest) version of the *Ohio Child Protective Services Screening Guidelines* appears to have been published in 2025 and simply filed as a DCY Guidance Letter on the DCY website without a cover letter or dated annotation (see, “...2025.pdf” in the filename). It was likely published June 30, 2025, in conjunction with the Ohio 2026 APSR. The 2025 Screening Guidelines do not appear substantially different from the 2018/2022 or 2024 editions relative to child sexual abuse.^{229, 230, 231}

AAA. Finally, the Ohio 2025-2029 CFSP makes no further reference to further development of the Screening Guidelines or development of the out-dated CPS Worker Manual(s). Likewise, neither does the Ohio 2026 APSR.^{232, 233}

BBB. The present DCY website continues the assertion, “...*the [screening] guidelines offer practical examples to assist screeners in... making informed screening decisions. By standardizing the screening process, these guidelines promote consistency in decision-making across PCSAs statewide.*” (Emphasis added).²³⁴

CCC. It is hereby assessed with high confidence that from the 2014 pilot version of the Screening Guidelines, if not from the standalone versions prior to 2014, the Screening Guidelines have continuously contained statutorily deviant legal definitions (purported to be ORC definitions) and statutorily deviant example referral screening decisions of child sexual abuse (e.g., rape) that have been promoted statewide. In the meantime, example screening decisions have been materially modified or added that either promote problematic and high barriers to screening in real referrals of child sexual abuse or promote screening out real referrals of child sexual abuse outright, particularly all the examples related to disseminating matter harmful to

²²⁹ Ohio Department of Children and Youth. “Official Letters and Guidance.” 2018-2025. Accessed October 27, 2025. <https://childrenandyouth.ohio.gov/for-partners/rules-and-resources/11-dcy-letters>

²³⁰ Ohio Department of Children and Youth. Official Letters and Guidance. Guidance Letters. “Ohio Child Protective Services Screening Guidelines.” 2025. Accessed October 27, 2025. https://dam.assets.ohio.gov/image/upload/v1744651485/childrenandyouth.ohio.gov/For%20Partners/Rules%20and%20Resources/2025/Ohio_Child_Protective_Services_Screening_Guidelines_2025.pdf

²³¹ Ohio Department of Children and Youth. “Ohio 2026 Annual Progress and Services Report.” June 30, 2025. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/Ohio_2026_AP_SR.pdf

²³² Ohio Department of Children and Youth. “Ohio 2025-2029 Child and Family Services Plan.” June 30, 2024. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/v1731005152/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/O_hio_2025-2029_Child_and_Family_Services_Plan.pdf

²³³ Ohio Department of Children and Youth. “Ohio 2026 Annual Progress and Services Report.” June 30, 2025. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/Ohio_2026_AP_SR.pdf

²³⁴ Ohio Department of Children and Youth. Child Protective Services. Screening and Investigation. Accessed October 27, 2025. <https://childrenandyouth.ohio.gov/for-partners/cps/06-cps>

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juveniles which directly work against the intent of ORC 2151.031 expanding the definition of an abused child to include any child who is a victim of that specific act.

DDD. Development, distribution, and promotion of the statutorily deviant Screening Guidelines through PCSA caseworker and supervisor training, etc. has been funded with federal CAPTA grant funds explicitly allocated to *improve screening*. CAPTA funding amounts, lines of effort, and distribution by fiscal year have not been assessed. It is assessed, however, that actual improvement of the statutorily deviant Screening Guidelines has been critically, disturbingly, and dangerously overlooked during the last twelve years despite various levels of collaboration, review, feedback, approval, and use.

PCSA Caseworker and Supervisor Training.

EEE. According to ORC 5153.122, “[PCSA caseworker]... *training shall consist of courses in all of the following: (A) Recognizing, **accepting reports** of, and preventing child abuse... (K) The **legal duties**... to protect the constitutional and statutory rights of children and families from the initial time of contact... ..training in recognizing the signs of **domestic violence** and its relationship to child abuse...*” (Emphasis added). See also OAC 5180:2-33-55.^{235, 236}

FFF. According to ORC 5153.123, “[PCSA supervisor]... *training shall include courses in **screening** reports of child abuse... ..training in recognizing the signs of **domestic violence** and its relationship to child abuse...*” (Emphasis added). See also OAC 5180:2-33-56.^{237, 238}

GGG. Again, see ORC 3113.31(A)(1)(a)(iii), “(A) As used in this section: (1) “Domestic violence” means any of the following: (a) The occurrence of one or more of the following acts against a family or household member: ... (iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;...”²³⁹

HHH. Given specialized training with, and the longstanding statewide promoted use of, statutorily deviant Screening Guidelines, alongside the lack of a comprehensive ORC definition

²³⁵ Ohio Legislative Service Commission. “Ohio Revised Code 5153.122 | Caseworker in-service training.” Effective September 30, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-5153.122>

²³⁶ Ohio Legislative Service Commission. “Ohio Administrative Code Rule 5180:2-33-55 | Education and training requirements for PCSA caseworkers.” Effective December 1, 2024. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-administrative-code/rule-5180:2-33-55>

²³⁷ Ohio Legislative Service Commission. “Ohio Revised Code 5153.123 | Caseworker supervisor in-service training.” Effective January 1, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-5153.123>

²³⁸ Ohio Legislative Service Commission. “Ohio Administrative Code Rule 5180:2-33-56 | Training requirements for PCSA supervisors.” Effective December 1, 2024. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-administrative-code/rule-5180:2-33-56>

²³⁹ Ohio Legislative Service Commission. “Ohio Revised Code 3113.31 | Domestic violence definitions; hearings.” Effective March 23, 2023. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-3113.31>

of domestic violence in the Screening Guidelines, and the absence of the updated ORC definition of an abused child from the out-dated CPS Worker Manual(s), it is hereby assessed with moderate confidence that PCSA caseworkers and supervisors are not properly trained to recognize, accept reports of, or prevent child sexual abuse, or recognize its relationship to domestic violence. Further, it is assessed that PCSA caseworkers and supervisors are not properly trained to perform legal duties to protect the constitutional and statutory rights of children and families. This directly hazards the rights and interests of families and children in the jurisdiction of both county juvenile courts and county domestic relations courts in abuse, domestic violence, and related custody matters.

III. According to ORC 5153.126, PCSA executive directors are to ensure the training of PCSA supervisors. The statutory training for PCSA caseworkers and PCSA supervisors is provided by the statewide OCWTP. The OCWTP may be funded with federal, state, and other funds. The OCWTP has a coordinator that develops and manages curriculum and training products to help the development of PCSA caseworker and PCSA supervisor knowledge and competencies. The Ohio DCY director would have established the OCWTP steering committee that reviews and makes recommendations about training curricula relevant to the needs of the child welfare field and which enables PCSA caseworkers and supervisors to satisfy training requirements that ultimately affect screening child sexual abuse referrals.^{240, 241, 242, 243, 244}

JJJ. According to ORC 5103.40, *“The Ohio child welfare training program steering committee shall do all of the following:... (E) **Review curricula** created for the training provided under section 5103.30 of the Revised Code;... (F) Provide the department **recommendations regarding the curricula** reviewed under division (E) of this section as the committee determines necessary for the training to be relevant to the needs of the child welfare field;... (G) **Evaluate the training** and provide the department recommendations as the committee determines necessary for the training to be able to enable all of the following:... (3) PCSA caseworkers to satisfy the*

²⁴⁰ Ohio Legislative Service Commission. “Ohio Revised Code 5153.126 | Determining supervisor’s training needs.” Effective September 21, 2006. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-5153.126>

²⁴¹ Ohio Legislative Service Commission. “Ohio Revised Code 5103.30 | Ohio child welfare training program.” Effective September 30, 2025. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-5103.30>

²⁴² Ohio Legislative Service Commission. “Ohio Revised Code 5103.32 | Funding Ohio child welfare training program.” Effective September 30, 2025. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-5103.32>

²⁴³ Ohio Legislative Service Commission. “Ohio Revised Code 5103.37 | Training coordinator for child welfare training program - duties.” Effective October 3, 2023. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-5103.37>

²⁴⁴ Ohio Legislative Service Commission. “Ohio Revised Code 5103.39 | Training program steering committee.” Effective January 1, 2025. Accessed October 27, 2025. <https://codes.ohio.gov/ohio-revised-code/section-5103.39>

training requirements of section 5153.122...; (4) PCSA... supervisors to satisfy the training requirements of section 5153.123... ” (Emphasis added).²⁴⁵

KKK. Finally, according to ORC 5153.124, “(B) *Notwithstanding sections... of the Revised Code, the department of children and youth may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with **federal requirements**.* ” (Emphasis added).²⁴⁶

LLL. See that the Screening Guidelines are officially part of the current OCWTP training course, “*Overview of Ohio’s Screening Practices v2.* ” This 45-minute course was last updated March 5, 2024 and is directed towards PCSA caseworkers. The end-of-course references link to the out-dated CPS Worker Manual(s) and the statutorily deviant 2022 Screening Guidelines.²⁴⁷

MMM. It is hereby assessed that despite various levels of responsibility, coordination, review, recommendation, and evaluation of training material and curricula, PCSA caseworkers and PCSA supervisors are ultimately trained with statutorily deviant Screening Guidelines in pursuit of compliance with state and federal law (for funds) that requires knowledge and application of legal duties and definitions for screening child abuse *as defined in the statutes*.

Federal requirements.

NNN. Five-year CFSPs and APSRs are required in order for a state to receive federal funding for the state’s child welfare system under Title IV-B of the Social Security Act. Among other programs, CAPTA program requirements and funds are to be covered in CFSPs and APSRs.²⁴⁸

OOO. See in the Ohio 2026 APSR, “*The... (DCY) is the single state agency that administers the Basic State Grant issued under CAPTA. With the establishment of DCY on July 5, 2023, the administration of the Basic State Grant was transferred from the... (ODJFS) to DCY effective July 1, 2024. Most social services programs under the department’s purview are county*

²⁴⁵ Ohio Legislative Service Commission. “Ohio Revised Code 5103.40 | Ohio child welfare program steering committee.” Effective January 1, 2025. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-5103.40>

²⁴⁶ Ohio Legislative Service Commission. “Ohio Revised Code 5153.124 | Rules implementing training requirements.” Effective January 1, 2025. Accessed October 27, 2025.

<https://codes.ohio.gov/ohio-revised-code/section-5153.124>

²⁴⁷ Ohio Department of Children and Youth and Ohio Department of Job and Family Services. Child and Adult Protective Services Learning Management System. “Overview of Ohio’s Screening Practices v2.” Accessed November 2, 2025. <https://ohiocaps.org/caps-lms-info/>

²⁴⁸ U.S. Department of Health and Human Services Administration for Children and Families. Children’s Bureau. “Child and Family Services Plans.” June 30, 2024. Accessed October 27, 2025.

<https://acf.gov/cb/child-family-services-plans>

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*administered with the department providing directions to local agencies through administrative rules and program guidance.”*²⁴⁹

PPP. Continuing, “[CAPTA] Grant funds are primarily used to support the development and implementation of programs. This work is carried out directly by the policy and program staff at DCY, often in collaboration with public and private agencies or other stakeholders, or indirectly through funding contracts to community-based agencies or other organizations. The objectives and activities included in this [Ohio CAPTA state] plan are aligned with and support the activities outlined in Ohio’s Child and Family Services Plan [(CFSP)] as required under title IV-B of the Social Security Act.”²⁵⁰

QQQ. Finally, “[CAPTA] Grant funds are used to provide training, policy guidance, and technical assistance to... caseworkers and supervisors on all programming... in this plan...”²⁵¹

RRR. Recall in the APSR dated June 2021, “ODJFS will continue to use [federal CAPTA] grant funds... [to improve screening].” See that the individual to whom authorship of the 2014 Screening Guidelines is attributed, is the CAPTA Coordinator.^{252, 253}

SSS. See 42 U.S. Code § 5106a(a)(1), “(a) The Secretary shall make grants to the States,... for each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective services system of each such State in- (1) the intake, assessment, **screening**, and investigation of reports of child abuse or neglect;...” (Emphasis added).²⁵⁴

TTT. Continuing in 42 U.S. Code § 5106a(b)(2)(B)(iv), “(b)(2) A State plan... shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this subchapter, including-... (B) an assurance in the form of a certification by the Governor of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a statewide program, relating to child abuse and neglect that

²⁴⁹ Ohio Department of Children and Youth. “Appendix A: Ohio 2026 Annual Progress and Services Report.” Page 1. June 30, 2025. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/Appendix_A_-_Ohio_CAPTA_State_Plan_Requirement.pdf

²⁵⁰ *ibid.*

²⁵¹ *ibid.*

²⁵² Ohio Department of Job and Family Services. Office of Families and Children. “2022 Annual Progress and Services Report.” June 30, 2021. Page 242. Accessed October 27, 2025.

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/ocf/APSR2022.pdf>

²⁵³ Ohio Department of Children and Youth. “Appendix A: Ohio 2026 Annual Progress and Services Report.” Page 33. June 30, 2025. Accessed October 27, 2025.

https://dam.assets.ohio.gov/image/upload/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/Appendix_A_-_Ohio_CAPTA_State_Plan_Requirement.pdf

²⁵⁴ U.S. House of Representatives. Office of the Law Revision Counsel. “42 USC 5106a: Grants to States for child abuse or neglect prevention and treatment programs.” As of October 27, 2025.

<https://uscode.house.gov/browse.xhtml>

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*includes-... (iv) procedures for the immediate **screening**, risk and safety assessment, and prompt investigation of such reports;...*” (Emphasis added).²⁵⁵

UUU. Further, in 42 U.S. Code § 5106a(b)(2)(D)(ii), “(b)(2) A State plan... shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this subchapter; including-... (D) a description of-... (ii) the **training** to be provided under the grant to support direct line and supervisory personnel in report taking, **screening**, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect;...” (Emphasis added).²⁵⁶

VVV. See in 42 U.S. Code § 5101, Definitions, “(2) the term ‘child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, **sexual abuse** or exploitation (including sexual abuse as determined under section 111 [42 U.S.C. 5106g]), or an act or failure to act which presents an imminent risk of serious harm;...” (Emphasis added).²⁵⁷

WWW. Finally, for evaluation of effectiveness see 42 U.S. Code § 5106a(c)(4)(A)(ii) that, “[Citizen Review] panel[s]... shall, by examining the policies, procedures, and practices of State and local agencies and where appropriate, specific cases, evaluate the extent to which State and local child protection system agencies are effectively discharging their child protection responsibilities in accordance with- (i) the State plan under subsection (b); (ii) the child protection standards set forth in subsection (b); and (iii) any other criteria that the panel considers important to ensure the protection of children,...”²⁵⁸

XXX. See in the Ohio Annual Citizen Review Panel Report (CRP) in May 2022 that, “The CRP program was established in federal statute by CAPTA in 1996, and states were required to have their CRPs up and running by 1999... Based on these [CRP] reviews, CRPs then make recommendations via an annual report to the state child welfare agency with the goal of improving the child protection system. Following the submission of these recommendations, the state has six months to respond in writing... **Each of the three new panels met for the first time in March 2017. Ohio added two additional panels in early 2019.**” (Emphasis added).²⁵⁹

²⁵⁵ *ibid.*

²⁵⁶ *ibid.*

²⁵⁷ U.S. House of Representatives. Office of the Law Revision Counsel. “42 USC 5101: Office on Child Abuse and Neglect.” As of October 27, 2025. <https://uscode.house.gov/browse.xhtml>

²⁵⁸ U.S. House of Representatives. Office of the Law Revision Counsel. “42 USC 5106a: Grants to States for child abuse or neglect prevention and treatment programs.” As of October 27, 2025. <https://uscode.house.gov/browse.xhtml>

²⁵⁹ Ohio Citizen Review Panels. “Ohio Annual Citizen Review Panel Report.” State Fiscal Year 2021-2022. Page 6. Accessed October 27, 2025. https://dam.assets.ohio.gov/image/upload/v1731966174/childrenandyouth.ohio.gov/Annual%20Reports%2022-23/CRP_Annual_Report_2022.pdf

YYY. It is hereby assessed that the federally funded statutorily deviant Screening Guidelines and training work against both state and federal child protection standards. Further, it is assessed by a cursory exam of Citizen Review Panel reports that the Screening Guidelines or the out-dated CPS Worker Manual(s) have not yet been examined or evaluated by Citizen Review Panels for effectiveness in accordance with state and federal child protection standards. This is likely due to the ongoing process of revision of the Screening Guidelines initiated in 2014 and the process of providing support to agencies to gain clarity, understanding, and guidance on the revised Screening Guidelines initiated in late 2022.

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4. CONCLUSIONS:

A. This assessment does not address legal standards beyond those of reporting and accepting reports of child abuse *as defined in the statutes* such as investigation, assessment, or intervention standards.

Importance of statutory definitions of an abused child.

B. Child abuse case acceptance by Ohio PCSAs is to be specifically without regard to the type, perspective, or motive of the reporter which includes either the mandatory reporter (peace officer, guardian ad litem, licensed psychologist, attorney, etc.) acting in an official or professional capacity or the permissive reporter (parent, family member, neighbor, friend, etc.) acting in a private capacity.

C. *Any* referrals of child abuse with facts that meet the statutory definition of abuse are to be reported in good faith to, and accepted (screened in) by good faith by, Ohio PCSAs for formal investigation and/or assessment.

D. State and local agency policies and guidelines are to be ultimately supporting and guiding investigations of abuse *as defined in the statutes*, and neither preventing, inventing, nor biasing investigations based on the other characteristics of the referral or other agency or caseworker agendas or circumstances.

Sufficiency of reasonable person standard for *reporting* child abuse *as defined in the statutes*.

E. The reasonable person standard for reporting child abuse is affirmed in Ohio law.

Requirement of good faith in *accepting* reports of child abuse *as defined in the statutes*.

F. The reasonable person standard for suspecting and reporting abuse as defined in the statutes is ultimately sufficient as reasonable cause for PCSA acceptance by *good faith* of reports without further condition or judgment in a screening decision.

G. As there is no elemental distinction between the basis for making a report of child abuse and the basis for accepting a report of child abuse, the same good faith that is required of PCSAs in making a report of child abuse, inclusively as a member of the body of mandatory reporters, is also required of PCSAs in ultimately accepting a report of child abuse exclusively *from* all members of the body of both mandatory and permissive reporters.

H. A screening decision by PCSAs based on anything other than reasonable cause shown of child abuse *as defined in the statutes* based on the reasonable person standard should constitute either a failure to accept a report or making a bad faith screening decision (including making a

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false screening decision). The PCSA screener should be either subject to the same or greater liability to the child for compensatory and exemplary damages as in failure to make a report, or subject to the same or greater liability for reasonable attorney fees and costs as in the making of bad faith reports, and *criminal* penalties as in making false reports, dereliction of duty, or interfering with civil rights.

Categorizing referral information and making the screening decision by the ORC and OAC.

I. In view of OAC Rule 5180:2-36-01(A) *not* requiring receipt of all the information required to be attempted to be obtained from a referent, the screening decision may be sufficed once the intake category of referent information and the facts presented are determined to be child abuse *as defined in the statutes*.

Statutorily deviant screening of reports of child abuse as defined in the statutes.

J. Under the authority of the out-dated CPS Worker Manual(s) Volume 2, a PCSA screener is strategically allowed to neglect good faith to reasonable cause shown of child abuse as defined in the statutes based on the reasonable person standard by making a screening decision assisted by definitions and examples located in the Screening Guidelines.

K. Real referral screening decisions by Ohio PCSAs of child sexual abuse may be wrongly, unexplainedly, and unwittingly to the public, *not* based on good faith to reasonable cause shown of child sexual abuse as defined in the statutes based on the reasonable person standard as expected, but based on the standard of several statutorily deviant Screening Guidelines' definitions and examples able to be extra-legally applied by a screener over the official, professional, or private referent who, upon making a report, already has *at least* reasonable cause to suspect (if not know of) child sexual abuse based on facts and statutes that indicate (if not confirm) abuse.

L. Extra-legal application of statutorily deviant definitions and examples to real referrals of child sexual abuse would not only constitute PCSA failure to accept reports or PCSA bad faith screening decisions (if not making false screening decisions), but PCSA failure to properly investigate and ultimately serve the public protective interests of children in sexual abuse.

M. To strategically allow oneself as an agency or as caseworkers statewide to screen out, or to not screen in, real referrals of child sexual abuse by the extra-legal application of statutorily deviant Screening Guidelines is itself *unreasonable*. Such agency allowance apparently and unjustifiably separates PCSA screeners from all other reasonable persons under the law statewide and either shields them or severely exposes them to the liabilities related to negligence (or worse) in responding to child sexual abuse.

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N. The individual and cumulative effect of statutorily deviant screening decisions (failures to screen in, bad faith screening decisions, or making false screening decisions) of child sexual abuse would be to send the damaging, if not devastating, silent and isolating message and additional risk of child sexual abuse to each and every child and family who was the subject of the report that was not accepted: *the denial of equal protection of law*. That any and all PCSA screeners in one's official or professional capacity can and might arbitrarily second-guess and defeat any and all reasonable person referents over their reasonable interest in a child's safety from child sexual abuse *as defined in the statutes* with statutorily deviant screening guidelines is repugnant to God, and state, federal, and constitutional law. This systematically defeats the agencies' and screeners' *primary* and publicly paid responsibility to identify and assure protection of children. It will only ever be demoralizing to the unwitting public, particularly those who in good faith seek the protective interests of their own or other children. Its statewide promotion as a perversion of the administration of justice will likely ever incite more child sexual abuse statewide.

2025 Screening Guidelines: general information.

O. The text purported in the Screening Guidelines to be statutory definitions is neither verbatim nor current ORC definitions and should be examined in proper context with proper caution. These definitions should be reviewed in conjunction with the various examples of what PCSA caseworkers and PCSA supervisors may be led to screen in or screen out as sexual abuse referrals.

P. Paraphrasing and using outdated and/or incomplete statutory definitions within the Screening Guidelines can contribute to poorly written and poorly understood examples for screening decisions with the potential for actual and severe harm to children statewide.

Q. Paraphrasing and using outdated and/or incomplete statutory definitions within the Screening Guidelines can actively work against the legal disclaimer on the cover page that the Screening Guidelines are not intended to be legal advice. The purported statutory definitions can actually, persuasively, and dangerously remove doubt in the legality of screening decisions that would otherwise drive a screener to seek legal counsel.

R. Paraphrasing and using outdated and/or incomplete statutory definitions within the Screening Guidelines can create dangerously inappropriate certainty in the legality of screening decisions that results in a referral not being screened in when it should certainly be.

S. The Screening Guidelines received review, feedback, and approval from ODJFS Legal.

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2025 Screening Guidelines: statutorily deviant legal definitions.

T. Two offenses of rape were materially *withheld* from what became the 2025 Screening Guidelines beginning in 2018 as they were previously included in the 2014 working baseline version of the Screening Guidelines. The incomplete definition of rape has been promoted statewide for eight calendar years (2018-2025).

U. An offense of endangering children related to child participation in and with the dissemination of material that is obscene, sexually oriented, or nudity oriented (pornography) was materially *absent* from the 2014 working baseline version of the Screening Guidelines. The incomplete definition of endangering children has been promoted statewide for *at least* twelve calendar years (2014-2025).

V. OAC Rule 5180:2-1-01(106) should be amended to reconcile a comprehensive definition of domestic violence from both ORC 3113.31 and ORC 3113.33, particularly the definition incorporated in ORC 3113.31 of an abused child from ORC 2151.031.

W. The absence of the comprehensive Domestic Relations definition of domestic violence, and the absence of consideration of sexual abuse from within domestic violence and vice versa, certainly implies that the 2025 Screening Guidelines are not complete and not suitable for protecting children all the way to and through what may ultimately become Domestic Relations' domestic violence and custody matters. Along that way to or through a domestic relations court, a juvenile court's exclusive and original jurisdiction to determine that a child is an abused child may be hampered with devastating effect in both courts by PCSA screening failures based on these Screening Guidelines.

X. The Screening Guidelines' incomplete definition and treatment of domestic violence is materially *similar* to that in the 2014 working baseline version of the Screening Guidelines. The incomplete definition and treatment of domestic violence to the potential devastating effect in both domestic relations courts and juvenile courts has been promoted statewide for *at least* twelve calendar years (2014-2025).

Y. The ORC definition of out-of-home care child abuse happens to be technically deficient, lacking of reciprocity in ORC 2151.011(B)(29)(a) towards ORC 2151.031. The Screening Guidelines allow a PCSA screener to derivatively exclude consideration of the full scope of the definition of an abused child in the out-of-home care setting.

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2025 Screening Guidelines: statutorily deviant example referral screening decisions.

Screen In column of Sexual Abuse of a Child.

Z. The entire third example bulleted set in the Screen In column of Sexual Abuse of a Child with the heading phrase, “*For the purpose of sexual gratification/exploitation...*” aside from two phrases internal to two of these bullets is materially *identical* to that in the 2014 working baseline version of the Screening Guidelines. This specific set of examples with this head bullet has been promoted statewide for *at least* twelve calendar years (2014-2025).

AA. The longstanding exclusive ordering under “purpose” of example acts that do not legally require establishing “purpose” may create dangerously inappropriate certainty in the legality of screening decisions over real referrals of these sex offenses that lack and do not legally require establishing such purpose. Such inappropriate certainty would result in such referrals of sex offenses not being screened in when they should certainly be screened in, a problematic and high barrier.

BB. Being tied to the sentencing and protective order contexts, sexual motivation is hardly a threshold that should be required or promoted statewide as necessary to be credibly met in an allegation by an official, professional, or private referent for the first assessment of a child’s safety by PCSA caseworkers and/or PCSA supervisors.

CC. According to the Screening Guidelines under the authority of the out-dated CPS Worker Manual(s), the per se intent of the ORC for reckless acts of disseminating matter harmful to juveniles in the seventh and eighth sub-bulleted examples may be wrongly, unexplainedly, and unwittingly to the public ignored by PCSA caseworkers and PCSA supervisors and not screened in if the *higher* degree of culpability of “purposely” could not be credibly met in the allegation of a referent.

DD. For the Screening Guidelines, under the authority of the out-dated CPS Worker Manual(s), to promote statewide that an allegation of an official, professional, or private referent must credibly specify sexual motivation of an alleged offender for reckless acts of disseminating matter harmful to juveniles in the seventh and eighth sub-bulleted examples is to promote statewide, for example, the implied necessity for a sexually motivated and distressing pattern of two or more actions or incidents to exist before a screen-in decision would be made by a PCSA caseworker and PCSA supervisor when a single offense without the culpability of purpose and without sexual motivation should be entirely sufficient. Promoting this or other implied necessities of specifying motivation would be an extremely problematic and high barrier to screening in referrals for these types of sexually abusive acts.

EE. For the Screening Guidelines, under the authority of the out-dated CPS Worker Manual(s), to promote statewide that an allegation of an official, professional, or private referent

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must credibly specify sexual exploitation of a child for reckless acts of disseminating matter harmful to juveniles in the seventh and eighth sub-bulleted examples is to promote statewide the necessity for an exchange of commercial value to exist before a screen-in decision would be made by a PCSA caseworker and PCSA supervisor when a private non-commercial offense without the culpability of purpose and without commercial sexual exploitation should be entirely sufficient. Requiring these offenses to be credibly joined with acts of compelling child prostitution, compelling child involvement in pandering obscenity, or even advertising sexual activity by including a sexual or non-sexual depiction of a minor is inappropriate for these screening decisions. Promoting this or other necessities of specifying exploitation would be an extremely problematic and high barrier to screening in referrals for these types of sexually abusive acts.

FF. This *directly* works against the intent of ORC 2151.031(B) expanding the definition of an abused child to include any child who, “*is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses)...*” for which a culpability of “recklessly” without sexual motivation and without commercial sexual exploitation is sufficient in both the abuse and criminal contexts.

GG. The seventh and eighth sub-bulleted examples should be rewritten apart from the “purpose” head bullet, rewritten apart from the “sexual gratification” head bullet, rewritten apart from the “sexual exploitation” head bullet, and promoted statewide as screened in when committed “recklessly” with, “*knowledge of its character or content*” as is the per se intent of the ORC.

HH. According to the Screening Guidelines under the authority of the out-dated CPS Worker Manual(s), the per se intent of the ORC for strict criminal liability (no culpability specified) for acts of illegal use of minors in nudity-oriented material or performance in the ninth and tenth sub-bulleted examples may be wrongly, unexplainedly, and unwittingly to the public ignored by PCSA caseworkers and PCSA supervisors and not screened in if the *highest* degree of culpability of “purposely” could not be credibly met in the allegation of a referent.

II. For the Screening Guidelines, under the authority of the out-dated CPS Worker Manual(s), to promote statewide that an allegation of an official, professional, or private referent must credibly specify sexual motivation of an alleged offender for what is strict criminal liability (no culpability specified) for acts of illegal use of minors in nudity-oriented material or performance in the ninth and tenth sub-bulleted examples is to promote statewide, for example, the implied necessity for a sexually motivated and distressing pattern of two or more actions or incidents to exist before a screen-in decision would be made by a PCSA caseworker and PCSA supervisor when a single offense without the culpability of purpose and without sexual motivation should be entirely sufficient. Promoting this or other implied necessities of specifying motivation would be an extremely problematic and high barrier to screening in referrals for these types of sexually abusive acts.

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JJ. For the Screening Guidelines, under the authority of the out-dated CPS Worker Manual(s), to promote statewide that an allegation of an official, professional, or private referent must credibly specify sexual exploitation of a child for what is strict criminal liability (no culpability specified) for acts of illegal use of minors in nudity-oriented material or performance in the ninth and tenth sub-bulleted examples is to promote statewide the necessity for an exchange of commercial value to exist before a screen-in decision would be made by a PCSA caseworker and PCSA supervisor when a private non-commercial offense without the culpability of purpose and without commercial sexual exploitation should be entirely sufficient. Requiring these offenses to be credibly joined with acts of compelling child prostitution, compelling child involvement in pandering obscenity, or even advertising sexual activity by including a sexual or non-sexual depiction of a minor is inappropriate for these screening decisions. Promoting this or other necessities of specifying exploitation would be an extremely problematic and high barrier to screening in referrals for these types of sexually abusive acts.

KK. The ninth and tenth sub-bulleted examples should be rewritten apart from the “purpose” head bullet, rewritten apart from the “sexual gratification” head bullet, rewritten apart from the “sexual exploitation” head bullet, and promoted statewide as screened in unless with, “*bona fide purpose... with proper interest* [statutorily excepted]” as is the per se intent of the ORC.

LL. The ninth and tenth sub-bulleted examples should be trimmed of their trailing, “*for sexual gratification*” phrase which is also against the per se intent of the ORC. This phrase was materially *added* to these two sub-bulleted examples in the materially identical bulleted example set in the 2014 working baseline version of the Screening Guidelines beginning in 2018. This phrase, “*for sexual gratification*” has been promoted statewide for eight calendar years (2018-2025).

Screen Out column of Sexual Abuse of a Child.

MM. Under the authority of the out-dated CPS Worker Manual(s), the Screening Guidelines promote PCSA caseworkers and PCSA supervisors statewide screening out adult misdemeanor unlawful sexual conduct with a minor (second example).

NN. The second example in the Screen Out column of Sexual Abuse of a Child was materially *added* to the screen out examples in the 2014 working baseline version of the Screening Guidelines beginning in 2018 and has been promoted statewide for eight calendar years (2018-2025). This example should be moved to the Screen In column.

OO. Under the authority of the out-dated CPS Worker Manual(s), the Screening Guidelines promote PCSA caseworkers and PCSA supervisors statewide screening out both forcible sexual conduct (rape) and forcible sexual contact (gross sexual imposition) committed by children against similar aged, developmentally similar children (final example).

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PP. The final example in the Screen Out column of Sexual Abuse of a Child is materially *identical* to the screen out example provided in the 2014 working baseline version of the Screening Guidelines and has been promoted statewide for *at least* twelve calendar years (2014-2025). This example should be moved to the Screen In column.

Screen Out column of Sexting/Social Media.

QQ. Under the authority of the out-dated CPS Worker Manual(s), the Screening Guidelines promote PCSA caseworkers and PCSA supervisors statewide screening out endangering children and dissemination of matter harmful and obscene to juveniles committed by both adults and children (all examples).

RR. All the examples in the Screen Out column of Sexting/Social Media were materially *added* to the screen out examples in the 2014 working baseline version of the Screening Guidelines beginning in 2018 and have been promoted statewide for eight calendar years (2018-2025). All these examples should be moved to the Screen In column of Sexual Abuse of a Child.

SS. All of these examples work *directly* against the intent of ORC 2151.031(B) expanding the definition of an abused child to include any child who, “*is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses)...*” for which an offense by either adult or child is prohibited in both the abuse and criminal contexts.

TT. All of these examples also work *directly* against the intent of ORC 2151.031(C) in defining an abused child as including an endangered child as defined in ORC 2919.22(B)(5) which entails child participation in and with the dissemination of material that is obscene, sexually oriented, or nudity oriented (pornography).

Screen Out column of Human Trafficking.

UU. Under the authority of the out-dated CPS Worker Manual(s), the Screening Guidelines promote PCSA caseworkers and PCSA supervisors statewide screening out endangering children and dissemination of matter harmful and obscene to juveniles committed between children (only example).

VV. The only example in the Screen Out column of Human Trafficking was materially *added* to the screen out examples in the 2014 working baseline version of the Screening Guidelines beginning in 2018 and has been promoted statewide for eight calendar years (2018-2025). This example should be moved to the Screen In column of Sexual Abuse of a Child.

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WW. This example works *directly* against the intent of ORC 2151.031(B) expanding the definition of an abused child to include any child who, “*is the victim of disseminating, obtaining, or displaying “materials” or “performances” that are “harmful to juveniles” as defined under Chapter 2907 of the Revised Code (Sex Offenses)...*” for which an offense by either adult or child is prohibited in both the abuse and criminal contexts.

XX. This example also works *directly* against the intent of ORC 2151.031(C) in defining an abused child as including an endangered child as defined in ORC 2919.22(B)(5) which entails child participation in and with the dissemination of material that is obscene, sexually oriented, or nudity oriented (pornography).

Development of Ohio CPS Worker Manual(s).

YY. A single-volume 2014 version of the CPS Worker Manual(s) was divided and revised into the 2018 CPS Worker Manual(s) Volume 1, Volume 2, and Volume 3.

ZZ. Volume 1 was materially updated since October 22, 2018. The unidentified version of the Screening Guidelines presently found in Volume 1 of the CPS Worker Manual(s) is a, “2018/2022” version revised from the 2014 working baseline version of the Screening Guidelines. The 2018 Volume 1 was materially updated to become the 2022 Volume 1 subsequent to the 2022 initial requirement for biennial county MOUs to address child abuse.

AAA. The 2018/2022 version of the Screening Guidelines has been promoted statewide for seven calendar years (2018-2024) until replaced by a 2024 version followed by a 2025 version.

BBB. Volume 2 and Volume 3 of the Ohio CPS Worker Manual(s) have not been materially updated since at least October 22, 2018.

CCC. The definition of an abused child has not been updated in the CPS Worker Manual(s) Volume 2 to reflect the addition of ORC 2151.031(B) which was made effective October 3, 2023, from its longstanding prior edition effective August 3, 1989.

DDD. A review and update of the Volume 2 and Volume 3 of the CPS Worker Manual(s) might have been proper and timely in the meantime since May 30, 2022 (MOU statute effective date), generally, but specifically, since October 3, 2023, with at least a single paragraph added to Volume 2 reflecting the updated definition of an abused child in ORC 2151.031(B) effective October 3, 2023. This update might have been properly timed with the December 31, 2023, deadline for the first biennial MOUs.

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Development of Screening Guidelines.

EEE. Standalone sexual abuse screening guidelines and three other standalone titled screening guidelines existed prior to being combined and published on February 10, 2014.

FFF. The 2025 and intermediate (2018/2022 and 2024) versions of the Screening Guidelines were to be a revision and an enhancement of the *pilot* 2014 statewide screening guidelines.

GGG. The completed draft Screening Guidelines, with substantive changes to, and holdings of, purported ORC legal definitions and screen in and screen out examples of child sexual abuse were submitted to the ODJFS-OFC Senior Management staff and ODJFS Legal for initial review and feedback on May 3, 2017.

HHH. Although the Screening Guidelines were not yet approved by ODJFS-OFC Senior Management or ODJFS Legal, these draft Screening Guidelines were published to SACWIS in an update to the 2018 CPS Worker Manual(s) Volume 1 on December 21, 2018.

III. The Screening Guidelines became officially available on September 7, 2022, with supporting resources distributed throughout the remainder of 2022.

JJJ. Within a September 29, 2023, procedure letter PCSAs were made responsible for adjusting practice in accordance with the new statutory definition of an abused child effective October 3, 2023, which was expanded to include a child who is the victim of disseminating matter harmful to juveniles. The procedure letter noted upcoming changes to the Screening Guidelines and certain OAC Rules to reflect the revised definitions.

KKK. On August 5, 2024, an updated version of the Screening Guidelines was published to SACWIS. There is no apparent substantive change to the Screening Guidelines from 2018/2022 to 2024 reflective of the 2023 statutory revision to the definition of an abused child.

LLL. A change to OAC Rule 5180:2-1-01 was made effective September 1, 2024, simply stating, “(B) Definitions... (2) *“Abused child” is as defined pursuant to section 2151.031 of the Revised Code.*”

MMM. There has been no corresponding department update or notification that the out-dated CPS Worker Manual(s) require this revised definition.

NNN. A 2025 version of the Screening Guidelines was published in June 2025. The 2025 Screening Guidelines do not appear substantially different from the 2018/2022 or 2024 editions relative to child sexual abuse.

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OOO. The Ohio 2025-2029 CFSP makes no further reference to further development of the Screening Guidelines or out-dated CPS Worker Manual(s). Likewise, neither does the Ohio 2026 APSR.

PPP. The Ohio 2020-2024 CFSP Final Report made an incorrect reference to sex trafficking being included in the 2023 revision of the statutory definition of an abused child (ORC 2151.031). The report made no reference at all to the correct inclusion of disseminating matter harmful to juveniles as definitive of an abused child. This error persists in the Appendix to the Ohio 2026 APSR.

QQQ. From the 2014 pilot version of the Screening Guidelines, if not from the standalone versions prior to 2014, the Screening Guidelines have continuously contained statutorily deviant legal definitions (purported to be ORC definitions) and statutorily deviant example referral screening decisions of child sexual abuse (e.g., rape) that have been promoted statewide.

RRR. In the meantime, example screening decisions have been materially modified or added that either promote problematic and high barriers to screening in real referrals of child sexual abuse or promote screening out real referrals of child sexual abuse outright, particularly all the examples related to disseminating matter harmful to juveniles which directly work against the intent of ORC 2151.031 expanding the definition of an abused child to include any child who is a victim of that specific act.

SSS. Development, distribution, and promotion of the statutorily deviant Screening Guidelines through PCSA caseworker and supervisor training, etc. has been funded with federal CAPTA grant funds explicitly allocated to *improve screening*.

TTT. The actual improvement of the statutorily deviant Screening Guidelines has been critically, disturbingly, and dangerously overlooked during the last twelve years despite various levels of collaboration, review, feedback, and approval.

PCSA Caseworker and Supervisor Training.

UUU. The Screening Guidelines are officially part of the current OCWTP training course, "*Overview of Ohio's Screening Practices v2.*"

VVV. Despite various levels of responsibility, coordination, review, recommendation, and evaluation of training material and curricula, PCSA caseworkers and PCSA supervisors are ultimately trained with statutorily deviant Screening Guidelines in pursuit of compliance with state and federal law that requires knowledge and application of legal duties and definitions for screening child sexual abuse *as defined in the statutes*.

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WWW. By training with the statutorily deviant Screening Guidelines, PCSA caseworkers and supervisors are not properly trained to recognize, accept reports of, or prevent child sexual abuse, or recognize its relationship to domestic violence.

XXX. PCSA caseworkers and supervisors are not properly trained in legal duties to protect the constitutional and statutory rights of children and families. This directly hazards the rights and interests of families and children in the jurisdiction of both county juvenile courts and county domestic relations courts in abuse, domestic violence, and related custody matters.

Federal requirements.

YYY. The federally funded statutorily deviant Screening Guidelines and training work against both state and federal child protection standards.

ZZZ. The Screening Guidelines or the out-dated CPS Worker Manual(s) have not been examined or evaluated by Citizen Review Panels for effectiveness in accordance with state and federal child protection standards.

5. ACTION RECOMMENDED:

A. The statutorily deviant Screening Guidelines, the out-dated CPS Worker Manual(s), and both the first and second biennial county MOUs should be reviewed by all partners with the public and the press to avoid unwitting approval of PCSA abuse screening that promotes examples of sexual abuse risk to *ALL* Ohio children. Additional key partners and their jurisdictions and protocols should be integrated in the MOU such as county domestic relations courts wherein the constitutional and statutory rights and interests of families and children are directly implicated, particularly in domestic violence and custody matters.

B. The board of county commissioners should *not* approve by resolution the county PCSA submission of the biennial MOU until:

1. Advocacy has been made for the Screening Guidelines and the out-dated CPS Worker Manual(s) to be officially examined and/or evaluated by state Citizen Review Panels for effectiveness in accordance with state and federal child protection standards *as defined in the statutes* and for the history of funding, revision, and approval.

2. The statutorily deviant Screening Guidelines and the out-dated CPS Worker Manual(s) have been corrected in accordance with state and federal child protection standards *as defined in the statutes*, particularly the out-dated CPS Worker Manual(s) reflecting the 2023 ORC definition of an abused child as including victims of disseminating materials or performances that are harmful to juveniles.

3. Advocacy has been made for amending the ORC and the Ohio Administrative Code (OAC), specifically:

- a. ORC 2151.4220(A) and OAC Rule 5180:2-33-26(C) and any other statute or rule needed to include county domestic relations courts in the MOU.

- b. OAC Rule 5180:2-1-01(106) to reconcile a comprehensive definition of domestic violence from both ORC 3113.31 and ORC 3113.33, particularly the definition incorporated in ORC 3113.31 of an abused child from ORC 2151.031.

4. The Screening Guidelines, the CPS Worker Manual(s), and the MOU are made suitable for protecting children all the way to and through what may ultimately become domestic relations courts' domestic violence and custody matters via juvenile court.

5. Official inquiry is made as to the impact of statutorily deviant Screening Guideline decisions and out-dated CPS Worker Manual(s) on county partners' professional and legal interactions within and among their respective workforces (also to include victim advocates, guardians ad litem, attorneys practicing in each of the courts,

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etc.) and the public over the last twelve years (effectively half of a career), and their respective use of state, federal, and other funds allocated for screening and training in constitutional and statutory rights, legal duties, and liabilities.

C. The board of county commissioners should publicly denounce statutorily deviant Screening Guideline decisions that defeat good faith reasonable person referents, especially in child sexual abuse, and affirm equal protection of law to children and families *as defined in the statutes* in good faith is the PCSA screener's *primary* and publicly paid responsibility.

2025 Screening Guidelines: statutorily deviant legal definitions.

D. Include the two missing offenses of rape that were materially *withheld* in 2018 from what became the 2025 Screening Guidelines.

E. Include the missing offense of endangering children related to child participation in and with the dissemination of material that is obscene, sexually oriented, or nudity oriented (pornography) that has been materially *absent* from the Screening Guidelines since 2014.

F. Amend OAC Rule 5180:2-1-01(106) to reconcile a comprehensive definition of domestic violence from both ORC 3113.31 and ORC 3113.33, particularly the definition incorporated in ORC 3113.31 of an abused child from ORC 2151.031.

G. Include the comprehensive Domestic Relations definition of domestic violence in the Screening Guidelines. Include consideration of sexual abuse as domestic violence and domestic violence as including sexual abuse.

H. Revise the 2025 Screening Guidelines to be suitable for protecting children all the way to and through what may ultimately become Domestic Relations' domestic violence and custody matters whether or not yet via juvenile courts, minimally addressing ORC 3109.04(F)(1)(h), "...whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child..."

I. Amend the ORC definition of out-of-home care child abuse to include reciprocity in ORC 2151.011(B)(29)(a) towards ORC 2151.031 in order to read, "...*(a) Committing any act with respect to a child that would result in the child being an **abused child, as defined in section 2151.031** of the Revised Code* [which includes engaging in sexual activity]."

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2025 Screening Guidelines: statutorily deviant example referral screening decisions.

- J. Avoid exclusive ordering under “purpose” or “sexual motivation” or “sexual exploitation” of example acts that do not legally require establishing “purpose” or “sexual motivation” or “sexual exploitation”.
- K. Rewrite the seventh and eighth sub-bulleted examples (as acts of disseminating matter harmful to juveniles) apart from the “purpose” head bullet, apart from the “sexual gratification” head bullet, apart from the “sexual exploitation” head bullet, and promote them statewide as screened in when committed “recklessly” with, “*knowledge of its character or content*” as is the per se intent of the ORC.
- L. Rewrite the ninth and tenth sub-bulleted examples (as acts of illegal use of minors in nudity-oriented material or performance) apart from the “purpose” head bullet, apart from the “sexual gratification” head bullet, apart from the “sexual exploitation” head bullet, and promote them statewide as screened in unless with, “*bona fide purpose... with proper interest* [statutorily excepted]” as is the per se intent of the ORC.
- M. Trim the ninth and tenth sub-bulleted examples (as acts of illegal use of minors in nudity-oriented material or performance) of their trailing, “*for sexual gratification*” phrase.
- N. Move the second example in the Screen Out column of Sexual Abuse of a Child (unlawful sexual conduct with a minor) to the Screen In column.
- O. Move the final example in the Screen Out column of Sexual Abuse of a Child (rape and/or gross sexual imposition) to the Screen In column.
- P. Move all the examples in the Screen Out column of Sexting/Social Media (disseminating matter harmful to juveniles and/or child endangerment) to the Screen In column of Sexual Abuse of a Child.
- Q. Move the only example in the Screen Out column of Human Trafficking (disseminating matter harmful to juveniles and/or child endangerment) to the Screen In column of Sexual Abuse of a Child.

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6. ACRONYMS USED:

APSR	Annual Progress and Services Report
CAC	Child Advocacy Center
CAPMIS	Comprehensive Assessment Planning Model- Interim Solution
CAPTA	Child Abuse Prevention and Treatment Act
CFSP	Child and Family Services Plan
CPS	Child Protective Services
CRP	Citizen Review Panel
DCY	Ohio Department of Children and Youth
HHS	U.S. Department of Health and Human Services
MOU	Memorandum of Understanding
OAC	Ohio Administrative Code
OCWTP	Ohio Child Welfare Training Program
ODJFS	Ohio Department of Job and Family Services
OFC	Office of Families and Children
ORC	Ohio Revised Code
PCSA	Public Children Services Agency
SACWIS	Statewide Automated Child Welfare Information System

7. Please contact me by email with any questions or concerns. I can also be reached at 330-715-5777.

//SIGNED//

STEPHEN FARIS

Write In Candidate for U.S. Senate (Ohio)

DISTRIBUTION (listed on next three pages)

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