

JOHN GILCHRIST
ATTORNEY AND COUNSELOR AT LAW

PROPONENT TESTIMONY

on
H. B. No. 137
by
John Gilchrist
Legislative Counsel
Ohio Association of Chiefs of Police

Mr. Chairman and members of the Committee, I am John Gilchrist, and I am here on behalf of the Ohio Association of Chiefs of Police to express the Association support for H. B. No. 137.

As you know, the bill adds municipal and county police officers to the list of individuals who are currently required to report suspected child abuse or neglect (lines 25-53). Current law requires these individuals to make the report to the public children services agency or a municipal or county peace officer (lines 19-20). Individuals who fail to make the required report can be held liable in a civil action for compensatory and exemplary damages to the child who would have been the subject of the report that was not made (lines 566-576). Current law also has a provision that allows, (but does not mandate), anyone who suspects child abuse or neglect to make a report (lines 163-180). When a report is made to a peace officer, current law requires the officer to refer the report to the appropriate public children services agency (lines 247-252).

In most police agencies, officers who themselves suspect child abuse or neglect do report suspected abuse or neglect and the chiefs I have spoken with have indicated that they assumed that their officers have a statutory duty to make this report. Officers who suspect abuse and neglect should be required to report since they are required to forward to children services reports of child abuse and neglect they have received from those professional mandated to make a report. Stated differently, individuals required to report child abuse and neglect can make this report to a peace officer who then forwards it to children services. But a peace officer who himself suspects abuse or neglect is under no statutory duty to report it. Again, the bill adds municipal and county peace officers to the list of individuals required to report.

Representative Kent, in her sponsor testimony, indicated that forty states specifically list peace officers under their mandatory reporting law. In addition, nine other states and Puerto Rico mandate all residents to report child abuse and neglect. Ohio stands alone as the only state to not classify officers as mandated reporters.

Peace officer do interact with children in a number of situations—particularly when they are called to a home on a domestic violence complaint. If abuse or neglect is suspected, it is imperative that they report it.