As Introduced

133rd General Assembly
Regular Session
2019-2020

Representatives Lanese, Carruthers
Cosponsors: Representatives Riedel, LaTourette, Carfagna

A BILL

To amend sections 109.46, 959.99, and 2151.421 and to enact sections 959.07, 959.08, 959.09, and 959.10 of the Revised Code to establish animal abuse reporting requirements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.46, 959.99, and 2151.421 be amended and sections 959.07, 959.08, 959.09, and 959.10 of the Revised Code be enacted to read as follows:

Sec. 109.46. (A) As used in this section, "domestic violence program" means any of the following:

(1) The nonprofit state domestic violence coalition designated by the family and youth services bureau of the United States department of health and human services;

(2) A program operated by a nonprofit entity the primary purpose of which is to provide a broad range of services to victims of domestic violence that may include, but are not limited to, hotlines, emergency shelters, victim advocacy and support, justice systems advocacy, individual and group counseling for adults and children, or transitional service and
education to prevent domestic violence. The program may provide some or all of the services described in this division.

(B)(1) There is hereby created in the state treasury the domestic violence program fund consisting of money appropriated to the fund by the general assembly or, money donated to the fund, and money collected from civil penalties assessed under section 959.10 of the Revised Code. The attorney general shall administer the domestic violence program fund. The following apply to the use of money in the fund:

(a) Subject to division (B)(1)(b) of this section, the attorney general may not use more than five per cent of the moneys appropriated or deposited into the fund to pay costs associated with administering the fund, and shall use at least ninety-five per cent of the moneys appropriated or deposited into the fund for the purpose of providing funding to domestic violence programs under this section.

(b) The attorney general shall use all money collected from civil penalties assessed under section 959.10 of the Revised Code to provide funding to domestic violence programs that assist victims of domestic violence by arranging temporary shelter or other support for such victims' companion animals.

(2) The attorney general shall adopt rules pursuant to Chapter 119. of the Revised Code that shall establish procedures for domestic violence programs to apply to the attorney general for funding from the domestic violence program fund and procedures for the attorney general to distribute money out of the fund to domestic violence programs.

(C)(1) Priority of funding from the domestic violence program fund shall be given to the domestic violence programs in
existence on and after July 1, 2017.

(2) A domestic violence program that receives funds from the domestic violence program fund shall use the funds received for the following purposes:

(a) To provide training and technical assistance to service providers, if the program that receives the funds is the nonprofit state domestic violence coalition specified in division (A)(1) of this section;

(b) To provide services to victims of domestic violence, including, but not limited to, education to prevent domestic violence, if the program that receives the funds is a nonprofit entity described in division (A)(2) of this section. Funds received under this division may also be used for general operating support, including capital improvements and primary prevention and risk reduction programs for the general population.

(D) As used in this section, "companion animal" has the same meaning as in section 959.131 of the Revised Code.

Sec. 959.07. (A) As used in sections 959.07 to 959.09 of the Revised Code:

(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(2) "Licensed veterinarian" has the same meaning as in section 4741.01 of the Revised Code.

(3) "Public children services agency" has the same meaning as in section 5153.01 of the Revised Code.

(4) "Protective services" has the same meaning as in section 5101.60 of the Revised Code.
(5) "Officer" has the same meaning as in section 959.132 of the Revised Code and includes a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

(6) "Social service professional" means an employee of a private or public children services agency or an employee of a county department of job and family services with responsibility for protective services.

(7) "Adult" has the same meaning as in section 5101.60 of the Revised Code.

(B)(1) No person listed in division (B)(2) of this section shall fail to immediately report a violation of this chapter that involves a companion animal to an officer when that person has knowledge or reasonable cause to suspect that such a violation has occurred or is occurring.

(2) Division (B)(1) of this section applies to all of the following operating in an official or professional capacity:

(a) A licensed veterinarian;

(b) A social service professional;

(c) A person licensed under Chapter 4757. of the Revised Code.

Sec. 959.08. No officer, operating in an official or professional capacity, shall fail to immediately report a violation of this chapter involving a companion animal to an appropriate social service professional when both of the following apply:

(A) The officer has knowledge or reasonable cause to suspect that such a violation has occurred or is occurring.
(B) The officer has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged violator.

Sec. 959.09. (A) A person required to make a report under section 959.07 or 959.08 of the Revised Code may do so orally or in writing and shall include all of the following in the report:

(1) The name, if known, and description of the animal involved;

(2) The address and telephone number of the owner or other person responsible for care of the animal, if known;

(3) The nature and extent of the suspected abuse;

(4) Any other information that the person making the report believes may be useful in establishing the existence of the suspected violation or the identity of the person causing the violation.

(B) A person required to make a report under section 959.07 or 959.08 of the Revised Code is immune from civil or criminal liability in connection with making that report if the person acted in good faith when making the report.

(C) No person required to make a report under section 959.07 or 959.08 of the Revised Code shall knowingly make a false report.

(D) (1) A court shall award reasonable attorney's fees and costs to the prevailing party in any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under section 959.07 or 959.08 of the Revised Code was not in good faith.

(2) A court may award reasonable attorney's fees and costs
to the party against whom a civil action or proceeding is
brought in which it is alleged that participation in the making
of a report under section 959.07 or 959.08 of the Revised Code
was not in good faith if the action or proceeding is voluntarily
dismissed.

Sec. 959.10. (A) Whoever violates section 959.07 or 959.08
of the Revised Code shall pay a civil penalty of one hundred
dollars for a first violation and five hundred dollars for each
subsequent violation.

(B) The attorney general may bring a civil action to
enforce this section in the court of common pleas of the county
in which the violation occurred. An action under this section is
a civil action, governed by the Rules of Civil Procedure and
other rules of practice and procedure applicable to civil
actions.

(C) The attorney general shall deposit money collected
from the penalties assessed under this section in the domestic
violence program fund established in section 109.46 of the
Revised Code.

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19
of the Revised Code is guilty of a minor misdemeanor.

(B) Except as otherwise provided in this division, whoever
violates section 959.02 of the Revised Code is guilty of a
misdemeanor of the second degree. If the value of the animal
killed or the injury done amounts to three hundred dollars or
more, whoever violates section 959.02 of the Revised Code is
guilty of a misdemeanor of the first degree.

(C) Whoever violates section 959.03, 959.06, division (C)
of section 959.09, 959.12, or 959.17 or division (A) of section
959.15 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(D) Whoever violates division (A) of section 959.13 or section 959.21 of the Revised Code is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(E)(1) Whoever violates division (B) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.

(2) Whoever violates division (C) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.

(3) Whoever violates section 959.01 of the Revised Code or division (D) of section 959.131 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(4) Whoever violates division (E) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.

(5) Whoever violates division (F) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree.

(6)(a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code
Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.

(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 or 959.21 of the Revised Code suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(F) Whoever violates section 959.14 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree.

(H) Whoever violates section 959.16 of the Revised Code is
guilty of a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense.

(I) Whoever violates division (B) or (C) of section 959.15 of the Revised Code is guilty of a felony and shall be fined not more than ten thousand dollars.

Sec. 2151.421. (A)(1)(a) No person described in division (A)(1)(b) of this section who is 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, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional;
practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; agent of a county humane society; dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after
providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable
cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in
section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has
suffered or faces a threat of suffering any physical or mental
wound, injury, disability, or condition of a nature that
reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the
penitent's attempt to have an abortion performed upon a child
under eighteen years of age or upon a person under twenty-one
years of age with a developmental disability or physical
impairment without the notification of her parents, guardian, or
custodian in accordance with section 2151.85 of the Revised
Code.

(d) Divisions (A)(4)(a) and (c) of this section do not
apply in a cleric-penitent relationship when the disclosure of
any communication the cleric receives from the penitent is in
violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section,
"cleric" and "sacred trust" have the same meanings as in section
2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect
based on facts that would cause a reasonable person in similar
circumstances to suspect, that a child under eighteen years of
age, or a person under twenty-one years of age with a
developmental disability or physical impairment, has suffered or
faces a threat of suffering any physical or mental wound,
injury, disability, or other condition of a nature that
reasonably indicates abuse or neglect of the child may report or
cause reports to be made of that knowledge or reasonable cause
to suspect to the entity or persons specified in this division.
Except as provided in section 5120.173 of the Revised Code, a
person making a report or causing a report to be made under this
division shall make it or cause it to be made to the public
children services agency or to a peace officer. In the
circumstances described in section 5120.173 of the Revised Code,
a person making a report or causing a report to be made under
this division shall make it or cause it to be made to the entity
specified in that section.

(C) Any report made pursuant to division (A) or (B) of
this section shall be made forthwith either by telephone or in
person and shall be followed by a written report, if requested
by the receiving agency or officer. The written report shall
contain:

(1) The names and addresses of the child and the child's
parents or the person or persons having custody of the child, if
known;

(2) The child's age and the nature and extent of the
child's injuries, abuse, or neglect that is known or reasonably
suspected or believed, as applicable, to have occurred or of the
threat of injury, abuse, or neglect that is known or reasonably
suspected or believed, as applicable, to exist, including any
evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to,
results and reports of any medical examinations, tests, or
procedures performed under division (D) of this section, that
might be helpful in establishing the cause of the injury, abuse,
or neglect that is known or reasonably suspected or believed, as
applicable, to have occurred or of the threat of injury, abuse,
or neglect that is known or reasonably suspected or believed, as
applicable, to exist.

(D)(1) Any person, who is required by division (A) of this
section to report child abuse or child neglect that is known or
reasonably suspected or believed to have occurred, may take or
cause to be taken color photographs of areas of trauma visible
on a child and, if medically necessary for the purpose of
diagnosing or treating injuries that are suspected to have
occurred as a result of child abuse or child neglect, perform or
cause to be performed radiological examinations and any other
medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations,
tests, or procedures made under division (D)(1) of this section
shall be included in a report made pursuant to division (A) of
this section. Any additional reports of examinations, tests, or
procedures that become available shall be provided to the public
children services agency, upon request.

(3) If a health care professional provides health care
services in a hospital, children's advocacy center, or emergency
medical facility to a child about whom a report has been made
under division (A) of this section, the health care professional
may take any steps that are reasonably necessary for the release
or discharge of the child to an appropriate environment. Before
the child's release or discharge, the health care professional
may obtain information, or consider information obtained, from
other entities or individuals that have knowledge about the
child. Nothing in division (D)(3) of this section shall be
construed to alter the responsibilities of any person under
sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical
examinations, tests, or procedures on the siblings of a child
about whom a report has been made under division (A) of this
section and on other children who reside in the same home as the
child, if the professional determines that the examinations,
tests, or procedures are medically necessary to diagnose or
treat the siblings or other children in order to determine
whether reports under division (A) of this section are warranted
with respect to such siblings or other children. The results of
the examinations, tests, or procedures on the siblings and other
children may be included in a report made pursuant to division
(A) of this section.

(5) Medical examinations, tests, or procedures conducted
under divisions (D)(1) and (4) of this section and decisions
regarding the release or discharge of a child under division (D)
(3) of this section do not constitute a law enforcement
investigation or activity.

(E)(1) When a peace officer receives a report made
pursuant to division (A) or (B) of this section, upon receipt of
the report, the peace officer who receives the report shall
refer the report to the appropriate public children services
agency, unless an arrest is made at the time of the report that
results in the appropriate public children services agency being
contacted concerning the possible abuse or neglect of a child or
the possible threat of abuse or neglect of a child.

(2) When a public children services agency receives a
report pursuant to this division or division (A) or (B) of this
section, upon receipt of the report, the public children
services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a
children's advocacy center and the report alleges sexual abuse
of a child or another type of abuse of a child that is specified
in the memorandum of understanding that creates the center as
being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with
the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency 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 or in the making of reports in good
faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or
procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant
to division (A) of this section or providing information in good
faith used in a report made pursuant to division (B) of this
section;

(iv) Participating in a judicial proceeding resulting from
a report made pursuant to division (A) of this section or
participating in good faith in a proceeding resulting from a
report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section
shall not apply when a health care provider has deviated from
the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code,
the physician-patient privilege shall not be a ground for
excluding evidence regarding a child's injuries, abuse, or
neglect, or the cause of the injuries, abuse, or neglect in any
judicial proceeding resulting from a report submitted pursuant
to this section.

(2) 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.

(I)(1) Except as provided in divisions (I)(4) and (O) of
this section, a report made under this section is confidential.
The information provided in a report made pursuant to this
section and the name of the person who made the report shall not
be released for use, and shall not be used, as evidence in any
civil action or proceeding brought against the person who made
the report. Nothing in this division shall preclude the use of
reports of other incidents of known or suspected abuse or
neglect in a civil action or proceeding brought pursuant to
division (N) of this section against a person who is alleged to
have violated division (A)(1) of this section, provided that any
information in a report that would identify the child who is the
subject of the report or the maker of the report, if the maker
of the report is not the defendant or an agent or employee of
the defendant, has been redacted. In a criminal proceeding, the
report is admissible in evidence in accordance with the Rules of
Evidence and is subject to discovery in accordance with the
Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this
section, no person shall permit or encourage the unauthorized
dissemination of the contents of any report made under this
section.

(b) A health care professional that obtains the same
information contained in a report made under this section from a
source other than the report may disseminate the information, if
its dissemination is otherwise permitted by law.
(3) A person who knowingly makes or causes another person
to make a false report under division (B) of this section that
alleges that any person has committed an act or omission that
resulted in a child being an abused child or a neglected child
is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of
this section and the child who is the subject of the report dies
for any reason at any time after the report is made, but before
the child attains eighteen years of age, the public children
services agency or peace officer to which the report was made or
referred, on the request of the child fatality review board or
the director of health pursuant to guidelines established under
section 3701.70 of the Revised Code, shall submit a summary
sheet of information providing a summary of the report to the
review board of the county in which the deceased child resided
at the time of death or to the director. On the request of the
review board or director, the agency or peace officer may, at
its discretion, make the report available to the review board or
director. If the county served by the public children services
agency is also served by a children's advocacy center and the
report of alleged sexual abuse of a child or another type of
abuse of a child is specified in the memorandum of understanding
that creates the center as being within the center's
jurisdiction, the agency or center shall perform the duties and
functions specified in this division in accordance with the
interagency agreement entered into under section 2151.428 of the
Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a
person alleged to have inflicted abuse or neglect on a child who
is the subject of a report made pursuant to this section,
including a report alleging sexual abuse of a child or another
type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, 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, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(K)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;
(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the
suppression of any evidence obtained as a result of any reported
close abuse or child neglect and does not give, and shall not be
construed as giving, any rights or any grounds for appeal or
post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the
following:

(a) The roles and responsibilities for handling emergency
and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and
coordinating investigations of reported cases of child abuse and
reported cases of child neglect, methods to be used in
interviewing the child who is the subject of the report and who
allegedly was abused or neglected, and standards and procedures
addressing the categories of persons who may interview the child
who is the subject of the report and who allegedly was abused or
neglected.

(4) If a public children services agency participated in
the execution of a memorandum of understanding under section
2151.426 of the Revised Code establishing a children's advocacy
center, the agency shall incorporate the contents of that
memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county
may sign the memorandum of understanding prepared under division
(K)(1) of this section. If the clerk signs the memorandum of
understanding, the clerk shall execute all relevant
responsibilities as required of officials specified in the
memorandum.

(L)(1) Except as provided in division (L)(4) or (5) of
this section, a person who is required to make a report pursuant
to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if
provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (L)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (L)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (L) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (L)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(M) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family
services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(N) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(O)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.
(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity.
The agency shall not provide witness statements or police or other investigative reports.

(P) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(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.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Section 2. That existing sections 109.46, 959.99, and 2151.421 of the Revised Code are hereby repealed.

Section 3. Section 959.99 of the Revised Code is presented in this act as a composite of the section as amended by both
Sub. H.B. 60 and Sub. S.B. 331 of the 131st General Assembly.
The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.